

**CITY OF WOBURN
AUGUST 14, 2018 – 6:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBER, WOBURN CITY HALL**

Roll Call

Anderson	Gately
Campbell	Higgins
Concannon	Mercer-Bruen
Gaffney	Tedesco
Haggerty	

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

MAYOR'S COMMUNICATIONS:

A communication dated August 8, 2018 with attachments was received from His Honor the Mayor Scott D. Galvin as follows:

Re: Proposed 40R Zoning Overlay District for Woburn Mall Site at 300 Mishawum Road

Dear Council:

I respectfully submit the attached proposed zoning amendments to you for consideration. The zoning text amendment would establish the City's first smart growth zoning district in accordance with M.G.L. Chapter 40R and the proposed zoning map amendment would overlay the new 40R District onto the Woburn Mall site.

As you know, the City has been studying the possibility of creating such a district for the better part of a year. The new owners of the Woburn Mall site are anxious to redevelop it into a mix of housing and retail uses and have agreed to work with the City to create a new smart growth zoning district (a so-called 40R District) to best meet the City's needs and to maximize the extent of public benefit to Woburn residents. Creating a 40R District has a number of advantages and positive points:

- It provides a way for the City to guide and shape the site's redevelopment in unprecedented ways, in part by mandating conceptual and site plan review processes that require adherence to detailed design standards (also attached) intended to ensure high-quality aesthetics;
- It enables the City to negotiate the inclusion of 25% affordable housing units in the project which will help substantially in terms of meeting the City's 10% affordable housing goal under MGL Chapter 40B;

- It will result in substantial revenue to the City in the form of 40R incentive and bonus payments totaling approximately \$1.5 million.

Of course the prospect of redevelopment of this site raises concerns about its potential impacts on the City's infrastructure including, most notably, traffic. Any redevelopment must therefore be done thoughtfully and carefully in order to truly benefit the City. To that end, Planning Board Director Tina Cassidy has invested significant time and effort with the Metropolitan Area Planning Council (MAPC) to develop the attached comprehensive and detailed zoning package. I also recently asked (and the Council agreed) to appropriate funds which will be used under the direction of City Engineer Jay Corey. The funds will be used to retain consultants who will be tasked with evaluating existing conditions prior to any redevelopment application as well as ensuring thorough review and vetting of the redevelopment plans and associated studies on the City's behalf during the permitting process. His office will manage/coordinate analysis of development impacts that will need to be addressed by the developer of the site.

A public workshop held in February of this year revealed public support for the concept of creating a so-called Smart Growth district at the Woburn Mall site. The attached text and map amendments were drafted thereafter and were the subject of a public meeting held on June 7th. The public meeting was held to explain the proposed amendments and to gauge support for and opposition to the proposal. I am pleased to report that although there were questions, no opposition was expressed at the hearing either in terms of the draft overlay text or in creating an overlay on the Woburn Mall site.

The attached material has been reviewed preliminarily by the Department of Housing and Community Development (DHCD) which has determined it to be complete in terms of meeting basic 40R filing requirements. DHCD's review continues for approximately the next eight weeks though, as staff at the agency review the proposed Ordinance and design standards in detail. They may offer or even require specific revisions to the 40R text within the coming weeks; they will be communicating directly with Ms. Cassidy in that respect.

In closing, I recognize that establishing a 40R District and permitting the eventual redevelopment proposal will require a significant contribution of time and effort on the part of the City Council. I look forward to working with you to ensure its successful outcome.

Respectfully, s/Scott D. Galvin, Mayor

Documents entitled Proposed Woburn Mall Smart Growth (40R) Overlay District Design Standards, Proposed Woburn Mall Smart Growth (40R) Overlay District Plan Review & Special Permit Application Form and SGOD Regulations and Submission Requirements and the following Order were attached thereto:

ORDERED Be it ordained by the City Council of the City of Woburn that:

1. The 1985 Woburn Zoning Ordinances, as amended, be further amended by adopting the attached proposed text as Section 30 entitled “Smart Growth Overlay Districts”;
2. That the City of Woburn Zoning Map be amended by overlaying the Smart Growth Overlay District zoning provisions over one parcel of land: Assessors Map 20, Block 1 Lot 1;
3. The attached Woburn Mall Smart Growth Overlay District Design Standards be adopted; and
4. The attached Smart Growth Overlay District Plan Review and Special Permit Application Form and Smart Growth Overlay District Regulations and Submission Requirements be adopted for use by applicants seeking approval under a Smart Growth Overlay Zoning District.

s/Alderman _____

ORDERED That the City of Woburn appropriates the sum of Five Million Dollars (\$5,000,000) to pay costs of cleaning and relining water mains throughout the City, including the payment of all other expenses incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said sum under and pursuant to G.L. c. 44, §8(5) of the General Laws, or pursuant to any other enabling authority. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. The amount authorized to be borrowed by this order shall be reduced to the extent of any grants received by the City on account of this project from the Massachusetts Water Resources Authority.

s/Mayor Scott Galvin

s/Alderman _____

PUBLIC HEARINGS:

On the petition by NStar Electric Company d/b/a Eversource Energy and Verizon New England Inc. for a grant of right in a way to relocate two (2) j.o. poles, Pole 311/6 and Pole 311/7, on Crossman Road westerly side approximately 50 feet south of Love Lane. PUBLIC HEARING OPENED. A communication dated August 8, 2018 was received from Superintendent of Public Works John Duran as follows:

Subject: NStar Electric Company-Crossman Road

Pursuant to NSTAR d/b/a Eversource request to relocate 2 joint owned poles- pole 311/6 and pole 311/7 in Crossman Road, I offer the following recommendation for approval.

The work proposed is to widen the roadway per the Woburn Planning Board approval. This is consistent with the site plans approved by the Planning Board. The water department should be called to mark out the water main. There will be some trees that should be removed for proper clearances for the wires that serve the residences to the west of the project.

Please feel free to call me with any questions or concerns on this matter.

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. A communication dated August 6, 2018 was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Petition to Amend Zoning Map, Sports Management Services, Inc., Garfield Avenue, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent Sports Management Services, Inc. in connection with the above-referenced Petition. On behalf of my client I respectfully request that the above-referenced matter be given leave to withdraw without prejudice. If you have any questions please feel free to contact me. Thank you.

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

On the petition by Footworx Reflexology Spa LLC, 124 Broadway, Suite J, Saugus, Massachusetts 01906 for a special permit pursuant to 1985 Woburn Municipal Code, as amended, to modify a special permit issued on January 8, 2002 which allowed hours of operation for therapeutic massage from 9:00 a.m. to 7:00 p.m. Monday through Friday, 9:00 a.m. through 12:00 noon Saturday and no hours on Sunday to new hours of operation as follows: Monday through Sunday 10:00 a.m. to 9:00 p.m. at 186 Cambridge Road. PUBLIC HEARING OPENED. A communication dated August 6, 2018 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Special Permit modification request for 186 Cambridge Road/Footworx Reflexology Spa LLC

Dear Council:

The Planning Department has reviewed the above-referenced petition which seeks to modify an existing special permit granted under Section 5.1.33b of the Woburn Zoning Ordinance (WZO). The applicant is seeking an amendment relative to permitted hours of business operations, from its current status (9:00 am until 7:00 pm, Monday through Friday, 9:00 am until 12:00 noon on Saturday, and no hours on Sunday) to the proposed arrangement (10:00 am until 9:00 pm, Monday through Sunday).

Planning staff have spoken with Building Commissioner Tom Quinn regarding the proposed extension to the business hours of operation, and he takes no exception to this request. Although formal analysis of parking demand is not required for this application, it is worth gleaning information from the Petitioner about any anticipated increase in clientele and the resultant parking needs. Beyond this consideration, staff recommends that the conditions of approval imposed in connection with the original Special Permit, to the extent they are still applicable, remain in full force and effect.

If you have any questions regarding this communication, please do not hesitate to contact me.

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

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. The following documents were received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801: A memorandum dated August 9, 2018 entitled "Special Permit Petition, Hill Hockey Clinic LLC, 90 Blueberry Hill Road, Woburn, MA"; a plan entitled "Site Parking Plan" dated 2018-04-26, revised 2018-05-30, revised 2018-06-07, revised 2018-07-03, revised 2018-07-13, revised 2018-08-08 prepared by Allen & Major Associates, Inc.; and a document entitled "Hill Hockey Clinic LLC, Proposed Conditions to Special Permit Petition, City Council Special Permits Committee, August 9, 2018" as follows:

1. The Plan of Record shall be the plan entitled "Site Parking Plan" prepared by Allen & Major Associates, Inc. dated April 26, 2018 as revised on May 30, 2018, revised June 7, 2018, revised July 3, 2018, revised July 13, 2018 and revised August 8, 2018 (the "Plan").
2. All dumpsters and waste containers shall be enclosed, by means of a fence, wall or landscaping in compliance with the Woburn Zoning Ordinance.
3. That the hours of operation shall be Monday through Friday 7:00 a.m. to 10:00 p.m., Saturday and Sunday 6:00 a.m. to 9:00 p.m.

4. The Petitioner shall provide a snow storage area as shown on the Plan.
5. All parking spaces shall be striped.
6. The premises shall not contain a snack bar.
7. The Petitioner shall post signs within its lobby area requesting both its employees and customers to obey the rules of the road while traveling on City of Woburn streets and use caution while traveling on Holton Street to Blueberry Hill Road.
8. The Petitioner shall post signs within its lobby requesting that employees and customers not to use Blueberry Hill Road for traveling to and from the site.
9. The Petitioner shall install security cameras around the exterior of the building and the interior of the building.
10. The Petitioner agrees not to hold any tournaments on the Premises.
11. The Petitioner agrees not to hold any "5" on "5" training sessions on the Premises.
12. The Petitioner shall install "No Right Turn" signs at the two exits at the Premises.
13. The Petitioner shall install three (3) speed bumps throughout the driveway to reduce the speed of vehicles driving around the building on the Premises.
14. The Petitioner shall provide a four (4) foot striped travel path along the northwesterly and northerly portion of the building to the front egress door as shown on the Plan.
15. The Petitioner shall provide a rear entrance to the Premises.
16. The Petitioner shall install a guardrail along the easterly, northeasterly and northerly portion of the travel aisle as shown on the Plan.

On the petition by Sanctuary Medicinals Inc., 234 Taylor Street, Littleton, Massachusetts 01460 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.33C and 8.2.5 to allow; 1. Special permit to allow for a Medicinal Marijuana Treatment Center, and 2. Reduction in required parking, at 130 Commerce Way. PUBLIC HEARING OPENED. A communication dated August 9, 2018 with attachment was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for 130 Commerce Way/Sanctuary Medicinals

Dear Council:

The Planning Department has reviewed the above-referenced petition which seeks a special permit pursuant to Sections 5.1 (33c) of the Woburn Zoning Ordinance (WZO) to authorize use of a portion of the building at 130 Commerce Way for a Medicinal (Medical) Marijuana Treatment Center. The applicant is also seeking a special permit in accordance with Section 8.2.5 (Mixed Use) to reduce the amount of required on-site parking by roughly one-third, from 52 to 36 spaces [The special permit application requested a reduction in the number of required parking spaces from 52 to 35; subsequent plan revisions allowed the applicant to increase the number of proposed on-site spaces to 36.]

The subject property is located in an IP-2 (Industrial Park Two) zoning district and the building will house two tenants who will share the on-site parking: The applicant medical

facility (approximately 4,500 sq. ft.) and a wholesale distributor already operating on site (approximately 24,700 sq. ft.).

Planning staff reviewed the plans submitted with the application and met with the applicant's attorney and the Building Inspector to discuss them. City staff recommended several changes to the proposed parking lot layout and site circulation in order to maximize the number of parking spaces on site and to ensure safe and convenient travel. The applicant revised the plans to incorporate those suggestions as well as to add snow storage areas and information relative to site lighting. Planning staff understands that revised plans reflecting these changes have already been filed with the City Clerk's office or will be by August 9, 2018.

With respect to parking, the revised site plan shows 36 spaces, 8 of which are compact spaces and 5 of which will be designated for use only by employees of either the medical center or the wholesale business. The proposed "employee only" spaces are particularly appropriate because they are the least convenient for customers (furthest from the establishment's entrance) and are not conducive to use by vehicles with passengers (they directly abut the wall of a building).

Planning staff recommends the Council consider imposing the following as conditions of any approval:

1. That the special permit be issued to Sanctuary Medicinals Inc. only and shall not be transferrable with the exception of a transfer to an entity of which Sanctuary Medicinals is the primary or principal owner;
2. That the revised site plan be cited in the Special Permit Decision as the Plan of Record for this Petition, which plan is entitled "Concept Site Plan, Location: 130 Commerce Way, Town: Woburn, Massachusetts; Prepared for: Sanctuary Medicinals Inc.; Scale: 1" = 20'; Dated: August 7, 2018; Drawn by: Places Associates, Inc., 256 Great Road, Suite 4, Littleton, MA 01460";
3. That any time at least twenty (20) of the parking spaces shown on the Plan of Record be lawfully available to customers and employees of the Medical Marijuana Treatment Center; and
4. That all construction and operational activities on site be conducted in strict conformance with the terms of the agreement between the City of Woburn and Sanctuary Medicinals Inc., which agreement is dated July 12, 2018 and entitled "Host Community Agreement for the Siting of a Dispensing Facility in the City of Woburn".

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

On the 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. PUBLIC HEARING OPENED. A communication dated August 6, 2018 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on special permit modification application for 394R Washington Street/Woburn Foreign Motors

Dear Council:

The Planning Department has reviewed the request to modify an existing Special Permit and Plan of Record site plan, pursuant to Section 11.3.12 of the Woburn Zoning Ordinance (WZO). As referenced in the Petitioner's application, and per the City Council's decision dated August 11, 2015, and subsequent modification dated March 10, 2016, special permits have already been granted relative to the following Sections of the WZO:

- 5.1.45 (to allow for the sale or rental of automobiles, trucks, truck trailers and motorcycles, including accessory repair and storage facilities);
- 5.1.69 and 7.3 (to allow for the replacement of the existing, non-conforming six [6] foot fence as shown on the plan with a six [6] foot wall);
- 8.7 (to allow for a reduction in the off street loading requirements);
- 5.1.69, 7.3 and 13.5 (to allow for the alteration of the existing non-conforming signage);
- Footnote 8 to Section 6.1 (to allow for an increase in the building height from thirty-five [35] feet to \approx forty-five [45] feet);
- 8.6.3 (to allow for an exception to the area and landscaping requirements to allow for alternative landscaping equal or superior in visual appearance); and
- Sections 12.2.4 and 12.3.2 (to allow for the replacement of existing buildings with a new structure containing \approx 152,600 feet²).

The pending application seeks to amend the Plan of Record by substituting a new site plan, last revised June 11, 2018, which is to be incorporated into a modified Condition #1 of the Council's original decision.

The application does not identify or explain what modifications to the Plan of Record have been made/are being proposed with the amended site plan. In our opinion the Council should require the applicant to provide either a written list of changes that are being made to the Plan of Record or a red-lined version of the plan noting each change.

Planning staff spoke with Building Commissioner Tom Quinn who was able to identify several modifications including relocation of the free-standing sign to reflect a variance obtained since the special permit was granted (staff notes that the Commissioner also

indicated one of the sign faces was being revised, but the application provides no information/requests relative to any sign changes at this point).

Other plan changes include identification of the location of the “lube tanks” on site; inclusion of vertical granite curbing as required by Condition #11; and installation of both wooden and 48” high vinyl-coated guardrails, which comprise a more substantial safety measure for vehicles parking along the site’s steep edges. The revised site plan may reflect other modifications as well, which is why submission of a comprehensive list/detailed plan is suggested. If any of the modifications result in additional vehicle storage in the building, the Petitioner and Council should ensure that the additional flammable material storage associated with it is consistent with the flammable storage license issued to the Petitioner separately.

If the Council approves a modified Plan of Record, Planning staff recommends the Council re-impose any and all conditions of the original Special Permit that remain applicable, in addition to citing the revised plan as the special permit Plan of Record.

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

On the petition by Alderman Michael Anderson and Alderman Edward Tedesco to further amend the 1985 Woburn Zoning Ordinances, as amended, by adding Paragraph 12, Maximum Residential Density, to Section 23, Commerce Way Corridor Overlay District (CWCOD), as follows: 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. PUBLIC HEARING OPENED. A communication dated August 1,

2018 with attachment was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Proposed zoning text amendment to enact a density restriction for certain residential uses in the Commerce Way Corridor Overlay District (CWCOD)/Aldermen Anderson and Tedesco

Dear Mr. Campbell:

The Woburn Planning Board opened and conducted its statutory public hearing last night on the above-referenced Order.

Following the hearing and subsequent discussion, members of the Board voted unanimously (Bolgen, Doherty, Donovan, Callahan, Ventresca and Turner in favor) to recommend to the City Council that an amended version of the Order be adopted.

Specifically, the Board respectfully recommends the Council consider making the following revisions to the Order prior to adoption:

1. The provision should be inserted as subsection l. ("ell") to Section 23-7 (Dimensional Regulations) rather than as a twelfth paragraph to Section 23;
2. The title of Section 23-7 should be amended to read Dimensional and Density Regulations;
3. A phrase should be added to Section 23-7 which precludes any waivers of the residential density requirement;
4. The method for calculating permitted residential density should be based on net floor area rather than gross floor area and to the area occupied by non-residential uses instead of to the area occupied by uses as of right as set forth in Section 5.1, Table of Uses; and
5. Reference to assisted living and congregate elderly apartments uses should be stricken since neither use is currently permitted by right or by special permit in the overlay district.

The attached document reflects all of the Board's recommendations. Please feel free to contact me if you have any questions about it.

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

Attached thereto was the following:

ATTACHMENT TO PLANNING BOARD'S 8-1-18 RECOMMENDATION LETTER
RELATIVE TO CWCOD RESIDENTIAL DENSITIES (Text of proposal to be deleted
shown in ~~strike-out~~, text to be added shown in *italics*):

“7. Dimensional and Density Regulations

- l. The maximum residential density shall not exceed 25 residential units per acre unless ~~the structures in the development, not including parking facilities, are comprised of uses as of right as set forth in Section 5.1 and those uses as of right:~~
 - a. ~~Non-residential uses comprise Total, at a minimum, of 60% of the total net gross floor area of all buildings 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 35 residential units per acre; or
 - b. ~~Non-residential uses comprise Total, at a minimum of, 65% of the total net gross floor area of all buildings 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. ~~;~~ ~~or~~

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

At the time of Site Plan Review or Special Permit, the City Council may grant a special permit for relief from the Dimensional Regulations set forth herein *but no relief may be granted from the maximum residential density requirement.*”

On the petition for the purposes of accepting the relinquishment and revoking the Inflammable Licenses held by ABC Supply Co., 8 Draper Street; and J. Shannon & Sons, 298 Lexington Street. PUBLIC HEARING OPENED. A communication dated August 9, 2018 was received from City Clerk William C. Campbell as follows:

Re: Relinquishment and Revocation of Inflammable Licenses

This will confirm that notice of the public hearing was sent by certified mail, return receipt requested to the following entities.

ABC Supply Co., Inc. is the record holder of an inflammable license at 8 Draper Street. The license holder indicated that the location has been closed and there was no intention of retaining the license. Draper Management LLC is the current owner of the location and through its counsel has indicated that their company did not intend to retain the license.

J. Shannon & Sons is the record holder of an inflammable license at 298 Lexington Street. Through its counsel, the license holder indicated that they no longer own the premises and there was no intention of retaining the license. Shannon Farm Development LLC is the current owner of the location and has not indicated an interest in retaining the license.

s/William C. Campbell, City Clerk

On the petition by President Haggerty concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 425 Main Street, Woburn, Massachusetts, for the purposes of determining whether said structure or structures are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. PUBLIC HEARING OPENED.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$86,000.00 from Traffic Safety & Infrastructure to Various Accounts, committee report was received "ought to pass".

On the Order to transfer the sum of \$700,000.00 from Unreserved Fund Balance Acct to Road Improvements Acct , committee report was received "ought to pass".

SPECIAL PERMITS:

On the Order to review a special permit issued to 4-K Realty Trust on August 14, 2003 and last extended on June 27, 2017 up to and including August 14, 2019 to allow for the reconstruction, change, alteration and extension of the existing three (3) family dwelling to allow for a fourteen (14) unit apartment building with a parking garage at 27 Montvale Avenue, committee report was received as follows: "That Condition number 3 of the special permit be amended to read: 3. The petitioner will notify the Woburn Historical Commission, Woburn Cemetery Commission and Ward Alderman prior to excavation of the property to allow for a member to observe the excavation of the property to ensure the abutting Second Burial Ground is not disturbed."

NEW PETITIONS:

Petition by Cares Foundation, 2414 Morris Avenue, Suite 110, Union, New Jersey 07083 for a Special Event Permit to allow a fundraiser walk at Horn Pond on October 21, 2018.

Petition by Cellco Partnership d/b/a Verizon Wireless for a grant of right in a way to locate a small cell wireless antenna, radio unit, meter, AC/DC converter, 60A disc., RGS conduit, ground rod, power and fiber, together with sustaining and protecting fixtures as may be necessary in accordance with a plan entitled "Woburn MA SC60" dated August 10, 2017, at 550 Main Street, one pole, #178/1.

Petition by Cellco Partnership d/b/a Verizon Wireless for a grant of right in a way to locate a small cell wireless antenna, radio unit, meter, AC/DC converter, 60A disc., RGS conduit, ground rod, power and fiber, together with sustaining and protecting fixtures as may be necessary in accordance with a plan entitled "Woburn MA SC05" dated July 21, 2017, at 14 Industrial Parkway, one pole, #594-2.

Petition by JianPing Lin, 3 Sandpiper Lane, West Yarmouth, Massachusetts 02673 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, to allow therapeutic massage and spa at 546 Main Street.

Petition by 283 Salem Street, LLC, 283 Salem Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.57b and 5.1.43 to allow accessory storage and overnight parking of up to ten (10) commercial motor vehicles, vans, pick-up trucks, trucks and the like and open or outside storage of new or used building materials or equipment as relates to the operation of a fence assembly and manufacturing business at 4 Draper Street.

Petition by Monroe Tractor & Implement Co., Inc., 1001 Lehigh Station Road, Henrietta, New York 14467 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended Sections 5.1.44, 8.2.5 and 11.6.5 to allow automobile and truck repair garage and a reduction in total number of required parking stalls for tractor and equipment repair and service at 192 New Boston Street.

Petition by Madison Woburn Holdings LLC, 333 Newbury Street, Suite 201, Boston, Massachusetts 02116 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, to modify special permit dated August 11, 2015, as amended July 14, 2016, January 24, 2018 and July 19, 2018 to allow for an amended site plan including one additional parking space, two canopies totaling 1,633 additional square footage, modification of dumpster area, relocation of storage shed, and update floor area ratio, at 369 Washington Street.

Petition by Terrafugia, Inc., 23 Rainin Road a/k/a 23 Mack Road, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended,

Sections 5.1.57b and 9 to allow for overnight parking of one commercial motor vehicle and for construction of approximately 1,227 square foot more or less building within Flood Plain District at 23 Rainin Road a/k/a 23 Mack Road.

COMMUNICATIONS AND REPORTS:

A communication dated July 13, 2018 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Director’s Report and the minutes of the Council on Aging meeting for the month of June 2018.

A communication dated July 17, 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 2018 to June 2018: Number of violations issued 258, Numbers of violations paid 114, Number of violations outstanding 117, Amount collected and submitted to Collectors Office \$21,075.60, Parking fines referred to the Handicap Commission \$9,600.00.

There is a backlog of 1,561 unpaid 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

A communication dated July 23, 2018 with attachments was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Ordinance to discontinue a portion of Middle Street; authorize sale

This office received a request from Attorney Joseph Tarby on behalf of Francis and Judith Michienzi to purchase an unused/unpaved portion of Middle Street consisting of 2,441 s.f. of land for the construction of a 4-lot subdivision currently known as Legacy Lane. Consistent with the same process utilized regarding the sale of a portion of land on old Lexington Street, I obtained an appraisal of this parcel (paid for by the Michienzis) in order to determine if the property must be sold pursuant to M.G.L. c.30B, §16 (value in excess of \$35,000 requires the issuance of an RFP).

As the appraisal indicates a value in excess of \$35,000, I prepared a draf Order authorizing the abandonment and discontinuance of the parcel as a portion of Middle Street, with the

authority for the Mayor to sell same. I have also attached hereto copies of two plans; the first plan is the abandonment plan which will be recorded with the deed (assuming that the Council votes to abandon/discontinue and sell). The second plan depicts the parcel's location in regard to Middle Street as it currently exists and the third; is a page from the approved subdivision plan depicting the location of the 2,441 s.f. parcel. Should the Michienzis respond to the RFP and obtain the parcel, the subdivision plan will have to be modified.

I had recommended that Attorney Tarby speak with the Alderman (I believe this property is in Ward 5) but do not know if he has done so. Thus I am copying both Attorney Tarby and Alderman Mercer-Bruen on this correspondence. I trust that this matter may be included in the agenda for the August 14 meeting.

Sincerely, s/ Ellen Callahan Doucette

Attached thereto was the following Order:

ORDERED Be it ordained by the City Council of the City of Woburn that pursuant to M.G.L. Chapter 82, §21, a portion of the way known as Middle Street consisting of 2,441 s.f. of land and shown on a proposed plan entitled "Street Abandonment Plan Middle Street Woburn, MA 01801" dated February 14, 2018, be discontinued as a public way, and that the Mayor be and is hereby authorized to convey all or a portion of the discontinued way upon on such terms and conditions as the Mayor may determine, and further, to authorize the Mayor to take all related actions necessary and to sign all required document to effect the disposition of all or a portion of such land.

s/Alderman _____

A communication dated July 23, 2018 with attachments was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Confirmatory Conservation Restriction – 13 West Dexter Avenue

On December 15, 2015 the City Council approved the Conservation Commission's acceptance of a CR for the property located at 13 W. Dexter Avenue from JDC Realty Trust. The CR is being amended solely to change the name of the Grantor and thus, the City Council is being asked to approve this amendment in the form of a Confirmatory CR. The attached document is the original and has already been accepted by the Conservation Commission. A line is provide for the City Clerk to certify the City Council's vote.

Please place this matter on the Council's agenda for August 14, 2018. After the document is signed, it should be returned to my office. Thank you for your attention to this matter.

Sincerely, s/ Ellen Callahan Doucette

Attached thereto was a Confirmatory Conservation Restriction from West Dexter Realty Trust, by and through its Trustee, John Natale III, pursuant to Sections 31, 32 and 33 of Chapter 184 of the Massachusetts General Laws granting, with quitclaim covenants, to the City of Woburn in perpetuity and exclusively for conservation purposes a Conservation Restriction on a parcel of land located in the City of Woburn, Massachusetts, consisting of approximately 17,390 square feet, being shown on a plan entitled "Conservation Restriction Plot Plan of Land in, Woburn, MA", dated November 6, 2015, prepared for the Grantor by Todd Chapin of Chappell Engineering, Inc., attached as Exhibit A, said area shown on said Exhibit A as shaded area depicted as "CR", and more particularly described in Exhibit B attached.

A communication was received from John Buonopane, President, USW Local 12012 and Joe Kirylo, President, USW Local 12003, United Steelworkers, 100 Medway Road, Suite 403, Milford, Massachusetts 01757 seeking a moratorium on the installation of new and replacement gas line projects in the city until the lockout of National Grid employees has ended.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED Whereas, National Grid services many residential and commercial natural gas consumers within the City of Woburn, and

Whereas, the safety and well-being of these consumers and that of the general public is contingent upon high quality and well-trained employees performing services and line inspections on existing gas services and new gas service projects, and

Whereas, the actions of National Grid and its lock out of high quality, well-trained gas service workers raises safety concerns for the residential and commercial consumer, as well as the general public,

Be it therefore resolved, the Woburn City Council urges National Grid to end the lock out of these employees so that gas line maintenance, inspections, repairs and services may continue to be performed by high quality, well-trained, experienced employees, and

Be it further resolved the City Administration implement heightened scrutiny and increased oversight-including safety inspections and the monitoring of work currently being performed, and

Be it further resolved the Woburn City Council and the City Administration not issue any new permits for gas service or gas construction projects to National Grid in the City of Woburn until such time as our safety concerns are addressed.

s/President Haggerty, Alderman Tedesco,
Alderman Higgins and Alderman Gately

RESOLVED That a communication be sent to MassDOT District 4 requesting assistance with street repairs on Salem Street at the intersection with Washington Street and Carlena Terrace.

s/Alderman Mercer-Bruen

RESOLVED That the Committee on Special Permits meet in September 2018 to review the special permits granted to New Creek II LLC or its predecessors at 425 Washington Street relative to outstanding fence work and tree work.

s/Alderman Mercer-Bruen

RESOLVED That the Committee on Special Permits meet in September 2018 to review the special permits granted to Madison Woburn Holdings LLC for the property located at 369 Washington Street and to Woburn Foreign Motors for the property located at 394 Washington Street and 394R Washington Street to determine the status of all mitigation requirements under the special permits.

s/Alderman Mercer-Bruen

ORDERED That the Committee on Infrastructure and Public Lands determine the appropriate steps necessary to place any of the land at the former Spence Farm site not being used for school purposes under Article 97 protection.

s/Alderman Gaffney, President Haggerty and
Alderman Concannon

ORDERED That a communication be sent to the City Engineer requesting a memorandum updating the City Council on the construction of the Montvale Avenue widening project and the Salem Street bridge project.

s/Alderman Mercer-Bruen

ORDERED That a communication substantially in the form attached be sent to His Honor the Mayor regarding petitions for grants of location.

Re: Grants of Right in a Way

Dear Mayor Galvin,

At a recent meeting of the City Council, a utility company presented a petition for a grant of right in a way. It was learned at the public hearing that the work for which the grant was needed had been completed although the City Council had not granted authority for the work to take place. A representative of the utility company informed the City Council that they had acted on written authority received from the Mayor approving the work.

Respectfully, the City Council asks that you refrain from acting to approve a grant of right in a way. The authority to do so is under the jurisdiction of the City Council pursuant to Section 15 of the City Charter as well as Massachusetts General Laws Chapter 166, Section 22. The role of the Mayor with respect to a grant of right in a way is to approve of or object to the action of the City Council under Section 25 of the City Charter.

Thank you for your attention to this matter.

s/Alderman Gately

ORDERED That the Committee on Liaison review the provision of M.G.L. 85, Section 17A relative to the regulation of soliciting from vehicles on public ways.

s/Alderman Tedesco

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 a new Section 29 Conversion of Significant Historic Building or Structure as follows:

29.1 Purpose of District

The purpose of this provision shall be to promote the preservation of significant historic buildings and neighborhood landmarks, thereby enhancing the community's appearance and extending our common architectural legacy for future generations. The intent of this provision shall be to enable such buildings to be adapted to new use requirements, while exerting strict control over the preservation of all exterior features. This provision is designed to encourage the adaptive reuse of such buildings where such reuse would more effectively promote, preserve, and enhance the architectural character of the surrounding neighborhood than would the redevelopment of the site following the demolition of these landmark structures.

29.2 Scope of Authority

1. In all residential and mixed-use districts, any existing structure containing gross floor area of 4,000 sq ft or greater, constructed more than one hundred (100) years ago from the date of application for a special permit under this section and has been deemed to be a Significant Historic Building or Structure by the Woburn Historical Commission using the criteria listed in Title 15, Article V, Section 15-16 of the Woburn Municipal Code may, together with the original attached accessory structures, be altered so as to contain two (2) or more dwelling units by special permit granted by the City Council provided the conditions set forth herein are met.

29.3 Uses By Right

1. Those uses permitted by right in the underlying zoning district.

29.4 Uses by Special Permit

A Special Permit shall be required from the Woburn City Council for the following use:

1. Multi-family dwellings located entirely within the structure that has been deemed to be a Significant Historic Building or Structure by the Woburn Historical Commission as provided herein.

29.5 Dimensional and Density Regulations

Dimensional and density regulations for the “Conversion of Significant Historic Buildings” shall be as follows provided, however, that the City Council may grant a Special Permit to authorize relief from the existing dimensional regulations so long as

such relief does not allow for additional residential units or an increase in the height of the existing structure or the footprint except to address ADA compliance.

1. Dimensional Regulations: For purposes of this Section 29, the existing Significant Historic Building's structure may be converted to a multi-family dwelling using its existing setbacks and ground coverage.

2. Maximum Building Height

a. No greater than the existing Structure not including appurtenant roof structures such as chimneys, service equipment, spires, flag poles and the like.

29.6 Parking Requirements

- a. 1.00 spaces per studio dwelling unit;
- b. 2.00 spaces per one bedroom dwelling unit and two bedroom dwelling unit; and
- c. 3.00 spaces per three bedroom dwelling unit and one additional space for each bedroom thereafter

29.7 Conditions

- 1. The exterior design of the structure is not substantially altered.
- 2. The original building area is not increased more than ten (10) percent of its gross floor area. Additions and alterations made to comply with the requirements of the Americans with Disabilities Act are not subject to this limit.
- 3. Existing buildings being converted under the terms of this section are not subject to the minimum setbacks, maximum building height, or maximum number of stories requirements listed in Section 6.1.
- 4. Existing buildings on existing lots that are deficient in frontage may be converted under the terms of this section without a variance, but existing lots which meet or exceed the minimum required frontage may not be subdivided in such a manner as to leave the existing building on a lot that lacks the minimum required frontage.
- 5. The City Council may grant a special permit to reduce the minimum number of required parking spaces per dwelling unit if the City Council finds that the proposed project will not detract from the health, safety, and welfare of the occupants and owners of surrounding properties.

29.8 Required Additional Findings for Conversion of Significant Historic Building or Structure

In granting a Special Permit under Section 29, the City Council must make the following additional findings and conditions:

1. That the building or structure proposed for conversion to residential use has been deemed by the Woburn Historical Commission to be a “Significant Historic Building or Structure”. In making this finding, the Woburn Historical Commission shall use the criteria outlined in Title 15, Article V, Section 15-16 of the Woburn Municipal Code;
2. That the building or structure proposed for conversion to residential shall be restored to its’ original historic character and preserved from an historic or architectural perspective in perpetuity;
3. That conversion of the building or structure to residential use facilitates preservation or improvement of the existing character of abutting properties and the district generally;
4. That the exterior design of the building shall not be substantially altered so as to change the character and architecture of the original design;
5. The existing building footprint shall not be increased except to the extent that alterations are necessary to comply with the Americans With Disabilities Act;
6. There shall be adequate provision for screening of and container(s) for collection and disposal of refuse.

s/Alderman Tedesco

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 striking Section 5.7.5.3 and inserting in its place the following: “Day time or overnight parking of passenger vehicles, except that no portion of the buffer area within fifty (50) feet of the boundary line of a Residential district may be used for the purpose of overnight parking.”

s/Alderman Tedesco

ORDERED Be it ordained by the City Council of the City of Woburn that Section 2 Definitions of the 1985 Woburn Zoning Ordinances, as amended, be further amended as follows:

1. By striking the definition for “Floor Area, Gross” and inserting in its place the following: “Floor Area, Gross: The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns and other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall area shall not include shafts with no openings or interior courts.”
2. By striking the definition for “Floor Area, Net” and inserting in its place the following: “Floor Area, Net: The actual occupied area not including unoccupied accessory areas such as corridors, stairways, ramps, toilet rooms, mechanical rooms and closets.”

s/Alderman Tedesco

Motion made and 2nd to ADJOURN.