

**CITY OF WOBURN
JUNE 19, 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	

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

Petition by Lindsay Maus, 10 Martens Street, Wilmington, Massachusetts for a Special Event Permit to allow a road race at Horn Pond on October 20, 2018. Motion made and 2nd that the SPECIAL EVENT PERMIT be GRANTED, all in favor, 9-0.

Presented to the Mayor: June 21, 2018 **s/Scott D. Galvin June 21, 2018**

Petition by Shamrock Running Club, P.O. Box 602, Woburn, Massachusetts 01801 for a Special Event Permit to allow a road race at Spence Farm and area streets on July 4, 2018. Motion made and 2nd that the SPECIAL EVENT PERMIT be GRANTED, all in favor, 9-0.

Presented to the Mayor: June 21, 2018 **s/Scott D. Galvin June 21, 2018**

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

Motion made and 2nd to take the following matter out of order, all in favor, 9-0.

LIAISON:

On the communication from His Honor the Mayor relative to acceptance of M.G.L. c.32B, §9E with respect to the contribution rates for retiree health insurance plans, committee report was received “back for action”. Alderman Concannon stated that it was raised at the committee meeting that some Aldermen with relatives working for the city may have a conflict voting on this issue, that he believed any such conflict was remote, that he contacted the Massachusetts Ethics Commission after recusing himself from participating in the committee meetings, that he was advised it is appropriate for him to participate in the debate and vote on the issue as long as a disclosure is filed with the City Clerk which he did tonight,

and since any retirement of a relative is not imminent he can participate in the debate and vote on the issue. Alderman Higgins stated that she filed the disclosure, that no relative has vested in the retirement system, and that the issue is remote. Alderman Tedesco stated that he filed the same disclosure. Alderman Campbell stated that she filed the same disclosure. Alderman Anderson stated that no relative is vested in the retirement system but at some point in the future they may be entitled to retirement benefits, and that there is no conflict at this time but he filed a disclosure out of an abundance of caution. Alderman Gately stated that he does not believe there is a conflict, and that if necessary he can update his previous filing. Motion made and 2nd to suspend the rules for the purposes of hearing from Mayor Scott Galvin, all in favor, 9-0. Mayor Galvin stated that he has nothing to add unless there are specific questions. Alderman Concannon stated that there has been discussion about the role of the City Council and the Mayor with respect to this issue and the need to comply with the statutes, and that the Mayor stated that he would be willing to hold off on implementation of increasing the retirees contribution to the health insurance premiums for six to twelve months. Mayor Galvin stated that if the City Council takes action on accepting Section 9E then he will delay action on increasing the retirees contributions for one year. Motion made and 2nd to return to the regular order of business, all in favor, 9-0. Alderman Campbell stated that she does not agree with the Mayor's proposal, that the city can sustain the benefit of the 90%/10% split for retiree health insurance contributions, that Woburn is a financially lucrative city, that there is a surplus in the millions of dollars each year and a large commercial base which she does not see changing, that this was a benefit that employees counted on particularly those near retirement, that businesses have to provide good services, that the city is a service based business, that if the city constantly pounds the employees into the ground and squeezes every penny possible from them moral will falter and the business will start to fail, that this is what is disappointing here that the city is not supporting the employees when they can, that the City Council cannot make this decision as to the amount of the retiree health insurance contributions, that this decision is under the authority of the Mayor, that if the City Council does not accept Section 9E then Section 9A will prevail and the retiree health insurance split will go to 50%/50%, that she believes the Mayor would go to a 50%/50% split because the law says he can and the law will be on his side, that if the City Council does not vote to accept Section 9E then Section 9A will prevail and the split will go to 50%/50% which she does not want to happen, that would be catastrophic particularly for the lower paid employees, that by accepting Section 9E the Mayor stated he intended to change the split from 90%/10% to 75%/25%, that if Section 9E is not accepted the shift will go to 50%/50%, that is why it is important for the City Council vote to accept Section 9E, that by doing so this will soften the blow to the retirees, that otherwise the Mayor will go to the 50%/50% shift because the law says he can, and that if the City Council votes to adopt Section 9E they are doing so to try to help the retirees and not have the impact be so bad. Alderman Anderson stated that he agrees with the comments of Alderman Campbell, that the City Council must focus on what its role is which is to accept or reject the proposed statute, that the Massachusetts General Laws state that retirees must pay for their own health insurance unless the city accepts Section 9A and then the split is 50%/50%, that the city can pay more than 50% for the retirees health insurance if Section 9E is accepted, that the city has been paying more than 50% without authorization, that the City Council must accept Section 9E, that the Mayor indicates he will defer changing the split under Section 9E for one year and then will change the split to 75%/25%, that the City Council wants to defer any such

shift until December 31, 2019, that once Section 9E is adopted it goes into effect according to his review of the statute, and the fear is if Section 9E is not accepted the split will be 50%/50%. Alderman Gately stated that even if Section 9E is adopted there is no guarantee that the Mayor will go higher than the 50%/50% split, that he did not appreciate the Mayor trying to embarrass him at the last meeting when discussing this issue, that the Mayor's comments were inappropriate, that people who do not own their homes pay taxes as well, and that he will not vote to support adoption of Section 9E because he does not trust the Mayor to do what he says he will do. Alderman Higgins stated that the timing was too late to change the benefits this year, that she advocated for a longer period, and that she understands the Mayor has authority over this issue. Alderman Concannon stated that this is not the City Council deciding what retirees will pay for health insurance, that the city is now aware that the city has not been in compliance with the law for many years, that the city continues to spend money that it is not authorized to do, that the city must fix this issue by adopting Section 9E, that suggestions as to the appropriate split can be made but the decision is up to the Mayor, that there is a fairness and timeliness issue here, that it has been made clear to the Mayor what the City Council believes is fair, that the OPEB issue and the debt must be addressed, that there is a middle ground to address the debt and give people time to plan, that the city has to accept Section 9E, that he wants to add an amendment that the statute will not be effective for two years but he does not believe this can be done, that the city can do so with a local ordinance but not with a State statute, that such action could trigger another action to make a point, that the city should adopt Section 9E and take the Mayor's word that he will wait one year to make a decision to shift the contribution, and that this will give employees time to make decisions. Alderman Gaffney stated that he talked to many people who do not believe that Section 9E should be accepted however the city has to accept Section 9E to avoid a 50%/50% split, and that implementation should be pushed back to let people put their affairs in order. Alderman Campbell stated that implementation should be delayed eighteen months because police and fire department employees have to give fifteen months notice, and that such a delay would be fairer. Alderman Campbell asked Mayor Galvin if he would be willing to extend action changing the retiree contributions to eighteen months to give employees time to get to level ground to budget their finances for retirement. Mayor Galvin responded no and stated that twelve months is sufficient. Alderman Campbell stated that even though police and fire department employees have to give fifteen months notice of retirement. Mayor Galvin stated that he was not going to debate this on the floor. Alderman Campbell stated that she was disappointed, that the employees believed they would receive the 90%/10% split for their health insurance in retirement, that she does not believe this helps the city, that there is an issue with the last sentence of Section 9E, that she understands the Mayor intends to maintain the 90%/10% split for the 350 people who are already retired which she appreciates however she believes the language in the statute does not allow different subsidy rates for the same class, and that those employees who are retired should start putting a little money aside in case a shift is approved and they have to pay the higher rate as well. Alderman Mercer-Bruen stated that she believes that the city cannot sustain the 90%/10% split, that she asked people who are not employees of the city what they would do if they were given a year to adjust to this change in the insurance split and they said they would panic, that something must be done here and digging in heels and saying that the change has to occur in twelve months is more than disappointing, that there is nothing pressing down on the city requiring such quick action that the city cannot wait another six

months, and that she does not understand the timing or the resistance to negotiate. President Haggerty stated that he understands the city has to adopt Section 9E, that one year is not enough time for those employees planning their retirement, that this action is deliberately hurting people, that an eighteen month delay is reasonable, that he understands the financial implication of this issue to the city and to the employees, that the city must be fair, that he wants to attach an effective date to the acceptance although he has been told the City Council cannot do so but he has also been told that the city is going to ignore the last line of Section 9E, and that the city is going to adopt Section 9E to become compliant but then is going to ignore the last line of Section 9E. Alderman Gately made a motion that the Order accepting M.G.L. Chapter 32B, Section 9E not be adopted but there was no second. Clerk Campbell stated that no Alderman has signed the order. Alderman Campbell stated that the matter is not technically before the City Council. Alderman Mercer-Bruen stated the city is adopting Section 9E for one year and asked what would be the difference of attaching a later effective date for the Order. President Haggerty stated that he wants the effective date to be January 1, 2020. Alderman Campbell stated that she would support that amendment. Alderman Tedesco stated that he would support that amendment. Alderman Anderson stated that with that amendment all retirees would begin to pay 50%/50% immediately. Alderman Mercer-Bruen stated that the Mayor has said he would ignore the law for twelve months. Alderman Anderson stated that Section 9E states the Mayor decides the amount of the split, and that the Mayor did not say he would ignore the law but that he would not change the percentages for twelve months. President Haggerty stated that his inference in ignoring the law is that the last line in Section 9E states the city cannot charge difference rates for the same class. Motion made and 2nd to suspend the rules to hear from the Mayor, all in favor, 9-0. Mayor Galvin stated that the City Council has an opinion from the City Solicitor that when Section 9E is adopted it cannot be conditioned, that the acceptance is effective upon adoption, and that he spoke to Alderman Mercer-Bruen several times about the issue. Alderman Mercer-Bruen stated that they did discuss different time frames. Mayor Galvin stated that they did talk about different time frames, that he is not here to debate the issue and he will leave it at that, that he is not ignoring the law, that he is saying in good faith that he will agree to delay changing the contribution rates for one year, that if the City Council does not want to adopt Section 9E then don't adopt it but that's it, that the matter started out with a certain number for when the contribution change would be implemented which was discussed in committee, that it is disappointing to Alderman Mercer-Bruen and in six months it would likely still be disappointing that he is not changing his position, that for the rest of the City Council if they do not want to accept Section 9E then just do not do it but if they intend to accept Section 9E it has to be done tonight and it is effective when adopted, that all the other talk about it being unfair with a room full of people that they want to please he gets that but either accept Section 9E or do not as he has other things to do as does the City Council. Alderman Concannon asked if Section 9E is not accepted will the insurance split change to 50%/50%. Mayor Galvin stated that if Section 9E is not accepted he will decide what to do, that there may be other options, that he believes Section 9E must be adopted, and the City Council is beating a dead horse and the issue remains the same. Alderman Concannon stated that he does not want to usurp the authority of the Mayor's office. Mayor Galvin stated that whatever action the City Council wants to take he can assure them they will not usurp his authority. Alderman Concannon stated that the City Council is not trying to do the Mayor's job. Mayor Galvin stated that he appreciates that. Alderman Concannon stated that what the

City Council is trying to do is exercise its responsibility judiciously, that the City Council does not want to set off the law of unintended consequences, that if the City Council does not accept Section 9E and the Mayor changes the rate split to 50%/50% tomorrow nobody benefits, that if the City Council votes to adopt Section 9E with the assurances of the Mayor that he will not make changes for one year then that is something, and that if the City Council votes to accept Section 9E with language that states it should not go into effect until December 31, 2019 that would give the Mayor time to reconsider the changes. Mayor Galvin stated that if any conditions were placed on the acceptance they are invalid. Alderman Concannon stated that any condition would only be invalid if challenged, and that the Mayor could take the condition as a constructive suggestion and consider it over the next twelve months. Mayor Galvin stated that he heard everyone's input, that he understands that, and that he represented tonight that as a show of good faith what he would do. Alderman Concannon stated that the only point that is open now is there are some provisions that become operative when a retirement is filed in sufficient time and all the City Council is asking is that those provisions be respected, and that if those provisions did not exist he would be comfortable with twelve months but because the Mayor is saying it has to be twelve months and people are automatically precluded from getting that benefit because the clock tolled that is the problem. Mayor Galvin stated that all the City Council is being asked to do tonight is accept Section 9E or not, and that there is no more discussion and to make a decision. Motion made and 2nd to return to the regular order of business, all in favor, 9-0. President Haggerty stated that no Alderman has signed the Order and asked if any Alderman was willing to sign the Order. Alderman Concannon stated that he would sign the Order.

ORDERED Be it Ordained by the City Council of the City of Woburn, that that the provisions of M.G.L. c.32B, §9E be and are hereby accepted with respect to the contribution rates for retiree health insurance plans.

s/Alderman Concannon (per request)

Motion made and 2nd to amend the Order to read as follows: Be it Ordained by the City Council of the City of Woburn, A. That that the provisions of M.G.L. c.32B, §9E be and are hereby accepted with respect to the contribution rates for retiree health insurance plans effective January 1, 2020, and B. This Order shall be null and void if any part of this Order is deemed unlawful by a court of competent jurisdiction. Alderman Anderson stated that such action states the split will be 50%/50% for the next year and a half, that the condition is not valid, and that the matter will be back before the City Council in two weeks. Alderman Campbell stated that the condition would not be invalid, and that the Mayor stated his intention is not to change the split for one year. Alderman Anderson states that the condition states that Section 9E would not go into effect for one year and therefore the city could not legally contribute more than 50% to retiree health insurance for a year and a half. Alderman Campbell stated that the Mayor said he would not change the rates for one year. Alderman Anderson stated the Mayor said there would be a one year delay in changing the contribution rates if Section 9E is adopted. Alderman Campbell asked what the difference would be if the Mayor made the effective date in one year but the City Council extended the effective date to eighteen months through a condition. Alderman Anderson stated that at this meeting there has been discussion that if Section 9E is not adopted the retirees run the risk of having their

insurance contribution change to 50% immediately, and that if Section 9E is not adopted for eighteen months then the city would have to charge 50% for eighteen months. Alderman Tedesco asked if Alderman Anderson would agree that there is an issue where the last line of Section 9E indicates the city cannot charge different rates for the same class. Alderman Anderson stated that he agrees different rates cannot be charged for the same rate, and that the City Solicitor reads the statute differently than he does. Alderman Mercer-Bruen stated that the Mayor was clear that if Section 9E is adopted he will not change the split for twelve months, and that as much as she wants to extend this period to eighteen months she is concerned about putting people into jeopardy. Mayor Galvin stated that he would veto the Order if any conditions are attached. Alderman Gaffney stated that he would support Section 9E but when some says do it or else that is problematic, that he cannot abide by that statement, and that he will not support Section 9E. Alderman Higgins stated that she agrees with that statement but still believes the City Council has to accept Section 9E, that she does not want all the retirees to have to pay 50%/50% when they had the 90%/10% split already, that she wants the city to be compliance and does not want to jeopardize the retirees, that she understands the intent and language could be added to get to where the Alderman want to be but that rejecting the Order would put the 350 current retirees in peril, that the Mayor could go to a 50%/50% split now but she does not think this would be wise and does not know if he would be reelected if he did, and that the City Council has to adopt Section 9E to get into compliance and put faith in the Mayor that he will honor his word and delay any changes for one year. On the Motion made and 2nd to amend the Order to read as follows: Be it Ordained by the City Council of the City of Woburn, A. That that the provisions of M.G.L. c.32B, §9E be and are hereby accepted with respect to the contribution rates for retiree health insurance plans effective January 1, 2010, and B. This Order shall be null and void if any part of this Order is deemed unlawful by a court of competent jurisdiction, 2 in favor (Tedesco, Gately), 7 opposed (Anderson, Campbell, Concannon, Gaffney, Higgins, Mercer-Bruen, Haggerty opposed). Motion made and 2nd that ORDER be ADOPTED, ROLL CALL: Anderson – Yes, Campbell – Yes, Concannon – Yes, Gaffney – No, Gately – No, Higgins – Yes, Mercer-Bruen – Yes, Tedesco – No, Haggerty – No, Motion Passes.

Presented to the Mayor: June 21, 2018

s/Scott D. Galvin June 21, 2018

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

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

Motion made and 2nd for a two minute recess, all in favor, 9-0.

President Haggerty called the meeting back to order.

Motion made and 2nd that a communication be sent to His Honor the Mayor requesting that based on comments from the City Council regarding the acceptance of M.G.L. Chapter 32B, Section 9E that he not change the current contribution required from retirees for their insurance premiums for a period of sixteen (16) months, all in favor, 9-0.

MAYOR'S COMMUNICATIONS:

Presentation by Powers & Sullivan, LLC relative to the June 30, 2017 Independent Auditor's Report for the City of Woburn. Motion made and 2nd to suspend the rules to hear from His Honor the Mayor Scott Galvin concerning the matter, all in favor, 9-0. Appearing was Mayor Galvin and he stated that the independent auditor will make the presentation. Richard Serreti, Powers & Sullivan, LLC, 100 Quannapowitt Parkway, #101, Wakefield, Massachusetts 01880 stated that he thanks the city for cooperation with the audit, that the city is in a healthy position with \$26,600,000.00 in the unreserved fund which is 19% of the budget, that it is recommended to be at 17%, that this gives two months cushion in an emergency, that this is not an excess amount, that the reserves give the city flexibility, that the debt level of 3% is low for a city of its size, that there were \$3,900,000.0 in excess collections, that expenditures were \$750,000.00 under budget, that the city is collecting 98% of the tax commitment, that the enterprise funds are in a healthy position, that the user charges are under budget by \$1,400,000.00 due to consumption, that in 2018 the city will have to recognize the full OPEB liability, that the financial statements have an unmodified opinion, and that the reporting deadlines have been met. Alderman Tedesco stated that he had a question relative to internal controls over financial reporting in particular if there would be an issue that needs to be adjusted when a full audit is conducted. Mr. Serreti stated that he believed this is a reference to the fraud risk assessment and they found no deficiency or material deficiency in that regard, that there were no findings or questioned costs associated with grants, and the city is working to resolve comments in the report. Alderman Mercer-Bruen asked whether the city not having accepted M.G.L. Chapter 32B, Section 9E is a deficiency or something the auditor should have been looking for in their review. Mr. Serreti stated that the city was operating under a different section. Alderman Mercer-Bruen responded that this was M.G.L. Chapter 32B, Section 9A. Mr. Serreti asked when Section 9A was adopted. Alderman Mercer-Bruen asked whether there was a flag that the city was paying more than 50% of the retirees health insurance premiums. Mr. Serreti stated that the fact that the city was paying the same rate for many years did not raise a flag, and that they do not go back and look at old laws that are adopted but only new laws that are adopted. Alderman Campbell asked what the change was in OPEB that required the city to fund the full liability. Mr. Serreti stated that there is no requirement in the GASB standards that the city fund anything, that a requirement of funding would be a state law, that this is how the liability is recognized, that in the past the actuarial would calculate an annual contribution, that if the city contributed less than the annual contribution then each year the liability would increase, and that there was always an unfunded liability listed but under the new standard the full amount of the liability must be recognized. Alderman Campbell stated that it appears that the amount has to be recognized but does not have to be fully funded up to the amount. Mr. Serreti stated that this is correct, that there is no requirement to full fund the amount, and that this is strictly an accounting

matter. Motion made and 2nd that the City of Woburn, Massachusetts Report on Examination of Basic Financial Statements Year Ended June 30, 2017 be accepted, all in favor, 9-0.

PUBLIC HEARINGS:

On the petition by James Nadeau, 78 School Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1 Note 16 to construct a detached garage with doors having a height of eight (8) feet six (6) inches at 78 School Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: “back for action with the following recommended conditions: 1. That the Plan of Record shall be “Plan of Land in Woburn, Mass., Showing Proposed 25’ x 36’ garage;” Scale: 1”=20’; dated February 8, 2018; Prepared by Jay Jarosz, PLS; 3 Mill Street, Manchester, MA 02359; (781)-335-1880 (7 pages); 2. That no business activity or home occupation shall be conducted in/from the garage itself; 3. That the garage is for use by the residents of the property; 4. The garage is secondary to the principal use and shall not be used as a residential dwelling unit; 5. That, for additional electric service to the detached structure, power can only be obtained via existing service from the Petitioner’s home to the garage; 6. That if the applicant wishes to install water/sewer to garage, it must be from existing service on private property and subject to the proper plumbing permits and compliance with 248CMR Plumbing Code (no new connections for water or sewer from public ways shall be permitted); and 7. There shall be no kitchenette within the structure.” Appearing was the petitioner James Nadeau and he offered a revised plan to the City Council. Motion made and 2nd that the revised plan be received and made part of the record, all in favor, 9-0. Alderman Tedesco stated that no neighbors opposed the petition, that the kitchenette has been taken out of the plan, and that there is an affidavit on file from the petitioner stating that there will be no kitchenette in the garage. PUBLIC COMMENTS: Pete Spinazola, 4 Van Norden Road stated that the petitioner has done a good job on a house that was falling apart. John Williams, 79 School Street stated that there is no opposition to the petition and is a betterment to the neighborhood. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the seven conditions in the committee report as further amended herein be adopted as conditions of the special permit; 2. That condition 4 be amended to read as follows: 4. The garage is secondary to the principal use and shall not be used as a rental residential dwelling unit; and two that condition 1 be amended to read as follows: 1. That the Plan of Record shall be “Plan of Land in Woburn, Mass., Showing Proposed 25’ x 36’ garage;” Scale: 1”=20’; dated February 8, 2018 as further amended by the second floor plan as submitted on 6/19/2018 to the City Clerk; Prepared by Jay Jarosz, PLS; 3 Mill Street, Manchester, MA 02359, all in favor, 9-0.

Motion made and 2nd to hold the public hearings on the next two matters collectively, 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 communication dated June 13, 2018 was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Planning Board recommendation on proposed zoning amendments: To rezone 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]) from I-G/B-I to Technology and Business Mixed Use Overlay District (TBOD) and to add “Hospital, Extended Care Facility” to the list of uses allowed by Special Permit with Site Plan Review in a TBOD

Dear Councilors:

At a meeting of the Woburn Planning Board held on Tuesday, June 12, 2018, the Board conducted its public hearing on the above-referenced zoning map and text amendments.

Following the public hearing and after considering the matter, members of the Board voted 6-0-0 (Callahan, Edmonds, Ventresca, Bolgen, Doherty and Donovan in favor; with Turner absent) to forward to you a favorable recommendation on both of these proposed zoning amendments.

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

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 Section 28 of the Woburn Zoning Ordinances, as amended, provides that the three parcels of land containing approximately 60.95 acres of land will be in the Technology and Business Overlay District (TBOD), that the parcels are shown on the plan filed with the petition, that a second petition was filed seeking to add the use of “hospital, extended care facility” in the BOD, that the first step in the process is for the City Council to approve placing the property in the TBOD, that a Master Development Concept Plan was filed, that at a future date the petitioner will come before the City Council with a plan including phasing of the project, and that the Planning Board gave a unanimous favorable recommendation to the proposal. PUBLIC COMMENTS: Lance Grenzeback, Chair, Winchester Selectboard, Winchester Town Hall, 71 Mt. Vernon Street, Winchester stated that this is a large project, that the uses will benefit the region, that it will take many meetings to review this project, that the stormwater runoff and drainage are an issue, that the Town of Winchester is willing to share data on these issues, that the location of the housing on the Winchester end of the property is

an issue, that the housing should be compatible with the single family homes in Winchester, that the traffic on Montvale Avenue and Washington Street is intense, that he wants to be certain the traffic control signals in the area are adjusted, that ambulance access along these roads to the hospital is critical, and that the Town of Winchester wants to work with the city and the developer on the project. Franca Richard, 54 Sunset Road, Winchester stated that she is an abutter to the project, that a petition was sent to the City Clerk by email, that she is concerned about safety and environmental issues, that she is concerned about traffic on Sunset Road from the development, that unrestricted vehicle access to Sunset Road would impact the residents who reside on the street and the children who play on the street, that emergency access would be an issue if accessible to Sunset Road, that she asks that access to Sunset Road from the development be prohibited, that she wants a reasonable buffer including landscaping and fencing along Sunset Road to discourage pedestrian and vehicle access, that she is concerned about rainwater runoff, that there is a significant presence of wildlife in the area, that she asked the petitioner prepare an impact study and the developer address the issues raised by the impact study, that 108 signatures were collected in a petition concerning the project, and that the residents will be attending the meetings and advocating for the neighborhood. Ms. Richard offered a petition to the City Council for review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Ann Sera, 5 Andrea Circle, Winchester stated that she is a Town Meeting Member, that the design appears to be geared to redevelopment of the property as opposed to new development, that she has some environmental concerns, that there is a river in the area which would not allow development within 150 feet to 250 feet from the river, that this buffer would be in the middle of the assisted living facility, that the petitioner should be required to submit documents in PDF format, that some major changes in the plan may be required, that this is a regional development that could benefit the area, and that there should be green roofs and pervious pavement. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. President Haggerty stated this is the first step in a many step process, and that special permits would be required for additional uses on the parcel. Alderman Mercer-Bruen stated that questions regarding buffer, traffic and drainage will be addressed in the special permit process. Motion made and 2nd that the Master Development Plan be accepted as submitted, all in favor, 9-0. Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 21, 2018

s/Scott D. Galvin June 21, 2018

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. A communication dated June 13, 2018 was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Planning Board recommendation on proposed zoning amendments: To rezone 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]) from I-G/B-I to Technology and Business Mixed Use

Overlay District (TBOD) and to add “Hospital, Extended Care Facility” to the list of uses allowed by Special Permit with Site Plan Review in a TBOD

Dear Councilors:

At a meeting of the Woburn Planning Board held on Tuesday, June 12, 2018, the Board conducted its public hearing on the above-referenced zoning map and text amendments.

Following the public hearing and after considering the matter, members of the Board voted 6-0-0 (Callahan, Edmonds, Ventresca, Bolgen, Doherty and Donovan in favor; with Turner absent) to forward to you a favorable recommendation on both of these proposed zoning amendments.

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

See record notes from preceding meeting. Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 21, 2018

s/Scott D. Galvin June 21, 2018

On the petition by McDonald’s Corporation, c/o William J. Squires, Esq., Hinckley Allen, 28 Street, Boston, Massachusetts 02109 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 9, 11 and 15 as applicable to a restaurant with a drive-up service facility to: 1. Modify the existing restaurant with drive-up customer service facility; 2. Alter or otherwise change the signage for the existing restaurant with drive-up customer service facility; 3. Reconstruct or expand the existing building within the Groundwater Protection District; and 4. Construct the project within the Floodway and Flood Plain District, all at 187 Cambridge Road. PUBLIC HEARING OPENED. A communication dated June 13, 2018 was received from Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for 187 Cambridge Road/McDonald’s Corporation

Dear Council:

The Planning Department has completed its review of the above-referenced Petition, which proposes to modify an existing special permit by razing an existing fast-food restaurant facility containing 4,340-sq. ft. (including 130 seats and a “PlayPlace” feature) and constructing new, 4,692-sq. ft. restaurant facility (including 82 seats and a “PlayPlace” feature). Although the modified site plan proposes to increase the former building floor area by 352 sq. ft., the number of seats will in fact decrease by 48 (or approximately 37%). A reconfiguration to the drive-up customer service facility and alterations/changes to exterior signage are also proposed. The site falls within a Groundwater Protection District (Zone 2) and FEMA flood zone. In total, 4 (four) special permits are being sought, as noted in the

filing, pursuant to Sections 9 (Floodway and Flood Plain District), 11 (Special Permits and Variances), and 15 (Groundwater Protection District) of the Woburn Zoning Ordinances (WZO). The property falls within a Business Highway (B-H) zoning district, and as such this continued use (Section 5.1.29 [Restaurant, fast food]) is permitted by City Council special permit.

Planning staff met with both Building Commissioner Quinn and Police Sergeant Mooney on this filing. Fundamentally, neither takes major issue with the application as proposed. For the Council's information, following are observations/suggestions made during the meeting:

DRIVE-THROUGH CONFIGURATION

- As of November 15, 2017, the Petitioner has been granted a requested variance from the Board of Appeals to permit five (5) stacking spaces before two (2) menu boards and one (1) stacking space each before two (2) pick-up windows. In addition, the drive-through itself will be comprised of two (2) parallel drive through lanes for the ordering segment, then merge into one (1) lane for the payment and pick-up segments.

ONSITE PARKING

- The Petitioner is proposing a reduction in parking from sixty (60) to fifty-two (52) spaces, which is the minimum number required, as reflected on the application's zoning analysis table (Sheet C-4). 11 compact spaces are proposed (21% of the total, which is below the 30% maximum), although these spaces will need to be identified by corresponding onsite signage in accordance with Section 8.2.3, as well as noted on a revised site plan. Additionally, staff can confirm that the parking arrangement appears to meet state requirements for accessibility (521 CMR 23).

TRAFFIC & PEDESTRIAN MOBILITY

- Staff takes no issue with the configurations for both entering and exiting the drive-through queue. Specifically, the Police Department cited no issues with queuing problems on Lexington Street relative to drive-through arrangement nor general site access/egress concerns. One-way travel restrictions and stop signs appear to be appropriately placed, enabling safer traffic flows. Maintaining open access with abutting commercial properties will also serve to ameliorate on-street traffic. Finally, staff finds that accommodations for pedestrians throughout the site are sufficient, with crosswalk markings and the connecting sidewalk (coming from Lexington Street) being maintained.
- The Petitioner has submitted trip generation and drive-through operations review data. Substantial changes in current activity are not anticipated, because the redevelopment of the site will not entail a material expansion of the business, nor its food sales offerings/operation. Planning staff recommends that the Council refer the traffic data to the Engineering Department for comment, should the Council have any questions regarding that information.

OTHER COMMENTS

- As a result of Flood Plain District status, the City Council will need to make the determination as to whether “the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the one hundred-year flood” (per Section 9.6.1).
- Comments from the Board of Health, Conservation Commission, City Engineer, and Department of Public Works should help to inform the Council’s findings as to whether the Petitioner has presented sufficient information to satisfy Section 15.7.C of the Groundwater Protection District ordinance (i.e., standards of Special Permit approval).
- Provisions for lighting are found on the lighting plan (Sheet C-11) of the plan set, which would appear to satisfy Sections 8.5.1 and 8.5.2 of the WZO relative to security lighting and considerations for shielding glare.
- The proposed site plan will incorporate the same trash storage location currently found onsite and the Dumpster will continue to be enclosed.
- A comprehensive landscaping plan has been submitted as part of the site plan set (Sheets C-9 and C-10). However, it is the opinion of staff that there is an opportunity for additional plantings (no greater than 3’ in height) on the plot of land fronting Lexington Street, as to better enhance aesthetics from an on-street viewpoint and to more effectively screen from view the new parking area in front of the restaurant.
- The Petitioner will need to confirm whether onsite snow storage is anticipated. If a previously-granted special permit Plan of Record for this site shows snow storage areas, they should be added to this plan for the Council’s information and for the record (none are reflected on the current proposed site plan). If there are no previously-approved snow storage areas for this site, the applicant should be required to add them to the engineered plan for review prior to action on the special permit requests.

Staff recommends the Council consider imposing at least the following three (3) conditions on any approval of this application:

1. That all modified signage is subject to Section 13 of the WZO and final approval of Building Commissioner, and that separate building permits must be sought from the Inspectional Services Department for all signage;
2. That all other conditions of the City Council’s prior special permits on this Petition remain in full force and effect to the extent still applicable, unless otherwise modified by the Council; and
3. That the special permit is issued only to the McDonald’s Corporation and is not transferrable with the exception of a transfer to an entity of which either Petitioner is the primary or principal owner.

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

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 William J. Squires, Esq., Hinckley Allen, 28 State Street, Boston, Massachusetts 02109 and he stated that the petitioner will raze the existing building, that the parcel is 1.45 acres, that the lot is oddly configured, that the building was constructed in the 1970s for a different restaurant, that McDonald's has been at the location since 1982, that the building does not conform to the current dimensional standards, that there is currently a single drive thru lane with a payment and pickup window, that there is a menu board, that there is stacking room for eleven vehicles, that the petitioner will build a new 4,692 square foot restaurant with a play place, that the new building will have two drive thru lanes, two pre-browse signs, two menu boards, a payment window and a pickup window, that there will be an auxiliary pickup window for special orders, that there will be thirteen stacking spaces and fourteen stacking spaces if the auxiliary window space is included, that the seating will be reduced from 100 to 82 and parking will be reduced from 60 to 52 with more efficient vehicle stacking, that the signs will be upgraded, that there will be directional signs onsite, that there will be sidewalk improvements to make them compliant with the Americans with Disabilities Act, that there will be more landscaping, that the building is being shifted away from the street, that the parking lot will be restriped, that in December 2017 the petitioner obtained variances relative to the stacking spaces, that the project otherwise complies with the criteria for issuing a special permit and the dimensional requirements, that the building has been slightly shifted to accommodate a possible fifteen foot right of way in the future, that no additional relief appears necessary from the Board of Appeals, that the petitioner met with the Building Commissioner, Planning Director and City Engineer, that the petitioner has a notice of intent pending with the Conservation Commission, that the three conditions recommended by the Planning Department are acceptable to the petitioner, that the petition satisfies the requirements of Section 11, that the City Council must find that the petition meets the requirements of Section 15 relative to the Groundwater Protection District, that the petitioner asks the special permits be granted, that the petitioner is prepared to meet with the Committee on Special Permits, that there is an intent to grant a right of way or an easement but the petitioner cannot concur until the document is available for review, and that the current building will be taken down completely. Mark Wixted, Bohler Engineering, 45 Franklin Street, Floor 5, Boston, Massachusetts 02110 stated that he spoke to the City Engineer, that the petitioner cannot change the amount of flood storage within the property according to the Conservation Commission, that the petitioner is reducing the impervious area, that the flooding issue is related to the whole area not just this parcel, that the petitioner will be replacing most if not all the piping and catch basins, that the existing infiltration system on site is still adequate, that the flow from the property to city drainage will not change, that a grease trap is proposed, and that he does not have the exterior color scheme information available but can provide the information at the committee meeting. Alderman Higgins stated that she spoke to the City Solicitor, that there are several issues that need to be addressed including review of

the easement document and review by the City Engineer, and that she wants to know the exterior color scheme of the building. Alderman Gately stated that at the entrance from Lexington Street there is an issue with vehicles trying to exit to Lexington Street due to the high curb, that the drainage in the area is terrible because of the peat in the ground, that this area will flood, that this is one of the worst flooding areas in the city, that the McDonald's and Dunkin Donuts restaurants share a common sewer line, and that the sewer system may have to be upgraded. Alderman Anderson wanted to know if the impervious surface will be reduced. 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 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 there was discussion in the committee meeting about drafting a covenant, that the covenant is being worked on at this time, and that he asks that the matter be continued to the next meeting. PUBLIC COMMENTS: Jean Monahan-Doherty, 31 Arlington Street stated that she wants assurances the conceptual plan is close to what will be developed if the ordinance is passed, that she is concerned about safety issues, and that she is concerned about the matter be continued a number of times and reducing public participation. 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 ORDINANCES, all in favor, 9-0.

On the petition by Seaver Properties LLC, 215 Lexington Street, 2nd Floor, Woburn, Massachusetts 01801, as an individual owning land to be affected by change or adoption pursuant to M.G.L. Ch. 40A, Sec. 5 (by its attorney), to amend the Zoning Map of the City of Woburn by changing the zoning district from R-2/O-P to R-3 for the entire parcel of land known as North Maple and Monks; Monks Street; Hinkley Monks; Warren-Mishawum Avenue; Mishawum and Dexter Avenue and Hinkley Street, Woburn, Massachusetts, to the centerlines of North Maple; Monks Street and Mishawum Avenue and Dexter Avenue, Woburn, Massachusetts containing approximately 5.988 acres of land as shown on a plan by Keenan Survey entitled "Proposed Rezoning Plan in Woburn, Massachusetts" dated May 7, 2018. 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 is seeking to amend the Zoning Map, that the parcel is 5.988 acres in area, that the parcel has a split zoning district of O-P and R-2, that the petitioner developed property to the left of the site, that most of the parcel is located in the O-P zoning

district, that the proposal eliminates further commercial development on the O-P zoned portion of the parcel, that if the zoning amendment is approved the petitioner will seek approval of a special permit to allow the construction of forty townhouses, that the R-3 zoning district development will be complimentary to the adjoin property, that the Planning Board public hearing is scheduled for July 10, 2018, that there will be a residential density of approximately 6.6 units per acre, that the petitioner would seek waivers from the buffer requirements, that the total acreage includes land to the centerline of the paper streets, that two parcels of land are included on the plan, that one of these parcels is owned by Brussard and he is seeking title information on that parcel, that the second parcel is owned by Eagles Building Assoc. but may be in tax title, that he anticipates obtaining the title information shortly, that the proposed project is built around these two parcels, and that the proposed development gives a buffer from the commercial area and is comparable to the other R-3 property recently developed. Attorney Tarby offered two documents to the City Council for review entitled "Proposed Rezoning Plan in Woburn, Mass. (Middlesex County)" dated May 7, 2018 prepared by Keenan Survey and entitled "Conceptual Site Layout Plan Dexter Avenue & North Maple Street, Woburn, MA" dated May 10, 2018 prepared by ALAN Engineering, L.L.C. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Scott Seaver of Seaver Properties LLC stated that there will be a buffer of a paper street and plantings, that the waiver to be sought will be similar to the waiver sought for the nearby project, that the dispute between Brussard and Natale has been settled and the property is now under one owner, and that there will only be twenty-eight footprints for the forty units as a number of units will be stacked flats which will be smaller units. Alderman Tedesco stated that no issues were raised by the abutters about the project to date. Alderman Anderson stated that many parcel in the area are in the R-2 zoning district, that this parcel may be more suitable in the R-2 rather than the R-3 zoning district, and that he would advocate for larger two family dwellings rather than the townhouses on the lot. 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 ORDINANCES, all in favor, 9-0.

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. 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 Building Commissioner and they walked the site to review suitable snow storage areas, that the petitioner has a revised snow storage plan, that sand and salt will be stored under a tarp and not be in a container, and that the petitioner requests the snow storage plan dated January 24, 2018 and revised March 26, 2018 be approved along with the set of proposed conditions. Attorney Tarby offered to the City Council for review a plan entitled "Snow Storage Building,

Proposed MedSpring Office, 425 Washington Street, Woburn, Massachusetts” dated January 24, 2018 and revised March 26, 2018 prepared by HVB and the following proposed conditions: 1. The snow storage plan shall be as shown on the Snow Storage Plan dated January 24, 2018 revised March 26, 2018 prepared by VHB; 2. The storage of snow removal equipment/storage shall be allowed only between November 1 – April 15 annually; 3. The Petitioner shall be allowed to store overnight on the Premises the following snow removal equipment: (a) highlift with a push box; (b) ancillary detail piece typically a skidsteer; (c) a small pick-up truck with a plow, and (d) a salt/sand storage area. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Jon O’Rourke, Regional Property Manager, Kimco Realty stated that the equipment storage area will be behind the medical office building as shown on the plan, that the equipment will only be used for the site, that a small pile of sand covered with a tarp to be certain some material is available onsite to address issues, that the tarp will likely be secured with cinderblocks, that the sand pile has to be covered to protect its value, that the petitioner wants to have a safe and aesthetically pleasing property, and that at some of their properties they have salt piles, some have salt storage sheds and some have blocks with tarps. Alderman Mercer-Bruen stated that she has no issue with the storage behind the building with no visibility from Washington Street, that she wants the tenants of the medical office building to know the equipment will be stored behind their building, that she understands the sand and salt stored on site will not be enough to treat the entire lot and only an amount sufficient to address emergencies, that she trusts the storage will be completed as presented, and that the City Council should be cautious in regulating snow storage as the impact of the storage may be different depending upon the particular site conditions. Alderman Concannon stated that the issue originally was aesthetics and that the tarp and cinderblocks do not address this issue, that there was discussion about preparing an ordinance for this issue of snow storage, and that any such ordinance limiting equipment storage to between November 1st and April 15th and allowing for a small amount of storage of sand would be appropriate. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the three proposed conditions as further amended herein be adopted as conditions of the special permit; 2. That the plan of record be the plan revised March 26, 2018; 3. That condition 2 be amended to read as follows: 2. The storage of snow removal equipment/storage shall be allowed only between November 1 – April 15 annually. No storage containers; 4. That condition 3 be amended to add paragraph 3(e) as follows: 3(e). No storage container.; 5. That condition 3 be amended by adding to the first sentence after the words “snow removal equipment” the words “for use primarily on the site”; and 6. That condition 4 be added as follows: 4. Parking spaces shall be maintained except as otherwise used for the storage of snow removal equipment/storage as provided above in Condition 1 through 3, all in favor, 9-0.

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to appropriate the \$56,000.00 from Cemetery Interest Fund to various Cemetery accounts for Fiscal Year 2019, 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 21, 2018 **s/Scott D. Galvin June 21, 2018**

On the Order to transfer the sum of \$4,000.00 Outside Survey Consultants Acct to Engineering Part Time Salary 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 21, 2018 **s/Scott D. Galvin June 21, 2018**

PERSONNEL:

On the appointment of William Pappalardo as a Member of the Woburn License Commission, 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 21, 2018 **s/Scott D. Galvin June 21, 2018**

ORDINANCES:

On the Order to amend the 1989 Woburn Municipal Code, as amended, Section 12-1 relative to naming streets in memory of veterans killed in action, 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 21, 2018 **s/Scott D. Galvin June 21, 2018**

NEW PETITIONS:

Petition by NStar Electric Company d/b/a Eversource Energy for a grant of right in a way to relocate on stub pole on Campbell Street southerly side approximately 20 feet east of Main Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Woburn Foreign Motors, 394R Washington Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended to modify a special permit issued August 11, 2015 as modified by Notice of Modification issued March 10, 2016 by approving a new site plan of record to be included in existing Condition 1 as Sheet C-2A entitled “Phase 1, Layout & Materials Plan dated May 1, 2015; revised May 22, 2015; revised July 21, 2015; revised December 22, 2015; revised January 13, 2016; revised February 1, 2016; revised April 26, 2018 and revised June 11, 2018,

prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01801” at 394R Washington Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated June 13, 2018 was received from City Clerk William C. Campbell as follows:

Re: Inflammable Licenses

By April 30th of each year, flammable license holders must file a registration certificate with the Office of the City Clerk and pay the annual registration fee established in the Municipal Code. The City Council has the authority to revoke an inflammable license for failure to file the registration certificate after holding a public hearing with notice to the inflammable license holder. Attached is a proposed Order for holding such a hearing.

s/William C. Campbell, City Clerk

Attached thereto was the following Order:

ORDERED That pursuant to Massachusetts General Laws Chapter 148, Section 13, the City Clerk shall schedule a public hearing before the City Council for the purposes of revoking the following Inflammable Licenses for the reasons stated:

1. 8 Jefferson Realty Trust, 26 Jefferson Avenue – not registered
2. 31 High Street Realty Trust, 31 High Street – not registered
3. Shannon Farm Development LLC, 298 Lexington Street – not registered, no longer active
4. Draper Management LLC, 8 Draper Street – not registered, no longer active

Further, that the City Clerk shall give notice by certified mail return receipt requested to the license holder to the last known address of license holder and by causing notification of the hearing to be published once in a newspaper of general circulation in the City at least ten (10) days prior to the hearing.

s/Alderman Higgins

Motion made and 2nd that the ORDER be ADOPTED and the matter be set up for public hearing on August 14, 2018, all in favor, 9-0.

Presented to the Mayor: June 21, 2018

s/Scott D. Galvin June 21, 2018

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

Alderman Higgins recused herself from participating in the following matter and left the Council Chamber, all in favor, 9-0.

ORDERED That the City of Woburn accept Clause 56 of G.L. c. 59, § 5, which would allow members of the Massachusetts national guard or military reservists who are on active duty to obtain a reduction of all or part of their City of Woburn real and personal property taxes for any fiscal year they are serving in a foreign country, to be effective beginning in fiscal year 2019.

s/President Haggerty, Alderman Gately and
Alderman Campbell

President Haggerty stated that the City Council has accepted this section previously, and that the acceptance has to be renewed every two years. Motion made and 2nd that the ORDER be ADOPTED, 8 in favor, 0 opposed, 1 recused/abstained (Higgins recused/abstained).

Presented to the Mayor: June 21, 2018 **s/Scott D. Galvin June 21, 2018**

Alderman Higgins returned to the Council Chamber.

ORDERED Be it Ordained by the City Council of the City of Woburn that the 1989 Municipal Code, as amended, be further amended by deleting Paragraph B, of Section 12-56, Considerations, in its entirety, and inserting in its place the following new Paragraph B:

12-56. Considerations

B. The Applicant shall provide proof of liability insurance with the minimum coverage(s), naming the City as an “Additional Insured” as outlined below:

1. General Liability of at least \$1,000,000 each occurrence and \$3,000,000 General Aggregate.
2. Automobile Liability (applicable for anyone who has an automobile operating on City Property) of at least \$1,000,000 Combined Single Limit.

3. Umbrella Liability of at least \$2,000,000 each occurrence and \$2,000,000 in the aggregate.
4. Liquor Liability (applicable for any Liquor Exposure – served or sold at any event held on City Property) of at least \$1,000,000 each occurrence and \$3,000,000 aggregate.

The City Council shall not waive the minimum insurance coverage(s) as outlined above.

s/Alderman Tedesco

Alderman Tedesco the City Solicitor is working on a companion ordinance relative to insurance for carnival special permits which will be submitted later. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES, all in favor, 9-0.

ORDERED Be it Ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinances, as amended, be further amended by adding Paragraph 12, Maximum Residential Density, to Section 23, Commerce Way Corridor Overlay District (CWCOD), as set forth below:

12. Maximum Residential Density

The maximum residential density in the CWCOD shall not exceed 25 residential units per acre unless the structures in the development, not including parking structure, are comprised of uses permitted as of right as set forth in Section 5.1, Table of Use Regulations, and which uses:

- a. At a minimum, make up 60% of the total gross floor area of all such uses in the entire development in which case, the maximum number of residential units per acre may exceed 25 but in no event, shall be more than 35 residential units per acre; or
- b. At a minimum, make up 65% of the total gross floor area of all such uses in the entire development in which case, the maximum number of residential units may exceed 25, but in no event, shall be more than 40 residential units per acre.

The maximum residential density of 25 units may only be exceeded pursuant to sections (a) and (b) above provided the City Council finds the following:

- a. That the proposed development shall not have an adverse effect on underground utilities, drainage, and storm water management; and
- b. That the vehicular and pedestrian ways, or proposed changes to the vehicular and pedestrian ways, have the capacity to accommodate the increase in residential units and provide safe ingress and egress to the

property and proposed structures thereon and uses thereof with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and emergency access in case of fire, emergency or catastrophe.

This density limitation shall not apply to Assisted Living, Assisted Living/Continuing Care, Congregate Elderly Apartments, General and Special Hospitals and Extended Care facilities.

s/Alderman Anderson and Alderman Tedesco

Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING on August 14, 2018, all in favor, 9-0.

RESOLVED Whereas, there presently exists a baseball field, park, basketball court, public swimming pool, and an open field at Ferullo Field located along Main Street in North Woburn; and

Whereas, there presently exists a plan to create a Flag Park at Ferullo Field; and

Whereas, the City has designed a plan and received a grant funding for the creation of a dog park at Ferullo Field; and

Whereas, there presently exists a lack of benches at Ferullo Field;

Now, Therefore, let it be Resolved that His Honor the Mayor direct the Superintendent of Public Works to include Ferullo Field as a location for the commemorative bench program.

s/Alderman Anderson and Alderman Tedesco

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 21, 2018

s/Scott D. Galvin June 21, 2018

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:27 p.m.

A TRUE RECORD ATTEST:

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