

**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, all in favor, 9-0.

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 Zoning Text Amendment, 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/President Haggerty

Alderman Concannon stated that he will recuse himself from participating in this matter as the underlying property is owned by a company that does business with his employer. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 0 absent, 1 abstained (Concannon abstained).

Motion made and 2nd to suspend the rules for the purposes of taking the following matter out of order, all in favor, 9-0. 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. Alderman Concannon stated that the Lions Club will also hold an event that day at Horn Pond and the two groups should coordinate their efforts. Motion made and 2nd that the SPECIAL EVENT PERMIT be GRANTED, all in favor, 9-0.

Presented to the Mayor: August 16, 2018

s/Scott D. Galvin August 16, 2018

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 Gately

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

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.

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 Jacqueline Duffy, Rights of Way Agent and she stated that the project will allow street widening in that area, that the petitioner accepts the recommendations of the Superintendent of Public Works, and that the landowner will pay for any tree work required. Alderman Higgins stated that she spoke to the Superintendent of Public Works, that when the utility poles are moved some tree work will be required, and that the petitioner should pay for the tree work and not the city. 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 GRANT OF RIGHT IN A WAY be APPROVED, AS AMENDED with the conditions as follows: 1. That the petitioner shall coordinate with the Department of Public Works Water Department to mark out the water main, 2. That the petitioner shall arrange for removal of any trees required for proper clearances for the wires that serve the residences to the west of the project, and 3. That the petitioner shall arrange

with the property owner for payment of any costs related to the removal of trees, all in favor, 9-0.

Presented to the Mayor: August 16, 2018

s/Scott D. Galvin August 16, 2018

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

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the MATTER be GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE, all in favor, 9-0.

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

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner seeks to amend the hours of operation set in the special permit in 2002, that the new hours would be 10:00 a.m. to 9:00 p.m., that the property is located in the B-H zoning district, that the property is in the Four Corners area of the city, and that this will be located in the same premises where a therapeutic massage office had operated. Alderman Higgins stated that she spoke to the property owner, that she has no issue with the petition, and that other businesses at the locus are now open on Sunday. Alderman Gately stated the property is well maintained, and that he is in support of the petition. 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, all in favor, 9-0.

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.

Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Joseph R. Tarby III and he offered a copy of Woburn Assessors Map 60, a document entitled "Proposed Conditions, Hill Hockey Clinic LLC, 90 Blueberry Hill Road, Woburn, MA 01801, August 14, 2018", and a paper copy of a Powerpoint presentation to the City Council for review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Attorney Tarby stated that Fox Road was once in the I-G zoning district, that when the zoning changed the locus property lines became nonconforming, that parking spaces were eliminated as requested, that speed bumps were added to the site, that a striped travel path was added, that a rear entrance will be installed, that "no right turn" signs will be added at both exits, that coach and player parking has been designated, that the petitioner has over 20 years experience operating these facilities, that this will be a half sheet of ice, that the facility will be available for team practice, skill training and 3 on 3 training sessions, that there will be our locker rooms, an office, a small vending area, no snack bar and no viewing stands, that there will be twenty parking spaces with no compact spaces, that the hours of operation will be 7:00 a.m. to 10:00 p.m. Monday through Friday and 6:00 a.m. to 9:00 p.m. Saturday and Sunday, that the facility will not be booked all these hours throughout the year, that eight

months of the year someone will be on site after 4:00 p.m., that during summer school vacation there will be additional programs, that the parking spaces will be striped, that signs will be posted requesting employees and customers not to use Blueberry Hill Road, that additional security cameras will be added to address neighbors' concerns, that there will be no exterior changes, that interior walls will be constructed for storage of the Zamboni machine, that with this facility there will be customer vehicles rather than commercial trucks operating from the building, that there is a long travel distance on Blueberry Hill Road from Garfield Avenue to the facility, that the petitioner's market research indicates that few vehicles will travel from Garfield Avenue to Blueberry Hill Road but rather from Montvale Avenue and Green Street to Holton Street, that most if not all vehicles will enter from Holton Street, that signs on the site will direct vehicles to the Holton Street exit, that a childcare center is allowed by right at the site which would have a lot of traffic, that a business or trade school, physical fitness facility, indoor sports facility under 15,000 square feet, bank, business service establishment, professional office under 15,000 square feet, medical and dental offices, light manufacturing under 15,000 square feet, research and testing, and biomedical facility are allow by right at the locus, and that conditions can be imposed on a special permit but not on these by right uses. Tim Williams, Allen & Major Associates Inc., 100 Commerce Way, Woburn, Massachusetts 01801 stated that compact parking spaces were not desirable and a safe travel path was the objective, that eight compact spaces were eliminated and made standard size, that three speed bumps were added, that the sidewalks were modified to create safe travel paths, that the striped areas on the plan show where pedestrians can safely travel to and from their cars, that 22 parking spaces are needed and 29 parking spaces are provided, and that the Fire Department reviewed the plan for circulation of their vehicles. Kelly Olson reviewed the Powerpoint presentation and stated that the goal is to provide an organized platform through professional instruction and ice arena management, that signs will be posted reminding employees and customers to respect the neighbors and to drive slowly, and that 24 hour video surveillance will be provided seven days a week. Eddie Hill reviewed the Powerpoint presentation and stated that the option for the locus is an athletic facility and not a business with diesel trucks, that this will be a hockey training facility and not a hockey rink, that the facility will not host high school games or 5 on 5 games, that there will be an average of 10 to 13 skaters per hour, one coach and one employee, that at a regular ice rink there would be 20 to 26 skaters, two coaches and one employee, that a nearby gymnastics facility has 20 plus athletes training, four to six coaches and one to two staff employees on site with 24 parking spaces of which five are used by parents, six are dedicated to employees and four spots being used, that the petitioner will have 29 parking spaces with only 10 to 13 parking spaces needed, that there will be three speed bumps, a four foot travel path, a rear entrance, "no right turn" signs and signs in the building stating not to park in the neighborhood, that USA Hockey endorses the project, that the petitioner will provide ice time at no cost to the "Skate for 22" program which is a resource for military veterans, and that this ice time will be provided to the program during prime time at no cost. Alderman Tedesco stated that the nonconformity is not the underlying use but the building, and that unless the building was razed the nonconforming would remain. Attorney Tarby stated this is correct, and that the exterior lighting will be directed downward. PUBLIC COMMENTS: A communication dated August 13, 2018 was received from Marc Quinn, 3 Skyview Road in support of the petition. Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Nancy Thornley,

28 Blueberry Hill Road stated that she has lived in her home for 41 years, that the road is a cut through to I-93, that it is difficult to get out of her driveway because she is at the highest point of the road, that the road was supposed to be a cul-de-sac in 1977, that the homes near the hockey rink should not have been built except with access by way of Holton Street, that tractor trailer trucks use the road, that the striping and directing the traffic will not work, and that Blueberry Hill Road is the fastest way to get to the facility. James Healey, 47 Blueberry Hill Road stated that the majority of the objections have been noise, parking and safety issues. Mr. Healey offered photographs that he said show more adequate parking at other facilities for the City Council to review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Mr. Healey stated that at the first meeting Attorney Tarby stated there would be 10 to 13 skaters, that Mr. Hill has stated there would be 12 to 15 skaters, that the petitioner said at the committee meeting that the hours would be 3:00 p.m. to 9:30 p.m., that the hours are now stated as Monday through Friday 7:00 a.m. to 10:00 p.m., Saturday and Sunday 6:00 a.m. to 9:00 p.m., that at a committee meeting Mr. Hill identified two individuals who work for the storage company who appeared to be Lithuanian and made him fearful, that it has been stated if the petitioner did not obtain the special permit the storage business would increase its business but this is not correct, that the storage company has other locations and wants to decrease the use at this location except for its lease obligations, that the dumpster is shown on the plan at a location that has a ninety foot drop, that the guardrail is also at the ninety foot drop, that the size of this facility is larger than the Holland hockey rink which has more parking, that Mr. Hill stated he wanted to create a headquarters for Boston Energy Center, that he wants to know if the petitioner will increase the business after the special permit is granted, and that the petitioner has to continued to grow the business. Mr. Healey offered a photograph of the building to the City Council for review. Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Mr. Healey stated that the "no right turn" sign is not a legal sign but a suggestion, that there are line of sight issues coming down Blueberry Hill Road to Holton Street, that Holton Street is also heavily traveled, that there is opposition to this petition by more than fourteen neighbors, that those in favor of the petition are four residents who are not neighbors, that he asks the City Council to hear the concerns of the neighbors as they will have to deal with these issues, that Blueberry Hill Road was a dead-end cut off from the businesses until it was extended in 1973 with more houses constructed and more traffic, that the neighbors are is not against youth hockey or veterans but are protecting their neighborhood, and that the snow storage area has further reduced the parking area and will cause parking issues. Don Chamberlain, 4 Walnut Court stated that he is involved with Woburn Youth Hockey, that he is in favor of the petition, that the proposed use compared to the Joyce rink is completely different, that between 6:00 a.m. and 5:00 p.m. there will be little use, that the prime hours are 5:00 p.m. and 9:00 p.m., that at the Joyce rink there are 30 to 45 skaters sharing a full sheet of ice for practice, that at this location there will be 15 skaters at once who could use the ice, that the facility cannot support any more than 3 on games or the "Skate for 22" program, that it is difficult to find ice for training, that his some used the ice facility on Cabot Road, that when kids train on other ice in other communities they get recruited to participate in those programs and Woburn loses these kids from our programs, that thought that there will be hundreds of cars is not back by evidence at the other facilities, that the proposal takes commercial trucks out of the area, that the traffic will be between 5:00 p.m. and 7:00 p.m. and not during the day when commercial trucks are

operating in the area, and that if the use is not approved the question is what other use will get there and what impact will it have. Mr. Thornley said that the snow removal on Blueberry Hill Road is good but that at times the conditions are slippery. Jason Coakley, 46 Blueberry Hill Road stated that trucks park at the site without moving, that the storage boxes stay on the site, that no neighbors complained about the storage facility, and that there was an issue with an ice rink which used to be located in the neighborhood. Mr. Coakley offered copies of newspaper article to the City Council for review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Arnold Dusablon, 3 Hawk Road stated that Holton Street is already narrow with no sidewalks and pot holes, that there is a blind corner at Eagle Road, that there is little police enforcement, that it is dangerous for pedestrians on Holton Street, and that traffic from this facility will be during the afternoon rush hours. Jack Coakley, 2 Pigeon Road stated that he is not anti-hockey, and that it is difficult to get in and out of the blind driveway. Al Corser, 4 Fox Road stated that the project is proportionately not wanted in the neighborhood for many reasons, that the petitioner's proposals and programs he supports are good but not in this neighborhood, that the petitioner's business will need to grow, that 65% to 70% of the neighbors do not want the business located at the property, and that the location will not be safe for the petitioner's customers. Darcy Hornberger, 5 Fox Road stated that there is not enough parking for the use, and that the petitioner will be successful which will be detrimental to the neighborhood. Patricia Coakley, 2 Pigeon Road stated that the use is not a good fit for the neighborhood, and that Blueberry Hill Road and Holton Street are two of the worst streets in Woburn. Attorney Tarby stated that some material presented is misleading particularly comparing this location with the petitioner's other locations. Mr. Hill stated that he currently operates a full sheet of ice at the other locations, and that this does not compare to his proposal. Attorney Tarby stated that the current cut through traffic and speeding on Holton Street and Blueberry Hill Road are not the fault of the petitioner but are current conditions, that this proposal cannot be compared to the previous ice rink that was in the neighborhood, that the City Council can impose conditions on the proposed use to prohibit expansion of the business, that evidence submitted during the process supports the grant of the special permit for many reasons, that the petitioner has twenty years of experience operating hockey facilities, that there is sufficient parking, that the petitioner know how much parking it needs and will not make and investment in a proposal which will not work, that there are children using the ice which will not involve alcohol, that the veterans' program prohibits the use of alcohol, that there are no spectator stands which limits the number of cars on site, that if nine out of ten customers obey the sign to take a left turn out of the parking lot the petitioner has accomplished something, that there is no snack bar, that there is a four foot safe pedestrian travel path proposed, that this proposal is an opportunity to eliminate traffic and condition a site that has many other by right uses possible, and that this will benefit the neighborhood. Anne Zammattio, 4 Hawk Road stated that she moved into the neighborhood four years ago, that after all the safety concerns she wants to know how the city will address the concerns on Holton Street and Blueberry Hill Road, that these safety concerns must be addressed, that vehicles travel at high rates of speed on these streets, that moving two trucks from the site compared to sixty or seventy cars a day should be a consideration, that lighting is not adequate in the area, and that the neighbors do not want more traffic in the neighborhood. Mark Ellis, 45 Blueberry Hill Road stated that the refrigeration unit will operate 24 hours per day, and that there is a difficult turn in the road in this area. Motion made and 2nd to close the

public hearing, all in favor, 9-0. PUBLIC HEARING CLOSED. Alderman Gately stated that no one is against Woburn Youth Hockey, that no one in the city would do anything to hurt the military veterans, that it is untrue to say that if the City Council does not approve the special permit that this will hurt veterans, that he spoke to Bob Holland who said he never heard of the veterans' group, that the property does not comply with the setbacks, that the proposed use is detrimental to the existing neighborhood, that the facility will operate fifteen hours a day seven days per week, that the facility would not open at 7:00 a.m. if customers were not expected, that there will be hundreds of cars going to this facility, that ten vehicles an hour will be 1,000 vehicles per week, that this will be detrimental to the city, that the city should encourage the most appropriate use of the land in the city, that he would encourage this use in the North Woburn industrial park area but not in this area, that his daughter has a home in the area that was struck by a vehicle, that traffic on the hill is unsafe particularly during winter months, that allowing this use will bring more vehicles up Garfield Avenue, Holton Street, Fulton Street, Blueberry Hill Road and other area streets, that he appreciates what the petitioner wants to do but parking is not adequate, that the 90 foot drop in the rear is an issue, and that the use does not belong in the neighborhood. Alderman Campbell stated that this appears to be a benign use but after investigating it is not, that the vehicles will use Blueberry Hill Road, that the Montvale Avenue construction project will push the vehicles to Blueberry Hill Road, that parents will look for the quickest route, that most of the vehicle traffic will be in the afternoon, evenings and weekends, that most businesses do not have night and weekend traffic, that there is no guarantee that another business would not have night or weekend hours but it is less likely, that having traffic nights and weekends is part of the petitioner's business plan, and that she thanks the petitioner for making changes to the plan and supporting the military veterans but this is not the right place for the ice rink. Alderman Concannon stated that a lot of information has been gathered, that the City Council must make a decision based on what the use will be, that the City Council must consider once in what the impact of the ice rink may be on the neighborhood, that the petitioner has a lot of experience at ice rinks in the area, and that he believes the impact of the use will be more what the petitioner has presented than what the neighbors fear. Alderman Mercer-Bruen stated that this is one of the hardest proposals she has considered, that the city must get trucks off Holton Street and she knows the impact of cut through traffic on the neighborhoods, that the volume of traffic from the facility might not be as great as stated but it will generate traffic in the neighborhoods, that Woburn is a thriving city and the traffic cannot be stopped but the City Council can be more mindful of the traffic issues, that it struck her when she heard the facility is bigger than the Holland rink but has less parking, that she does not see how the parking will work, and that she cannot support the petition. Alderman Anderson stated that this is not about whether the City Council supports hockey or the military veterans, that he believes the position of the petitioner, that the petitioner has much experience operating hockey rinks and knows the model, that he is concerned about what else will go on this site, that the hockey rink is a better use than a lot of uses that can go on the site, and that the hockey rink is an allowed use for the area except for the nonconformities. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the SPECIAL PERMIT be DENIED for the following reasons: 1. Extension of a nonconforming use, 2. Increase in traffic on neighborhood and area streets, and 3. Safety issues, ROLL CALL: Anderson – No, Campbell – Yes, Concannon – No, Gaffney – Yes,

Gately – Yes, Higgins - Yes, Mercer-Bruen – Yes, Tedesco – No, Haggerty – Yes, Motion Passes. SPECIAL PERMIT DENIED.

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

President Haggerty called the meeting back to order.

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

A communication dated August 13, 2018 with attachments was received from Attorney Mark J. Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 as follows:

Re: 130 Commerce Way

Dear President Haggerty and Aldermen,

The following are the proposed conditions for a Special Permit at 130 Commerce Way Street for a Medicinal Treatment Center and Reduction in Parking:

1. The hours of operation shall be Monday through Saturday, 9 AM to 9 PM and Sunday 10 AM to 7 PM.
2. The snow storage shall be as shown on plan and if said storage area is inadequate for any particular storm, snow shall be remove offsite.

3. That the Planning Board proposed conditions 1-4, dated August 9, 2018, be incorporate and adopted in this decision.

Thank you for your consideration in this matter and please call with any questions.

Very truly yours, s/Mark J. Salvati

Attached thereto was an Affidavit dated August 13, 2018 from Sam Ganglani, owner of 130 Commerce Way and Manage and Member of Ganglani Properties LLC and a plan entitled "Concept Site Plan, 130 Commerce Way, Woburn, Massachusetts" dated August 7, 2018 and prepared by Places Associates, Inc. Motion made and 2nd that the communications be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that the use is allowed in the I-P zoning district with a special permit, that the petitioner had the lease for over one year, that after one year of meeting with the Mayor and the city's Substance Abuse Officer the petitioner received a letter of no opposition from the Mayor as required by the Cannabis Control Commission, that the petitioner entered into a Host Agreement with the city which was reviewed by the City Solicitor, that 3% of gross sales for a period of five year will be paid to the city as well as 1% of gross sales as a charitable contribution which the Mayor has full discretion to disburse, that any discrepancies must be reported to the Police Department within 24 hours, that the locus is at the intersection of Commerce Way and Atlantic Avenue, that the other tenant Mannix operates a warehouse with five staff members and no customers at the site, that changes were made to the parking plan after conferring with the Planning Director and Building Commissioner, that the other tenant will require five dedicated parking spaces and the remainder of the parking spaces will be dedicated to the petitioner, that the petitioner will typically have eight people on site at one time, that an island on Presidential Way would prevent vehicles from crossing over the other lanes of traffic on that street, that most customers will be repeat customers who will know the proper way to enter the lot, that there are 36 parking spaces on site although the petition was for a reduction to 35 parking spaces, that there are three loading docks, that the other tenant with three tractor trailers is an export business and will remain at the location, that he is not certain whether the Fire Department reviewed the plan, that the Planning Director was going to confer with the Fire Department but he is not certain that she did, that fifty parking spaces are required because the other tenant has so much storage, that the petitioner only needs sixteen parking spaces, that the customers will only be on site for 30 to 45 minutes each visit, that there will be fifty to one hundred vehicles to the site each day, and that the average customer visit is seven minutes. Attorney Salvati offered a copy of a letter dated August 14, 2018 from Police Chief Robert Ferullo to the City Council for review. Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Jason Sidman, CEO of the petitioner stated that they have been in business for four years, that they were the first to dispense and cultivate marijuana in New Hampshire, that they have 1,700 customers, that they operate the first dispensary in Gardner, that they cultivate marijuana in Littleton, that they will be opening facilities in Andover and Salem, that they have been working on opening at the locus for eighteen months, that this will be the only dispensary on Route 93 from New Hampshire to Somerville, that the customer has to be certified by their doctor to have a qualified

condition, that the customer meets with the patient care advisor or medical doctor on site, that they review information related to the product and find the product appropriate for the customer, that a doctor can make a recommendation by certifying the patient has a qualified condition but cannot prescribe marijuana, that the petitioner is mandated by the State to use seed to sale software to track the product the entire time, that Century Bank handles the accounts and conducts monthly auditing, that there will likely be between 50 and 100 customers per day at this location, that the number of medicinal customers continues to increase in places where recreational marijuana is also allowed, that customers used debit cards and credit cards with a pin for 60% of the payments and the remainder are with cash, that the Host Agreement was submitted to the Department of Public Health and there appear to be no issues, that the Cannabis Control Commission does not review the agreement because this is a medicinal dispensary, that there is not a requirement for a Host Agreement for a medicinal dispensary, that the petitioner has similar Host Agreements with other communities, that the payment to the community can be from 3% to 5% of gross sales for up to five years as well as the 1% of gross sales to charity, and that the Woburn Host Agreement is an aggressive host agreement. Alderman Mercer-Bruen stated that she supports medical marijuana, that the proposed use is for a medical marijuana dispensary for people who are sick, and that there are already pharmacies in the city that sell strong opioids. Alderman Gately stated that he is concerned with the plans, that the exit onto Presidential Way could cause issues with drivers crossing three lanes of traffic, that the vehicles are required to turn right but could try to go left, that vehicles may take a left from Presidential Way rather than from Atlantic Avenue, that there is an incline where the canopy is shown on the plan, and that there could be issues with tractor trailer trucks backing into the loading dock with cars parked nearby. Alderman Anderson stated that it appears as though the other tenant will use three parking spaces and taking out the nineteen required under the zoning code there is enough parking. Attorney Salvati responded that is correct. Alderman Anderson stated that he has an issue with the Mayor having sole discretion over distribution of the 1% charitable contribution to any charity that he chooses, that the City Solicitor advised that she would have the Host Agreement reviewed by the Attorney General, and that he does not believe the Host Agreement would pass such a review. Alderman Higgins asked whether the plans were reviewed by the Fire Department. Alderman Campbell stated that she is tightness of the site, that she understands a company is currently operating at the location, that when 50 parking spaces are required, the petitioner is requesting a reduction to 35 parking spaces this is a concern, and that it was stated that 50 to 100 vehicles will be going to the locus each day. Alderman Haggerty stated that he is not certain he likes the location for the use, that the city is trying to redevelop the area, and that a residential development has been permitted across the street. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON SEPTEMBER 18, 2018 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

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 exiting, 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

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 Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he offered a plan entitled “Woburn Toyota, 304 Washington Street, Woburn, MA Floor Plan Index AO.4” and a plan entitled “Woburn Toyota, 304 Washington Street, Woburn, MA Second Floor Plan A2” both dated 08 Aug 20, revised 1/14/16, revised 5/20,16, revised 12/9/16 and revised 1/23/18 and both prepared by The Curtis Architectural Group for the City Council to review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Attorney Tarby stated that the petitioner seeks to modify a special permit for their automotive dealership by revising the site plan of record, that the petitioner intends to relocate the pylon sign to a position with better visibility for traffic, eliminate two parking spaces, erect a thirty foot flag pole on top of the building, use granite curbing rather than precast curbing, replace the curb stops with guardrails, create an additional ten parking spaces within the building increasing the number from 369 to 379 parking spaces, show the location of the concrete pad for the fuel tank, and replace the sign with a larger sign, that the floor plan shows a café for the petitioner’s employees and customers, that the café will serve breakfast items in the morning and sandwiches during the day, that this is a common use in other dealerships, that the inflammable license estimated fuel storage for vehicles parked in the building sufficient to cover these additional ten parking spaces, that the intent of the café is for use of customers and employees on site and not for the general public, that some automobile dealerships have hair and nail salons on site as well as other amenities, and that the Board of Appeals approved the location of the pylon sign. Attorney Tarby offered a letter dated July 25, 2018 from Timothy J. Williams, P.E., Principal, Allen & Major Associates, Inc., 100 Commerce Way, Woburn, Massachusetts 01801 entitled “A&M Project #1874-01A, Woburn Foreign Motors, Minor Site Plan Modifications, 394R Washington Street, Woburn, MA” to the City Council for review. Motion made and 2nd that the communication be received and made part

of the record, all in favor, 9-0. Timothy Williams stated that the petitioner wants to move the pylon sign for better visibility, that the Board of Appeals reviewed the pylon sign issue, that the petitioner will lose two parking spaces with the relocation of the pylon sign, that the new location will prevent the nearby Hogan Tire sign from being blocked, that there will be a thirty foot flag pole erected on the building, that the petitioner will use granite curbs instead of precast curbing which will look good, that parking bumpers were intended but there will be guardrails instead along the fence of the building to protect the façade, that the plan incorporates the fuel storage tanks, that there will be an additional ten parking spaces in the building for storage, that there will be a net gain of eight parking spaces as there were to be 500 parking spaces and now there will be 508 parking spaces, and that a tiered block wall on site was always part of the plan. Rick Alessi, Fixed Operations Manager stated that they have had a vehicle bump into the building, that the guardrail will protect the building, and that the guardrail will be constructed of wood. 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. All conditions in the special permit not otherwise modified by this special permit shall remain in full force and effect, 9-0.

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

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,
Alderman Concannon and Alderman Mercer-Bruen

Alderman Gafney stated that the intent of the Order is to start the process to identify what portion of the former Spence Farm site will not be used for school purposes, that goal is to have that property covered by Article 97, that this can be reviewed in committee to draft the appropriate language, and that the city must preserve the land for agricultural purposes and keep the land as open space. Alderman Mercer-Bruen stated that preserving the land for open space as well as restoring the walking trail were considerations early in the process. Motion made and 2nd to hear from the public on this matter, all in favor, 9-0. Marie Leen, 6 Marion Avenue stated that she hopes this is accomplished, that the neighbors were told this action would be taken, that she appreciates the effort, and she hopes the matter moves quickly. Anne Dowd, 43 Wyman Street stated that she was told this action would be taken two years ago once the school was complete. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON INFRASTRUCTURE AND PUBLIC LANDS, all in favor, 9-0.

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

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 1. ("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.*”

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Alderman Anderson stated that he and Alderman Tedesco discussed this with the Planning Director and agrees with the amendments recommended by the Planning Board, that they reviewed the net floor area and gross floor area definitions, that the gross floor area definition included parking areas and hallways, and that these changes are a better calculation. Alderman Tedesco stated that the definitions of floor area are proposed to be changed to conform to the Building Code. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the ORDER be ADOPTED, AS AMENDED with the amendment as follows: 1. That the recommendations of the Planning Board be adopted, all in favor, 9-0.

Presented to the Mayor: August 16, 2018 **s/Scott D. Galvin August 16, 2018**

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

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. 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 INFLAMMABLE LICENSES be REVOKED, all in favor, 9-0.

Presented to the Mayor: August 16, 2018 **s/Scott D. Galvin August 16, 2018**

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. President Haggerty stated that he has had several communications with the property owner, that this is the location of the Family Dollar store, that substantial improvements have been made, that the property owner painted the front of the building and the sign, that brick was added to the front, that the windows have been covered to obscure the interior shelving from the street, and that he asks that the matter be dismissed. 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 MATTER be PLACED ON FILE, all in favor, 9-0.

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

Presented to the Mayor: August 16, 2018 s/Scott D. Galvin August 16, 2018

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

Presented to the Mayor: August 16, 2018 s/Scott D. Galvin August 16, 2018

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

NEW PETITIONS:

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

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

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

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

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

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

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

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

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

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

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 draft 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 Mercer-Bruen (per request)

Alderman Mercer-Bruen stated that she spoke to the City Solicitor who indicated she heard no concerns from neighbors, that she wants to be certain the sale of the land is advertised, and that these matters should be discussed in committee. Motion made and 2nd that a communication be sent to the City Solicitor requesting a copy of the appraisal, all in favor, 9-0. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON INFRASTRUCTURE AND PUBLIC LANDS, all in favor, 9-0.

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. Motion made and 2nd that the CONSERVATION RESTRICTION be ACCEPTED, all in favor, 9-0.

Presented to the Mayor: August 16, 2018

s/Scott D. Galvin August 16, 2018

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. Motion made and 2nd that the communication be accepted and made part of the record, all in favor, 9-0. Motion made and 2nd to suspend the rules for the purposes from hearing from the petitioner, all in favor, 9-0. Appearing was Joe Cincotta, Vice Chair, United

Steel Workers Local 1201204 and he stated that he works full-time for National Grid in the field, that he has been with the company for 28 years, that most systems have one or two pressures and Woburn has four pressures, that the workers must have knowledge of the systems, that the company wants to replace all the metal pipe with plastic pipe, that the project is five years into a twenty year plan, that the company brought in contractors to do the work, that there is need for oversight by the company's employees, that there has to be employees with experience on the equipment to bring the system on line, that the employees are currently locked out and not performing this work, that the employees are seeking a moratorium on the work until the lockout ends, that it is not in the interest of public safety to not have experienced employees doing the work, that there are 1,200 employees locked out by National Grid, that the employees did not choose this lockout, that the parties were negotiating the contract, that at the expiration of the contract National Grid gave a final offer and because there was no agreement the company locked out the employees and within seven days cut off their health insurance, that this is not a strike and the contract has a no strike clause, that there have been several bargaining positions but National Grid has not changed its position, that the employees are asking communities to implement moratoriums on the work, that approximately sixteen or seventeen communities have implemented a moratorium until the lockout has ended, that management supervisors are doing some of the employees work but do not have hands on experience, that over thirty complaints have been filed with the Department of Public Utilities about unsafe conditions at the work sites, that there is not proper inspectional oversight, that the last lockout was in 1993, that healthcare insurance is an issue, that the company wants new hires not to receive benefits that current employees do such as a defined benefit pension and health care coverage, and that the employees want more oversight on projects because they have grown over the past few years. Alderman Gately stated that he worked with the employees for over forty years, that he does not like efforts to bust unions and hurt people, that the only issue is contractors in Woburn with gas permits to demolish homes need to cut off service cannot do the work under the permit, and that this is not for new service but to shut off existing service. Mr. Cincotta stated that National Grid is not doing any of that work because they are trying to keep up with emergency gas leak calls, and that jobs not getting done have nothing to do with the moratorium but with the level of work National Grid must address. Alderman Gately stated that the permits are valid but National Grid has to get the staff to do the work. Mr. Cincotta stated this is correct. Alderman Concannon stated that he understands that the employees are not asking the city to get involved in contract issues nor should they. Mr. Cincotta stated that the employees are not asking the city to get involved in contract issues. Alderman Concannon stated that he wants to hear if there has been a resolution at the Department of Public Works relative to the thirty complaints and whether there were safety issues, that he wants to know why the work being done is not being done correctly, that it is only fair to hear from National Grid as to their position on safety issues, and that he wants to know whether the Superintendent of Public Works is asking to impose the moratorium because of the current conditions. Alderman Anderson stated that he is concerned about the city being used in contract negotiations, that he wants to hear from the petitioner relative to the public safety concerns, and that the City Council is not experts on this issue. Mr. Cincotta stated that in meetings with other communities the union has been asked whether National Grid could be invited to attend the meeting and the union has been willing to have National Grid representatives present. Alderman Anderson stated that he would like to hear from the

Superintendent of Public Works as to whether he is seeing issues on the street. Mr. Cincotta stated that these are safety based concerns. Motion made and 2nd to return to the regular order of business, all in favor, 9-0. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON INFRASTRUCTURE AND PUBLIC LANDS, all in favor, 9-0. Motion made and 2nd that a communication be sent to the Superintendent of Public Works for his opinion on the issue and that the Superintendent of Public Works and representatives of National Grid and the union employees be invited to attend the committee meeting, all in favor, 9-0.

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

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

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

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

Presented to the Mayor August 16, 2018 and ten days having elapsed without same being approved, said Resolve became effective without his signature on August 28, 2018.

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

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

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

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

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

Alderman Mercer-Bruen stated that she would like the City engineer to attend a meeting with the City Council to discuss the matter but due to his schedule she asks for a memorandum instead. Motion made and 2nd that the ORDER be ADOPTED, AS AMENDED with the

amendment as follows: "That the New Boston Street Bridge project be included in the request, all in favor, 9-0.

Presented to the Mayor August 16, 2018 and ten days having elapsed without same being approved, said Resolve became effective without his signature on August 28, 2018.

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

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

Presented to the Mayor August 16, 2018 and ten days having elapsed without same being approved, said Order became effective without his signature on August 28, 2018.

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

Alderman Tedesco stated that this Order is relative to panhandling, that some cities have accepted as State law on the issue, that the City Solicitor is reviewing the Order, and that the Police Chief has concerns about whether a roadway is under State or city jurisdiction. Motion made and 2nd that the ORDER be ADOPTED, 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 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

Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, 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 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

Alderman Tedesco stated that the opinion of the Building Commissioner is that vehicles can park in the buffer area during the night but not during the day, and that he suggests allowing vehicles to park in the buffer area during the day but not during the night would be better. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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

Alderman Tedesco stated that this Order will amend the Zoning Ordinances to conform with the Building Code with respect to calculating these areas. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:40 p.m.

A TRUE RECORD ATTEST:

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