

**CITY OF WOBURN  
JULY 17, 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	

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The City Council observed a moment of silence in memory of former Clerk of Committees Anne Beauchamp who passed away recently.

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

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**MAYOR'S COMMUNICATIONS:**

A communication dated July 12, 2018 with attachment was received from His Honor the Mayor as follows:

Richard Haggerty, City Council President  
Members of Woburn City Council

I am attaching a letter of non-opposition to Sanctuary Medicinals, Inc. for the proposed operation of a Registered Medical Marijuana Dispensary at 130 Commerce Way. I have also included a copy of the executed host agreement for your file.

A special permit from The City Council will be required to allow Sanctuary Medicinals Inc. to operate at the site.

I will be available to discuss the terms of the agreement a time of your convenience

Sincerely, s/Scott D. Galvin, Mayor

Attached thereto was the following:

A communication dated July 12, 2018 from Mayor Scott D. Galvin to Executive Office of Health and Human Services, Department of Public Health, Bureau of Health Care Safety

and Quality, Medical Use of Marijuana Program, RMD Applications, 99 Chauncy Street, 11th Floor, Boston, Massachusetts 02111

Re: RMD Application – Sanctuary Medicinals, Inc.

Dear Commissioner Bharel:

I, Scott D. Galvin, do hereby provide this letter of non-opposition to Sanctuary Medicinals, Inc. to operate a Registered Medical Marijuana Dispensary ("RMD") at 130 Commerce Way, Woburn, MA.

I have verified with the Building Commissioner who is the appropriate local official, that the proposed RMD facility is located in a zoning district that allows such use pursuant to local permitting.

Sincerely, s/Scott D. Galvin, Mayor

Attached thereto was a document entitled “Sanctuary Medicinals, Inc. Host Community Agreement for Siting of a Dispensing Facility in the City of Woburn” dated July 12, 2018 signed by Mayor Scott D. Galvin on behalf of the City of Woburn and Jason A. Sidman CEO on behalf of Sanctuary Medicinals, Inc.

Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND MADE PART OF THE RECORD, all in favor, 9-0.

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ORDERED That the sum of \$86,000.00 be and is hereby transferred as so stated from Traffic Safety & Infrastructure Acct #360058-588400 Dave & Busters \$56,000.00, Acct #360058-588165 Study Design Const \$25,000.00, Acct #360058-588190 Traffic Cont & Equip \$5,000.00, Total \$86,000.00 to Various Accounts, Acct #0112158-589246 Woburn Landing Consultant \$15,000.00, Acct #0112158-589247 Source Water Assessment \$25,000.00, Acct #0112158-589248 Mishawum & Ryan Lighthouse \$6,000.00, Acct #0112158-589249 Consultant Wob. Mall Dev. \$35,000.00, Acct #0112158-589250 Consultant Traffic Comm. \$5,000.00, Total \$86,000.00.

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

s/President Haggerty

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

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**PUBLIC HEARINGS:**

On the petition by NStar Electric Company d/b/a Eversource Energy for a grant of right in a way to relocate on stub pole on Campbell Street southerly side approximately 20 feet east of Main Street. PUBLIC HEARING OPENED. Appearing for the petitioner was Jacqueline Duffy, Right of Way Agent and she stated that the petition is to relocate a utility pole to accommodate the new municipal parking lot, that the petitioner received approval from the Mayor to perform the work, and that the work was finished last week. President Haggerty stated that the petitioner should not proceed in such a manner in the future, and that the City Council approves the grant of rights in a way. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the GRANT OF RIGHT IN A WAY be APPROVED, all in favor, 9-0.

**Presented to the Mayor: July 19, 2018**

**s/Scott D. Galvin July 19, 2018**

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Motion made and 2<sup>nd</sup> to hold the public hearing on the next two matters collectively, all in favor, 9-0.

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On the petition by Jamieson Properties, 627 Main Street, Woburn, Massachusetts 01801 to amend the 1989 Woburn Zoning Ordinances, as amended by adding a Section 31 Federal Street Smart Growth Overlay District (FS/SGOD) in accordance with the purposes of G. L. Chapter 40R as set forth in the petition. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Joseph R. Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner met with the Mayor, that the petitioner is working with the Mayor and Planning Board Director to resolve the requirement of a public hearing held by the Mayor, that the Planning Director is away from the office, and that the petitioner requests the matter be continued to allow further time to resolve this issue. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON SEPTEMBER 18, 2018, all in favor, 9-0.

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On the petition by Jamieson Properties, 627 Main Street, Woburn, Massachusetts 01801 to amend the Zoning Map of the City of Woburn by changing the zoning district for the property located at 14 Federal Street and 14R Federal Street containing approximately 11,325.6 square feet of land from the B-D zoning district to the FS/SGOD zoning district. PUBLIC HEARING OPENED. See record notes from preceding matter. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON SEPTEMBER 18, 2018, all in favor, 9-0.

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On the petition by Hill Hockey Clinic LLC, 16 Seabrook Road, Salisbury, Massachusetts 01952 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.17b and 7.3 to allow for use of the legal existing nonconforming structure for a hockey training facility at 90 Blueberry Hill Road. PUBLIC HEARING OPENED. A

communication dated July 17 was received from Building Commissioner Thomas C. Quinn, Jr. as follows:

Re: 90 Blueberry Hill Road

With regard to the above referenced, I have reviewed a site plan prepared by Allen & Major Associates dated April 26, 2018 with revisions thru July 3, 2018 and would offer the following:

1. Plan identifies 29 parking spaces to be stripped on existing paved areas, no information has been provided indicating this amount would be sufficient for the intended use, adequate barriers should be placed along the edge of paved area (northerly side rear of building) parking area as a protective measure due to change in topography.
2. Proposed dumpster and enclosure should be located on the property further away from any residential areas, with specified hours for allowed trash pickup, dumpster covers should be rubber or plastic to reduce any noise.
3. An exterior lightening plan should be provided to ensure all lighting is facing downward and adequate for the site, additionally this should also be required to ensure it does not create a nuisance for any adjoining properties.
4. Proposed stone walking trails should be constructed of a durable materials such as asphalt or concrete.

The Special Permit Application also references the Woburn Zoning Ordinances section 7.3 for the nonconformity of the building and parking setbacks. The City of Woburn Zoning Map Effective April 19, 1985 amended thru February 1986 did show this area including Fox Rd in the Industrial General Zone, city records indicate the structure was built in 1979.

If I can be of further assistance with this matter do not hesitate to contact me.

s/Thomas C. Quinn Jr., Building Commissioner

Motion made and 2<sup>nd</sup> 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, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that at the conclusion of the Committee on Special Permits meeting there were open issues to revise the plan and have the Building Commissioner review the plan, that Alderman Gately raised questions in a document filed with the City Clerk, that the Building Commissioner asked for further revisions to the site plan, that the petitioner is assembling additional documents for the City Council to review, and that the petitioner will submit the revised plan by the end of next week. Motion made and 2<sup>nd</sup> that the communication dated July 16, 2018 received from Fire Chief Stephen Adgate, the communication dated July 13, 2018 received from Stephen Ippolito and the documents received from Alderman Gately on July 16, 2018 be received and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: Arnold Dusablon, 3 Hawk

Road stated that he has concerns about increased and new traffic from the location, and that when exiting Eagle Road onto Holton Street there are many vehicles traveling at a high rate of speed. Darcy Hornberger, 5 Hawk Road stated that there are limited sidewalks, that this is a dangerous street, that she is concerned about safety and strangers being in her neighborhood, that the hours of operation coincide with when students are getting out of school, that if the customers are young children their parents will not drop off the child and leave to do errands as there are no places to go in the area, that there is no residential area near the petitioner's other facilities, and that the current business operating at this location does not have weekend or evening hours. Ms. Hornberger offered a document from Hill Hockey dated May 4, 2018 to the City Council for review. Motion made and 2<sup>nd</sup> that the document be received and made part of the record, all in favor, 9-0. James Healey, 47 Blueberry Hill Road stated that he has resided in his home for 31 years, that he does not understand how the 29 parking spaces can be utilized and leave room for fire trucks, that the petitioner compared the operation of this facility to the Holland ice rink but the petitioner has three other ice rinks, that the petitioner indicated there would be no issue with drinking alcohol but some of the customers will be fourteen and fifteen years old and there are issues with drinking alcohol among those ages, that the petitioner said he would eliminate the concession area however he encourages parents to attend events at the location, that he supports youth hockey but not in this residential area, that he worked with the police department to get children from out of the areas around the residences, that excessive parking issues is a concern, that most people will exit up Blueberry Hill Road as it is difficult to navigate Holton Street, that the traffic will be detrimental to the neighborhood, that this is not the right area for this use, that the use will be a hindrance to the neighborhood and the children, and that the petitioner asks the City Council to keep in mind the investment the petitioner has made on these issues but he asks the City Council to keep in mind the children and residents of the neighborhood. Mr. Healey offered photographs of the location to the City Council for review. Motion made and 2<sup>nd</sup> that the documents be received and made part of the record, all in favor, 9-0. Mark Ellis, 45 Blueberry Hill Road stated that he is concerned with parking along Blueberry Hill Road, that there are already cars parked along the road beginning at 7:00 a.m., that he is concerned about the noise and people walking around the neighborhood, that there is a hairpin turn in this portion of Blueberry Hill Road, that the sidewalks are three feet wide and not maintained, that in the winter there is less accessibility on the sidewalks, and that the question is not whether the city need a hockey rink as it does but not in this location. Ann Zammattio, 4 Hawk Road stated that she supports youth sports however Holton Street is dangerous with trucks, that the conditions are not good, that the additional traffic with the trucks on the road will be difficult, and that if the project moves forward she asks the city to work on improving the roadway and sidewalk on Holton Street. Jason Coakley, 46 Blueberry Hill Road stated that this is the wrong location for a hockey rink in this residential area, that the current tenant has regular business hours and is quiet on the weekend and at night, that the proposed use may have longer hours which will be detrimental to the residences, and that the safety of the children and residents of the neighborhoods is a concern. Linda Zani, 2 Eagle Road stated that more traffic will cause additional problems on the street, that she is concerned about the volume and speed of the traffic currently on the street, and that people unfamiliar with the area will drive into the cul-de-sacs. Mike Dupont, 43 Blueberry Hill Road stated that safety is an issue as well as traffic, and that the petitioner does want a satellite parking lot because of issues of the safety of the

children using the ice rink but he is concerned about the safety of the children who live in the neighborhood. Attorney Tarby stated that the Fire Chief reviewed the plans to date and provide a report, that the Traffic Commission is addressing the issue of parking on Blueberry Hill Road, that the advertisements were in reference to a full sheet of ice, that this rink will be a small sheet of ice, and that the petitioner will prepare additional documents to respond to the issues raised. Alderman Gately stated that the property is nonconforming, that part of this building infringes on the boundaries, that he received 63 emails on this issue from along the streets, that the first issues raised are safety and traffic, that the use does not belong in this area, that a prior hockey rink in this area closed, that there was a lot of after-hours activity at that former ice rink, that this location will be worse, that there could be 200 to 300 vehicles to this location over the week, that the City Council cannot allow this petition to decimate the neighborhood, that this is not the location for this use, that there is a lot of opposition by the neighborhood residents, that a no parking restriction on Blueberry Hill Road will create more issues with parking at this location, and that he has been overwhelmed by the response of the residents to this proposal. Attorney Tarby stated that there is no comparison between the hockey rink that was previously located in the area and the petitioner's proposal, and that the petitioner proposes a half sheet of ice. Alderman Gately stated that the petitioner seeks to make money, that the petitioner will book the ice every moment of the day seven days per week, that this proposal will not work for the neighborhood, and that the petitioner has ice time for eighteen-year olds at another location. Attorney Tarby stated that the other location is different as it is a larger sheet of ice, that it is the intention of the petitioner to address issues raised by the Building Commissioner with lighting plans and parking improvements, and that the petitioner just received the comments from the Building Commissioner this afternoon which did not give enough time to turn around the plan. Alderman Concannon asked that the nonconformity issue be addressed. Attorney Tarby stated that the use is allowed but the building is nonconforming because of the parking setback, buffer zone requirements and the loading dock is on the street, that the Holland ice rink was under 15,000 square feet and therefore the use was allowed by right without a special permit, and that the petitioner has no plan to use the loading dock. President Haggerty stated that the matter will be further reviewed in the Committee on Special Permits, and interested parking can call the office of the City Clerk for more information as to when that meeting will be held. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON AUGUST 14, 2018, all in favor, 9-0.

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On the petition by The Dough Connection Corp., 32A, 32B and 32C Holton Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.57b and 8.2.5 to allow for the overnight parking of petitioner's commercial vehicles and a reduction in the required number of parking spaces at 32A, 32B and 32C Holton Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "back for action pending receipt of report from the Building Commissioner." A communication dated July 17 was received from Building Commissioner Thomas C. Quinn, Jr. as follows:

Re: Dough Connection 32A, 32B and 32C Holton Street

With regard to the above referenced, I have reviewed the request for information and offer the following:

1. Documents have been obtained from the applicant's attorney indicating a water well was installed on the premises and used for dishwashing purposes without any approvals, Permits are required from the Inspectional Services Department if the well is allowed through the Woburn Public Works Water Department and Board of Health both departments have also been made aware of this issue.
2. The concern of a buffer zone between the subject property and 30 Holton Street is referenced in a variance decision granted May 3, 1984 (no record of recorded variance could be located), it should be noted that both properties are in the Industrial General Zoning District and the buffer zone requirements of the current Woburn Zoning Ordinances section 5.7 would be from the northerly lot line of 30 Holton Street a single family home in an Industrial Zoning District. I could not locate any documents that would provide a reason for this condition which conflicts buffer zone requirements. The Zoning Ordinance in effect in 1984 was the 1970 Ordinance as amended thru April 1, 1984 which had less restrictive buffer zone requirements than the current ordinance of today, this condition would also be in conflict with the requirements in effect at that time.

The property owner of 30 Holton Street did have some concern a few years ago regarding trash and broken fencing that were resolved, the area between the building of 32 Holton Street and the property line of 30 Holton street consists of concrete, stone, fencing and paving that appear to have been the same for some time.

s/Thomas C. Quinn Jr., Building Commissioner

Draft conditions offered by Alderman Mercer-Bruen

1. Overnight parking Limited to 7 box trucks and 1 van
2. All trucks/vans to be registered in Woburn
3. Special Permit is non-transferable
4. Dumpster will be enclosed
6. Rodent control measures in place at all times
7. All trucks and van to be backed in and parked in the loading dock area at the end of the day
8. The parking lot will be striped to indicate all parking spots available for Condo A, B, & C. Upon striping, the building department shall verify parking area.
9. When loading the trucks in the morning, trucks will be not beep
10. There will be no idling of trucks or vans. In the event that trucks need to run to keep them from freezing, they will be removed from the premises to do so.
11. Dumpsters will only be emptied between 7am and not after 7PM as per Woburn Municipal code
12. There will be no snow storage on site
13. Hours of operation - 4:30am - 7:00pm
14. The 35 foot buffer zone along the residential fence line will be maintained. There will be no parking of any vehicles inside this buffer zone.

15. Signs will be posted making employees aware not to yell, play loud music, congregate for any reason other than loading of trucks, cleaning and sweeping the lot or emptying trash.

Motion made and 2<sup>nd</sup> that the communications be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Joseph R. Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner reviewed the draft conditions, that he asks condition #3 be changed to allow a transfer to a similar use, that condition #9 is addressed by condition #7 as no trucks would be backing up in the morning, that MassDOT does not allow the back-up beeper warning sound to be disconnected on trucks, that as to condition #12 there has been snow storage in the past at the rear of the building and when there has been excess snow it has been removed from the site, that as to condition #13 the petitioner wanted assurances this would not exclude a truck that may have been delayed for good cause from being returned to the building during different hours, that as condition #14 the petitioner would propose not to use the area along the property line of the abutting residence except for three visitor parking spaces in that area and will maintain the fence, that the petitioner understands there is a residential use next to the locus, that both the petitioner's property and the residential use are located in the industrial zoning district, that the petitioner will leave that area open as a buffer with the exception of the three visitor parking spaces, that the visitor parking will be located near the street and the abutting residence is set further back from the street, that the minimum 35 foot buffer zone along the residential property line will be maintained with no use except for the three visitor parking spaces and signs, and that the petitioner will follow-up on the issue of the well but cannot insure the issue will be resolved within twenty days. Mark Pesaturo, President stated that signs will be posted to prohibit vehicles from encroaching on the residential neighbors property, that the snow will be managed by pushing it behind the building, that there is an area fifteen to twenty feet deep and 160 feet wide behind the building for snow storage, that if the property cannot function properly due to the amount of the snow then the snow will be removed from the site although it is expensive to do so, that he is concerned about the restriction on transferability of the special permit, that he was leasing property and made a large investment to purchase this building, that the transferability restriction will diminish the value of the property, that he understands if the business grows and he needs another truck he will have to come back to the City Council and incur the additional attorney's fees to do so, that at times they have projects requiring extensive work but the work is quiet, that he should be allowed to manufacture his product in his building, that he pays \$27,000.00 each year in real estate property taxes, that he wants to be able to park his trucks on site, that he has not had any complaints from neighbors in five years, that the business may outgrow the building and if he sells the property the restriction on transferability of the special permit devalues the property, that the well work was done by American Artesian Well, that they were supposed to inform someone that the well was drilled and samples taken, that he was told this was done, that he uses the well water for dishwashing but not for the product, that he uses Woburn water for the product, that he is concerned about having to close at 7:30 p.m. if he is experiencing growth in the business, that if the special permit restrictions refer to just the trucks he can ensure the trucks are parked within those hours but if he has business that allows work 24 hours a day with another shift because of growth he would like to do so, that he understood the hours of operation were in reference to the trucks but not the light manufacturing use, that he does not want to be prohibited from doing paperwork outside the



proposed hours of operation, that the well was installed in 2009 or 2010 and he has proof of the work being done at that time, and that the excise taxes for the trucks are being paid to Woburn. Alderman Mercer-Bruen stated that she has concerns about changing the restriction on the transferability of the special permit, that the petitioner has been operating for a while without the special permit, that she would not want condition #3 changed, that she understands the back-up beeper warning sound on the trucks cannot be disabled but she does not want the trucks beeping at 4:30 a.m., that she is willing to work on the language in condition #9, that she understands there will be three visitor parking spaces in the buffer area and that the fence will be maintained, that she is willing to remove condition #9, that condition #15 was the result of the petitioner's employees allegedly making noise and urinating outside the building, that the language in condition #15 could be amended, that the petitioner was asked over a year ago to apply for the special permit because the trucks were being parked on site illegally, that the city has not fined the petitioner for having the trucks on site without a special permit, that the petitioner is fortunate the petitioner did not shut the business down, that she does not want snow stored on site if there is more than a half foot of snow, that the snow should be removed from the site, that she will not budge on the restriction on transferability of the special permit, that the petitioner has been operating a water well without a permit, and that certification regarding the well should be provided within twenty days rather than ninety days. Alderman Mercer-Bruen offered three additional proposed conditions that she received from Alderman Gately as follows:

16. The petitioner shall make available contact information in case of complaints from neighbors. (Ald. Gately)
17. The petitioner shall make available any information about water well permits, use and testing (Ald. Gately)
18. Any damage to neighboring property caused by on-site deliveries shall be repaired. (Ald. Gately)

Alderman Anderson stated that the water well should not be used if it is not permitted. Alderman Gately stated that the well water is used to wash the dishes and then the petitioner's product goes on those dishes, that he wants a certification filed within ninety days that the well water is safe, and that the hours of operation were proposed by the petitioner. Alderman Campbell stated that she has an issue with condition #15, that the petitioner owns the property and the employees should be able to outside and talk, congregate and eat their lunch, that she is concerned with the phrase "congregate for any reason", and that ninety days for the certification of the well to be filed is reasonable. Alderman Higgins stated that the petitioner proposed these conditions and now is raising other circumstances which are contrary to those conditions, that these issues should have been brought up in committee, that if the petitioner's business grows he can come back to the City Council, that the City Council wants to insure that any changes fit in the neighborhood, and that the city wants the petitioner's business to grow. Alderman Tedesco stated that there are light manufacturing uses on Presidential Way that have longer hours because the work takes place inside the building, that when work takes place outside there are restrictions on the hours of operation, and that internal work could operate 24 hours a day with the restriction on the hours when the trucks can operate. President Haggerty stated that ninety days for the certification of the well to be filed is reasonable. PUBLIC COMMENTS: None.

Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the proposed condition #12 be amended to read as follows: "12. The petitioner shall file a snow storage and removal plan with the Building Department", all on favor, 9-0. Motion made and 2<sup>nd</sup> that the proposed condition #13 be amended to read as follows: "13. There shall be no trucking activity between the hours of 7:00 p.m. and 4:30 a.m.", all in favor, 9-0. Motion made and 2<sup>nd</sup> that the proposed condition #9 shall be deleted, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the proposed condition #18 be amended to read as follows: "18. Any damage to neighboring property caused by on-site deliveries shall be repaired by the petitioner", all in favor, 9-0. Motion made and 2<sup>nd</sup> that an additional condition numbered accordingly shall be added to read as follows: "The petitioner will provide evidence of well use and testing within 90 days of the issuance of the special permit", all in favor, 9-0. Motion made and 2<sup>nd</sup> that the proposed condition #15 be amended to read as follows: "15. Signs will be posted making employees aware not to yell or play loud music or cause disturbance for any reason", all in favor, 9-0. Motion made and 2<sup>nd</sup> that the City Clerk shall renumber the conditions as necessary, all in favor, 9-0. Motion made and 2<sup>nd</sup> that an additional condition numbered accordingly shall be added to read as follows: "The special permit shall be reviewed within one year from the date of issuance of the special permit", 7 in favor, 2 opposed (Campbell, Haggerty opposed). Motion made and 2<sup>nd</sup> that an additional condition numbered accordingly shall be added to read as follows: "Testing of the back-up generator will only occur between the hours of 7:00 a.m. and 7:00 p.m.", all in favor, 9-0. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED with the eighteen proposed conditions as further amended, all in favor, 9-0.

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On the petition by Diprio Construction Corp., 271 Salem Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57a to allow for overnight parking of three commercial vehicles and Section 5.1.57b to allow for accessory parking of one storage container at 271 Salem Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass with the conditions as follows: 1. The three vehicles allowed by special permit will be one pickup truck and two utility trailers; 2. All three of the aforementioned vehicles will be registered with the city of Woburn; 3. There shall be no idling of trucks in violation of the Woburn Zoning Ordinance; 4. There shall be no outside storage of construction materials; 5. There shall be no delivery of construction materials to the site; 6. Hours of operation shall be from 7 a.m. to 4 p.m., with the exception of snow plow operations; 7. The parking lot shall be striped; 8. The special permit is specific to DiPierro & Brown Construction and is not transferrable; 9. The storage container shall be removed on or before November 30, 2018." A communication dated July 11, 2018 was received from Attorney Mark J. Salvati as follows:

Re: 271 Salem Street

Dear Gordon,

Request is made to issue the Special Permit in the name of Dipierro and Brown Construction. The petition has the petitioner misspelled and omitted the name of Brown.

Thank you for your attention to this matter.

Very truly yours, s/Mark J. Salvati

Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that he asks the name of the petitioner be amended due to a typographical error, and that the petitioner agrees with the nine conditions. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the name of the petitioner be amended to “Dipierro and Brown Construction” due to a typographical error, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the nine conditions recommended in the committee report be adopted as conditions of the special permit, all in favor, 9-0.

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

Subject: McDonalds @ 187 Cambridge Road

The following is a summary of my limited evaluation of the McDonalds project based upon plans entitled “SITE DEVELOPMENT PLANS”, for Proposed McDonalds with Drive-Thru, prepared by Bohler Engineering, dated 5/15/18 which were submitted to this office on July 6, 2018. We have had limited time to review the plans and verify this design. I would prefer to meet with the applicants engineer to get a more definitive memo on this project. However, the following are my comments based upon my review.

**WATER:**

- Water mains must be cut and capped at the mains if they are not to be reused. We will need to evaluate the conditions of the existing services if they are to be reused. The design engineer should verify that there is adequate capacity for domestic and fire requirements. In addition, the service lines do not appear to meet separation requirements set forth by Title V and to DPW specifications. I would like the chance to meet with the design engineer with the City Engineer, Fire Department and the Water Superintendent to ensure adequate placement of the utilities as well as the location of the adjacent hydrants. Additional gates may be required within this water layout.

- A notation should also be added requiring a minimum of five foot separation between the gas and water mains.
- Hydrant Flow Test information should be forwarded to this office for review and evaluation.
- As-Built Plans should be provided at the conclusion of the project to the satisfaction of the DPW, Water and Engineering Departments. I highly recommend that a pre-construction meeting be held with the utility contractor for proper permitting and understanding of the utilities prior to any further excavation if in fact the City Council issues an approval for this project.

#### SEWER:

- The location of the sewer is too close to the water main as previously noted. A video with an associated report should be submitted for review and evaluation. Due to high groundwater in the area, infiltration is a major concern for to reuse of the existing service. In addition, the entire main should be evaluated for structural integrity as well as capacity.
- There appears to be a grease trap shown. Calculations should be submitted for review and evaluation by Engineering, DPW and Inspectional Services to ensure compliance. An Operation and Maintenance Plan should also be submitted to ensure future compliance. Grease has become a major concern for the city's sewer infrastructure. This is critical for proper operation of the municipal system

#### DRAINAGE:

This area has historically be problematic including recent issues. The area is within a Groundwater Protection District. I will defer to the City Engineer and the Conservation Commission on this. However, all effort should be taken to provide as much infiltration as possible. A SWPPP (Stormwater Pollution Prevention Plan) shall be developed prior to commencement of site demolition.

#### ROADWAY RESTORATION:

- I would recommend a minimum of 25 feet beyond the last penetration in each direction. In addition, this is a Mass DOT-controlled road and they may add more stringent requirements.
- I have not had adequate time to review all proposed sidewalks from the redevelopment. However, I typically request that all sidewalks be concrete, ADA compliant and have adequate safely positioned crosswalks to the adjacent sidewalks on the opposite side of the street.

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

Superintendent of Public Works John Duran

A communication dated July 11, 2018 was received from Conservation Commission Administrator Theresa Murphy as follows:

Re: McDonalds 187 Cambridge Road – Request for Comments

The Commission is awaiting the peer review report which will review the project for compliance with the Massachusetts Stormwater Management Standards and the Wetlands Protection Act (specially the filling of land subject to flooding). It appears unlikely that the peer review will be received in time for the Commission's meeting next week.

Conservation Commission Administrator Theresa Murphy

A communication dated July 11, 2018 from Greg Rheaume, Senior Engineer to Jay Corey, City Engineer was received as follows:

Subject: 187 Cambridge Road McDonalds Redevelopment Site Plan Review

This office is in receipt of plans titled "SITE DEVELOPMENT PLANS, for Proposed McDonalds with Drive-Thru, prepared by Bohler Engineering, Dated 5/15/18 and offer the following comments.

The project consists of partial site redevelopment which will include the demolition of the existing building, pavement removal, reconstruction of a new building, driveways, parking areas and upgrades to the existing utilities. Presently, the parcel is covered by approximately ninety percent of impervious surfaces, i.e. building, pavement, etc. The proposed redevelopment of the site will result in the reduction of approximately 1200 sf of impervious surface.

#### UTILITIES

##### SEWER

Presently, the existing building is serviced by a 6" PVC sewer service which connects to a 24" sewer main to the northwest of the parcel. A portion of the 6" PVC sewer service will be replaced with 6"SDR35 PVC pipe. A video inspection of the remaining section of the existing service is recommended to insure proper functionality of the line. The proposed building will also have a 2000 gallon exterior grease trap connected to the sewer service.

##### WATER

The existing water service will be upgraded to a 6" ductile iron pipe which will provide domestic water and fire protection. The proposed water service will be connected to the existing water main in Lexington Street and will require a state street opening permit. The exiting water service to the building is proposed to be capped at the northerly property line. The Woburn Department of Public Works require utility caps to be made at the main. The water service cap location should be reviewed with the superintendent of public works.

The site utility plan shows the proposed water service crossing the proposed sewer service on the north side of the proposed building. Proper horizontal and or vertical separation of these utilities must be maintained.

##### DRAINAGE

All on site storm water runoff will be collected in catch basins with deep sumps and gas and oil hoods. The basins are connected to water quality structures which connect to an existing storm water infiltration chamber. An inspection of the existing chamber is recommended to insure proper function.

Based on the drainage report as submitted, the post development conditions will result in a slight reduction in the rate of runoff and volume of runoff compared with predevelopment rates and volumes.

A comprehensive operation and maintenance has been submitted as part of this application. A SWPPP (Stormwater Pollution Prevention Plan) shall be developed prior to commencement of site demolition.

#### ACCESS

The access to the site will remain the same as the exiting driveways with a modification to the eastern driveway which will be reconfigured to be a full service driveway.

#### MITIGATION

The proposed use is a fast food restaurant and therefore subject to the mitigation ordinance. There are a number of stormwater initiatives in the immediate project area which we are currently pursuing through a Department of Natural Resources grant. These include purchasing the adjacent DeMoulis property for the purpose of constructing flood storage facilities, a conservation park contiguous to the Shaker Glenn Conservation area and a small public parking area. Grant funds will be insufficient to fulfill all of the initiatives and mitigation funds could be applied towards the project. Flooding of the four corners impacts many businesses in the area, including McDonalds and we see this as an appropriate application of mitigation funds.

It is my understanding that the applicant will convey an easement for roadway purposes along Lexington St. We have no construction costs for the project, so we cannot determine if there would be residuals from the mitigation.

I trust the foregoing suffices for your current needs.

John Corey, City Engineer

A communication dated July 17, 2018 was received from Meghan Doherty, Code Enforcement Officer, Woburn Board of Health as follows:

Subject: McDonald's – 187 Cambridge Road

Good afternoon,

I am forwarding the email conversation I had between myself and Mark Wixted from Bohler Engineering in regards to McDonalds. I just wanted to send you the emails and just what it was I made comments on for the project. 1. Dust control in place from start to finish of demo, 2. No starting any vehicles before 7 am Monday – Saturday, and 3. Requirement and

Documentation in regards to an IPM practice that is to be in place from before starting to even put shovel to ground until the project is turned over to the next person.

Sincerely, Meghan Doherty, Code Enforcement Officer, Woburn Board of Health

A communication dated July 17, 2018 was received from Board of Health Agent John Fralick as follows:

Re: McDonalds 187 Cambridge Road – Request for Comments

I have reviewed the information provided for the demo and reconstruction of the McDonalds at four corners. The plans call for essentially the removal and replacement of the building. All uses of the property will be the same.

I believe that the proposed plan will not have any negative impacts to the groundwater control district. If you have any questions, please contact this office.

Jack Fralick, Board of Health Agent

Motion made and 2<sup>nd</sup> that the communications be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney William J. Squires, Esq., Hinckley Allen, 28 State Street, Boston, Massachusetts 02109 and he stated that a revised site plan and two elevation renderings were filed with the City Clerk today to reflect the easement areas and signage, that he contacted the City Solicitor who reviewed the draft easement agreement and indicated the language was acceptable, that the hours of operation were reflected in the earlier special permit, and that he believes the hours of operation are 5:00 a.m. to 1:00 a.m. Motion made and 2<sup>nd</sup> to receive and make part of the record the following three documents received from the petitioner: 1. Plan entitled “Site Plan Sheet C-4 187 Cambridge Road, Woburn, MA” prepared by Bohler Engineering dated 05/10/18, revised 07/16/18; 2. Elevation rendering entitled “2015 Standard Building Sheet A2.0” prepared by Core States Group dated 12/20/2016, revised 07/16, 2018; and 3. Elevation rendering entitled “2015 Standard Building Sheet A2.1” prepared by Core States Group dated 12/20/2016, revised 07/16, 2018, all in favor, 9-0. Motion made and 2<sup>nd</sup> to accept the following proposed conditions received from Alderman Higgins:

1. The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit titled: Site Development Plans prepared by Bohler Engineering dated May 15, 2018, including, without limitation, Site Plan, Sheet No. C-4 prepared by Bohler Engineering, dated May 10, 2018 and revised July 16, 2018, which was submitted by the Petitioner on July 17, 2018 as an addendum to the Petition for Special Permit (hereinafter collectively the “Site Plans”) although design adjustments and modifications generally associated with: (i) preparing so-called “working drawings” or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from the Site Plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with

the Site Plans, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plans, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plans.

2. The Petitioner shall construct and install signage at the Site as described in the Site Plans and the Elevation Renderings, Sheet Nos. A2.0 and A2.1, prepared by Core States, dated December 20, 2016 and revised July 16, 2018, which were submitted by the Petitioner to the City Council as a supplement to the Petition for Special Permits on July 17, 2018 although adjustments and modifications to the design and location of such signage shall be permitted so long as such changes do not constitute substantial changes from the aforementioned Site Plans and Elevation Renderings as determined by the Building Commissioner. In the event that the Building Commissioner determines that the design or location of the signage is not in substantial conformance with the Site Plans and Elevation Renderings, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination.
3. All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting any abutting properties. The lighting shall be in substantial conformity with the Lighting Plan included with the Site Plans at Sheet C-11.
4. Except in the event of an emergency, exterior construction activities on the Site shall be from 7 a.m. to 5 p.m. Monday through Friday, and 9 a.m. to 4 p.m. on Saturdays. Exterior construction activities on Site shall not be permitted on Sundays or federal or state holidays.
5. Adequate rodent and pest control shall be put in place before demolition and/or razing of any existing structures.
6. Petitioner shall facilitate a pre-construction meeting with the Department of Works, Water Department, and Engineering to be held with the utility contractor for property permitting and understanding of the utilities prior to any excavation.
7. The drainage system shall be in compliance with all Mass. DEP Stormwater Guidelines and Regulations for improved water quality. Further, a Stormwater Pollution Prevention plan shall be developed prior to commencement of site demolition.
8. There shall be a minimum of a five (5) foot separation between the gas and water mains.
9. The Petitioner shall provide hydrant flow test evaluation information to the Superintendent of Public Works for review and evaluation. Further, a video with an associated report should be submitted for review and evaluation of mains, as well as evaluated for structural integrity.
10. Water mains must be cut and capped at the mains if they are not being used.
11. The Petitioner should submit a revised Site Plan to identify adequate snow storage areas and the applicant must file a copy of the snow storage plan with the Director of Inspectional Services.
12. Sidewalks and roadways shall be kept open and clear during construction.
13. Portions of state road impacted by the construction to be cleared of debris and cleaned of dirt during construction.
14. Petitioner shall provide for five (5) inch vertical granite curbing and concrete sidewalks along Lexington Street along the property line. Petitioner shall work with the Engineering Department to determine the appropriate places for ADA compliant crosswalks and



access ramps. The City Council acknowledges that this work may require one or more permits from the Massachusetts Department of Transportation (“DOT”) and that it could take the Petitioner six (6) months or longer to obtain such permit(s) from DOT. As such, the City Council acknowledges that the Petitioner’s efforts to obtain necessary permits from the DOT and complete the construction of the granite curbing and concrete sidewalk shall be on a parallel track with the overall project, such that the Petitioner can obtain necessary building permits, construct, obtain occupancy permits, and operate the new restaurant with drive-up customer service facility and related improvements prior to obtaining necessary permits from the DOT. Nevertheless, the Petitioner shall (a) make diligent and commercially reasonable efforts to obtain necessary permits from the DOT and (b) promptly construct the granite curbing and concrete sidewalk upon receipt of such permit(s). In the event the Petitioner does not complete construction of the granite curbing and concrete sidewalk prior to July 17, 2019, the Petitioner shall: (x) provide the City Council with an estimate of the remaining cost to complete construction of the granite curbing and concrete sidewalk and (y) deposit said amount into an escrow account to be used by the Petitioner to cover the remaining cost to complete construction of the granite curbing and concrete sidewalk. In the event the Petitioner fails to complete construction of the granite curbing and concrete sidewalk within a reasonable period of time thereafter, the City of Woburn may use such escrowed funds to complete the construction.

15. The Petitioner shall grant the City of Woburn an easement to construct and maintain a roadway to widen Lexington Street on a 15 foot wide strip of land located along the Lexington Street side of the property which strip of land is shown on Sheet No. C-4 of the Site Plans as “Future 15’ Easement.” The Petitioner will work with the City Solicitor to draft and finalize an easement agreement. The Petitioner shall execute and record such easement with the Middlesex County South Registry of Deeds prior to the issuance of any building permits for the project. The City Council hereby authorizes the Mayor to accept the aforementioned easement on behalf of the City of Woburn.
16. The Petitioner shall grant the City of Woburn an easement to construct and maintain a roadway to widen Russell Street on a 15 foot wide strip of land located along the Russell Street side of the property, which strip of land is shown on Sheet No. C-4 of the Site Plans as “Future 15’ Easement.” The Petitioner will work with the City Solicitor to draft and finalize an easement agreement. The Petitioner shall execute and record such easement with the Middlesex County South Registry of Deeds prior to the issuance of any building permits for the project. The City Council hereby authorizes the Mayor to accept the aforementioned easement on behalf of the City of Woburn. The easement rights contemplated under Conditions 15 and 16 may be created in a single instrument or two separate instruments.
17. The special permit is nontransferable,

all in favor, 9-0

PUBLIC COMMENTS: None. Alderman Gately stated that dust control should be added as a condition. Alderman Mercer-Bruen stated that the rodent control should be ongoing during construction and after construction because this is a restaurant. Alderman Concannon stated that the City Engineer indicated the project is subject to the mitigation ordinance. Alderman

Higgins stated that it is believed that the two easements would satisfy the mitigation requirement. Alderman Concannon stated that it should be clear the mitigation requirements have been addressed in view of the City Engineer's comments. Alderman Higgins stated that the petitioner is pushing the building back at the request of the city which necessitates the easement. Alderman Anderson asked why the city would accept a deposit rather than require the work on the sidewalks be done. Alderman Higgins stated that the petitioner's intent is to turn the project around quickly, and that the city is not receiving the money as it will be kept in escrow by the petitioner. Alderman Anderson stated that the petitioner could be operating with no sidewalks, and that maybe the construction of the sidewalks could be tied to the issuance of the occupancy permit. Attorney Squires stated that he expects the construction to be completed within sixty days from the issuance of the building permit and MassDOT can take six months to issue the permit for the sidewalks, and that the proposed condition indicates the sidewalks will be completed within one year and if the sidewalks are not completed in one year the city can take the money held to complete the sidewalks. President Haggerty stated that the conditions should state the sidewalks will be completed within one year. Attorney Squires stated that the petitioner agrees the sidewalks should be completed within one year. President Haggerty stated that the City Council could require the petitioner to come back to the City Council for an extension if the work on the sidewalks is not completed within one year. Attorney Squires stated that it would be acceptable to have the petitioner come back to the City Council for an extension if the sidewalk work cannot be completed within one year. Alderman Concannon stated that the City Engineer's comments indicate that he suggests the city seek mitigation funds for flood control, and that the mitigation discussed does not address this although it addresses other issue. President Haggerty stated that the petitioner has offered these betterments. Alderman Concannon stated that he is accepting that the mitigation is equal in benefit to the mitigation the City Engineer supported. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. Motion made and 2<sup>nd</sup> that condition #5 be amended to read as follows: "5. Adequate rodent and pest control shall be put in place before demolition and/or razing of any existing structures, through construction and post construction," all in favor, 9-0. Motion made and 2<sup>nd</sup> that condition #7 be amended to read as follows: "7. The drainage system shall be in compliance with all Mass. DEP Stormwater Guidelines and Regulations for improved water quality. Further, a Stormwater Pollution Prevention plan shall be developed to the satisfaction of the Superintendent of Public Works prior to commencement of site demolition," all in favor, 9-0. Motion made and 2<sup>nd</sup> that condition #8 be amended to read as follows: "8. There shall be a minimum of a five (5) foot separation between the gas and water mains pursuant to the direction of the Superintendent of Public Works," all in favor, 9-0. Motion made and 2<sup>nd</sup> that condition #10 be amended to read as follows: "10. Water mains must be cut and capped at the mains if they are not being used pursuant to the direction of the Superintendent of Public Works," all in favor, 9-0. Motion made and 2<sup>nd</sup> that condition #14 be amended to read as follows: "14. Petitioner shall provide for five (5) inch vertical granite curbing and concrete sidewalks along Lexington Street along the property line. Petitioner shall work with the Superintendent of Public Works and Engineering Department to determine the appropriate places for ADA compliant crosswalks and access ramps. The City Council acknowledges that this work may require one or more permits from the Massachusetts Department of Transportation ("DOT") and that it could take the Petitioner six (6) months or longer to obtain such permit(s) from DOT. As such, the City Council acknowledges that the

Petitioner's efforts to obtain necessary permits from the DOT and complete the construction of the granite curbing and concrete sidewalk shall be on a parallel track with the overall project, such that the Petitioner can obtain necessary building permits, construct, obtain occupancy permits, and operate the new restaurant with drive-up customer service facility and related improvements prior to obtaining necessary permits from the DOT. Nevertheless, the Petitioner shall (a) make diligent and commercially reasonable efforts to obtain necessary permits from the DOT and (b) promptly construct the granite curbing and concrete sidewalk upon receipt of such permit(s). The construction of the granite curbing and concrete sidewalk shall be done by July 17, 2019, unless the Petitioner obtains an extension from the City Council. The City Council may at that time require the petitioner to: (x) provide the City Council with an estimate of the remaining cost to complete construction of the granite curbing and concrete sidewalk and (y) deposit said amount into an escrow account to be used by the Petitioner to cover the remaining cost to complete construction of the granite curbing and concrete sidewalk. In the event the Petitioner fails to complete construction of the granite curbing and concrete sidewalk within a reasonable period of time thereafter, the City of Woburn may use such escrowed funds to complete the construction," all in favor, 9-0. Motion made and 2<sup>nd</sup> to add condition #18 to read as follows: "18. All conditions in the special permit not otherwise modified by this special permit shall remain in full force and effect," all in favor, 9-0. Motion made and 2<sup>nd</sup> to add condition #19 to read as follows: "19. There shall be satisfactory dust control measures through the project in coordination with the Department of Inspectional Services," all in favor, 9-0. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED with the seventeen proposed conditions as further amended herein, all in favor, 9-0.

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On the petition by Yuying Huang, 3 Unicorn Avenue, Stoneham, Massachusetts 02180 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended Section 5.1.33b to allow muscular therapy at 7 Montvale Avenue #15. PUBLIC HEARING OPENED. A communication dated July 11, 2018 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for 7 Montvale Avenue (#15)/Yuying Huang

Dear Council:

The Planning Department has reviewed the above-referenced Special Permit application which requests permission to operate a muscular therapy business (5.1 [33b]) at the above-referenced location. The property is zoned Downtown Business (B-D) and therefore such use is permitted by City Council Special Permit. The Petitioner proposes to "re-tenant" an existing commercial space; as such, only interior alterations are proposed.

Planning staff has spoken with the Building Commissioner about this application and offers the following recommendations:

- Although an existing floor plan has been provided in the application, no proposed floor or site plans have been included. Planning staff recommends an architect-certified site plan and floor plan be required in order to demonstrate, for the record, compliance with the parking requirements of the Zoning Ordinance (i.e., that the location either has its own off-street parking or is within 500' of an existing municipal off-street parking lot, in accordance with Section 8.3). There is no documentation contained in the application to confirm the property's location within 500' of an existing municipal lot, which would satisfy off-street parking requirements (for non-residential uses per section 8.3);
- That the hours of operation shall be limited to between 9:00 am and 8:00 pm seven days per week;
- That all massage therapists shall be licensed massage therapists, in accordance with the Board of Health;
- That the special permit is only for Yuying Huang and is not transferrable with the exception of a transfer to an entity of which Yuying Huang is the primary or principal owner; and
- That interior floor plan modifications and new exterior signage is subject to separate application(s) to the Building Department and must comply with applicable building codes and the Woburn Zoning Ordinances (Section 13), respectively.

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

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

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Peter Leavitt and he stated that the hours of operation are 10:00 a.m. to 8:00 p.m., that parking is along Montvale Avenue and in the municipal parking lot, that clients are usually on site no longer than ninety minutes, that the petitioner is a licensed massage therapist, that the petitioner may have one or two employees, that anyone providing full body massage has to be licensed, that the petitioner may hire an exchange student who would provide foot reflexology or other therapy that does not require a license, that the petitioner can have employees who do not have licenses but there has to be a license for the facility, that half walls will be built, that the walls cannot be constructed all the way to the ceiling or the rooms will not be heated because of the location of the heating ducts, that the project includes erecting a couple of walls, applying for signage, upgrading the aesthetics, that a license contractor will provide plans to the Building Department, that this is a building project that does not require an architect, that the petitioner would not be open on Sundays except in special circumstances, that a restriction against the transferability of the special permit seems unfair, and that he asked if the petitioner left would someone else have to obtain the special permit. Mr. Leavitt offered two plans of the interior of the building. Motion made and 2<sup>nd</sup> that the documents be received and made part of the record, all in favor, 9-0. Nguyen Trinh stated that he is the owner of the property, and that the businesses

along the street in this area include a vapor shop, this location, the National Guard, another space and then the school. Alderman Tedesco stated that the property is located within 500 feet of a municipal parking lot. Alderman Gately stated that the City Council often restricts transferability of special permit so that the city can be protected and that the operation of the business is known. President Haggerty stated that if the petitioner leaves the business a successor would have to obtain a special permit to continue the operation, and that the petitioner should be certain of the hours of operation as the petitioner cannot open unless authorized to do so in the special permit. Alderman Anderson stated that the Planning Department recommended hours of operation between 9:00 a.m. and 8:00 p.m. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the hours of operation shall be limited to between 10:00 am and 8:00 pm seven days per week; 2. That all massage therapists shall be licensed massage therapists, in accordance with the Board of Health; 3. That the special permit is only for Yuying Huang and is not transferrable with the exception of a transfer to an entity of which Yuying Huang is the primary or principal owner; and 4. That interior floor plan modifications and new exterior signage is subject to separate application(s) to the Building Department and must comply with applicable building codes and the Woburn Zoning Ordinances (Section 13), respectively, all in favor, 9-0.

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On the petition by Sports Management Services, Inc., 41 East Street, Winchester, Massachusetts 01890, an individual owning land to be affected by change or adoption, to amend the Zoning Map of the City of Woburn by changing the zoning district for two parcels of land known as Lot 69-08-07 on Garfield Avenue and Lot 69-08-08 on Garfield Avenue together containing approximately 2.92 acres of land as shown on a plan by Allen & Major Associates, Inc. entitled "Parcel Rezoning Plan" dated November 10, 2016 from R-2/I-G to R-2. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner requests this matter be continued, that the petitioner is working on a conceptual plan which would not require rezoning the property, that there would be three residential buildings on the residential parcel and a 12,400 square foot commercial building on the lower parcel, that the petitioner met with the Fire Department, that this is a steep lot and the petitioner wanted to be certain there would be adequate access for fire equipment, that the Fire Department had no issue with the proposal, that the petitioner will be meeting with the Building Commissioner next week, and that if the Building Commissioner agrees with the buffer zone calculations the petitioner will likely ask to withdraw the petition. PUBLIC COMMENTS: Paul Tenney, 6 Belmont Street stated that he wants assurances that if the matter is withdrawn this will be the end of this issue, that the neighbors keep coming out to attend these meetings, and that it is not fair to the neighbors to keep continuing the matter. Kevin O'Neill, 2 Medford Street stated that even if the petition is withdrawn he wants to know that the extension of Medford Street will not be allowed to go through. President Haggerty stated that the petitioner would have to comply with current zoning requirements. Mr. O'Neill stated that he wants to be certain the streets will not ever be connected. Alderman Tedesco stated that the property owner can either develop the road or incorporate the road into a proposal. Alderman Gately stated that if this ordinance is adopted the

petitioner would have to go through the special permits process, that he will not allow the process to continue being extended, and that the petitioner should be ready for the next meeting or the petition will be acted upon. Jean Monahan-Doherty, 31 Arlington Street stated that there is a new plan at every meeting, and that the process is starting to wear the neighbors down. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON AUGUST 14, 2018, all in favor, 9-0.

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On the petition by Seaver Properties LLC, 215 Lexington Street, 2<sup>nd</sup> Floor, Woburn, Massachusetts 01801, as an individual owning land to be affected by change or adoption pursuant to M.G.L. Ch. 40A, Sec. 5 (by its attorney), to amend the Zoning Map of the City of Woburn by changing the zoning district from R-2/O-P to R-3 for the entire parcel of land known as North Maple and Monks; Monks Street; Hinkley Monks; Warren-Mishawum Avenue; Mishawum and Dexter Avenue and Hinkley Street, Woburn, Massachusetts, to the centerlines of North Maple; Monks Street and Mishawum Avenue and Dexter Avenue, Woburn, Massachusetts containing approximately 5.988 acres of land as shown on a plan by Keenan Survey entitled "Proposed Rezoning Plan in Woburn, Massachusetts" dated May 7, 2018. PUBLIC HEARING OPENED. A communication dated July 11, 2018 was received from Dan Orr, Acting Planning Board Director, Woburn Planning Board as follows:

Re: Recommendation from Planning Board on proposed Zoning Map Amendment to the following lots on North Maple, Monks & Hinkley Streets & Warren, Mishawum and Dexter Avenues from R-2 and/or O-P zoning districts to R-3: City of Woburn Assessors Map 9, Block 9, Lots 1 and 2; Map 9, Block 14, Lots 1 and 3; Map 9, Block 10, Lot 1; and Map 9, Block 15, Lots 1, 2 and 3 as well as portions of several street layouts/Seaver Properties, LLC

Dear Councilors:

At a meeting of the Woburn Planning Board held on Tuesday, July 10, 2018, the Board conducted its public hearing on the above-referenced zoning map amendments and concluded in one evening.

Following the public hearing and after considering the matter, members of the Board voted 5-1-0 (Doherty, Edmonds, Turner, Bolgen, and Donovan in favor; and Callahan opposed) to forward to you a favorable recommendation on this proposed zoning amendment.

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

Respectfully, s/Dan Orr, Acting Planning Board Director

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. A communication dated June 20, 2018 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Seaver Properties LLC – Proposed Amendment to Zoning Map of the City of Woburn

Dear Mr. Campbell:

On behalf of Seaver Properties LLC the applicant in the above-referenced matter, I respectfully request that the property known as Parcel No. 9-14-02 on Monks Street be removed without prejudice from the application on the Petition to Amend Zoning Map of the City of Woburn filed with your office on May 10, 2018. If you need any further information please do not hesitate to contact me. Thank you.

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

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the petition to rezone the property known as Parcel No. 9-14-02 on Monks Street be removed from the petition and be given leave to withdraw without prejudice, all in favor, 9-0. Appearing for the petitioner was Attorney Joseph Tarby and he stated that the petition seeks to amend the zoning district for 5.9 acres of land to the R-3 zoning district, that the land is currently in a split zoning district between O-P and R-2 with the majority of the property in the R-3 zoning district, that the Planning Board voted in favor of the proposed rezoning, that if the petition to rezone the property is granted the petitioner will file for a special permit seeking the approval of 41 units of residential use, that the petition is consistent with one allowed on an adjacent parcel and developed by the petitioner, that the project will generate new tax revenue and eliminate a potential business use at this location, that 15% of the units will be affordable, that he does not know what the property was placed in the O-P zoning district in 1985, that this is more of an industrial area, that he does not see an office being built on this property, that the area is more industrial than office and may be why the property has not been developed, and that this is clearly not an office area. Scott Seaver stated that these will not all be townhouses, that there will also be stacked flats which are more affordable, that rather than selling for \$600,000.00 these units will be in the range of \$400,000.00, that the parcel is surrounded on three sides by residential uses, and that he cannot see an office building being constructed on the property when the parcel is surrounded by residences on three sides. Alderman Anderson stated that he wanted to know what the city receives in return for rezoning the property, that he wanted to know if all of the units will be affordable, that the city does not need more residential units, and that the city would receive new tax revenue and eliminate a potential business use at this location if the property was rezoned to R-1. Alderman Campbell stated that if this petition is approved more property owners will come forward to rezone O-P property, that she understands the rezoning of the former NELCO property because it was an industrial use and because of the condition of the property, that only one-third of the property is in the R-2 zoning district and two-thirds of the property is in the O-P zoning district, that she is concerned as the city does not need more luxury townhouses, that these luxury townhouses are not helping the average Woburn family, that residents are not moving into these townhouses because they are too expensive, that she does not see how this proposal benefits the city, that the City Council should be cautious when rezoning property from O-P to residential, that doing so will be destructive to the city's tax base, that if the ratio of residential to office use was different she

might consider the proposal but here two-thirds of the property is zoned for office use, that she drove through the area, that somewhere the line has to be drawn, that she believes that the former NELCO property was that line, that she asks where the line is drawn, that she knows the area, that she wants to know what stops the next property owner from seeking to rezone their property because house would be more profitable, and that she would like to support the petition but cannot do so. Alderman Tedesco stated that residential would be a better zoning district for this land, that he finds the R-3 zoning district acceptable, that there will be eight units per acre which is under the twenty unit per acre maximum density restriction, that he is in favor of rezoning the property to all residential use, that this is a narrow road which is more conducive to residential use than office use, and that there are abutting commercial properties which will have to be protected during the special permit process. Alderman Mercer-Bruen stated that she does not understand why more single family homes are not being built, and that there are many new developments with large homes that are not affordable. Alderman Concannon stated that on zoning amendment proposals is often thinks if the proposal is a good idea why the city does not come forward with these ideas but he has come to learn the process does not work that way, that the city is reactive, that the zoning map is fluid, that the zoning map can be amended when conditions change, that at one time O-P seemed to be a proper use for the land, that having visited this site he believes that residential is more appropriate, that the city does not need more office parks or industry, that adding a residential use may not be a bad idea when looking at the current conditions, and that this is a reasonable petition which will benefit the neighborhood. Alderman Gately stated that the city made a demand of the petitioner under the prior project to install a new road, that this road was to address safety concerns as well as opening up these parcels for development, that the O-P zoning district will not work for this property, that office parks are vacant, that there will not be an office building constructed that is surrounded by residential uses, that sometimes property should be rezoned and other times it is not appropriate, that a lot of residential units are being built in the city, and that there is some benefit for the city. President Haggerty stated that he supports the petition, that the development of the abutting property was done well, that residential is a better use for the property than industrial or office, that he understands density is a concern, that this is a good use, and that he will support the petition. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, AS AMENDED with the amendment being to delete the property known as Parcel No. 9-14-02 on Monks Street from the petition, ROLL CALL: Anderson – No, Campbell – No, Concannon – Yes, Gaffney – Yes, Gately – Yes, Higgins – Yes, Mercer-Bruen – No, Tedesco – Yes, Haggerty – Yes, Motion Passes.

**Presented to the Mayor July 19, 2018 and ten days having elapsed without same being approved, said Order became effective without his signature on July 31, 2018.**

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On the petition by Alderman Richard Gately to further amend the 1985 Zoning Ordinances, as amended, by adding a new paragraph 13 to Section 11, Special Permits and Variances, 11.6 Additional Conditions for Special Permits for Specific Uses and Conditions as follows: 13. Townhouses or Garden Apartment: Detached dwellings in a cluster development (5.1.3a); Townhouse or Garden Apartment: Congregate Elderly Housing (5.1.3b); Townhouse or Garden Apartment: Townhouse Development (5.1.3c); Townhouse or Garden Apartment:



Garden Apartment (5.1.3d); and Elevator Apartment (5.1.4). All streets, ways or access roads within the interior of any development that are shown on an approved Plan of Record and which provide access to dwelling units, shall be named after a man or woman killed in action in Revolutionary War, Civil War, World War I, World War II, the Korean War, the Vietnam War or any other armed conflict involving the United States military forces and said person shall have a connection to Woburn. A list of those who were killed in action in war shall be assembled by the Veteran's Agent and filed with the City Clerk. PUBLIC HEARING OPENED. A communication dated July 11, 2018 was received from Dan Orr, Acting Planning Board Director, Woburn Planning Board as follows:

Re: Planning Board recommendation on petition to amend the Zoning Ordinance to require certain streets and ways to be named after a military veteran with Woburn affiliations(s) and who was killed in action/Alderman Richard Gately

Dear Councilors:

At a meeting of the Woburn Planning Board held on Tuesday, July 10, 2018, the Board conducted its public hearing on the above-referenced proposed zoning amendment and concluded in one evening.

Following the public hearing and after considering the matter, members of the Board voted (6-0-0) to recommend adoption of the proposed amendment.

Respectfully, s/Dan Orr, Acting Planning Board Director

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. Alderman Gately stated that the city made progress in recognizing military service members from the city who were killed in action, that the Veterans Agent has a list of approximately three hundred veterans who have not been recognized, that the Planning Board unanimously endorsed the proposed ordinance, that it is important to recognize the sacrifices of the city's residents made during wartime, and that this ordinance will allow further progress to be made. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: July 19, 2018**

**s/Scott D. Galvin July 19, 2018**

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**ORDINANCES, CHARTER AND RULES:**

On Order to amend the 1989 Woburn Municipal Code, as amended, Title 13, Sections 13.2.35 and 13.3.9 relative to water and sewer rates, committee report was received "ought to

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

**Presented to the Mayor: July 19, 2018**

**s/Scott D. Galvin July 19, 2018**

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On the Order to amend the 1989 Woburn Municipal Code, as amended, Title 12, Section 12-56, Paragraph B relative to special events permits, committee report was received "ought to pass, as amended with the amendments as follows:

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

12-56. Considerations

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

1. General Liability of at least \$1,000,000 each occurrence and \$3,000,000 General Aggregate.
2. Automobile Liability (applicable for anyone who has an automobile operating on City Property) of at least \$1,000,000 Combined Single Limit.
3. Umbrella Liability of at least \$2,000,000 each occurrence and \$2,000,000 in the aggregate.
4. Liquor Liability (applicable for any Liquor Exposure – served or sold at any event held on City Property) of at least \$1,000,000 each occurrence and \$3,000,000 aggregate.

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

Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: July 19, 2018**

**s/Scott D. Galvin July 19, 2018**

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**FINANCE:**

On the Order to transfer the sum of \$67,000.00 from JMS Roof Acct to Clapp School Demo Acct, committee report was received "ought to pass". Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: July 19, 2018**

**s/Scott D. Galvin July 19, 2018**

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**NEW PETITIONS:**

A communication dated July 12, 2018 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Dole & Bailey, Inc., 16 Conn Street, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent Dole & Bailey, Inc. (“Dole & Bailey”) in connection with its Landowner’s Decision and Notice of Special Permit issued by the City Clerk on October 23, 2008 as amended by Notice of Extension dated August 5, 2010 and Notice of Extension of Special Permit dated July 12 2019 as further extended by the Permit Extension Act to October 23, 2018 (the “Special Permit”). As a result of business reorganization plans, the build out of the accessory retail area has not yet commenced.

Therefore, on behalf of the Petition, I respectfully request that the City Council extend the time period for the Petitioner to exercise its rights under the Special Permit for an additional two (2) year period to October 23, 2020.

Should you need any further information, please do not hesitate to contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

Motion made and 2<sup>nd</sup> that the TIME TO EXERCISE RIGHTS UNDER THE SPECIAL PERMIT be EXTENDED UP TO AND INCLUDING OCTOBER 23, 2020, all in favor, 9-0.

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A communication dated July 12, 2018 with attachments was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Request for Minor Modification, Madison Woburn Holdings LLC, 369 Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent Madison Woburn Holdings, LLC. On January 24, 2018, your office issued a Landowner’s Decision and Notice of Special Permit to Madison Woburn Holdings LLC (the “Decision”).

Enclosed please find the following:

1. Ten (10) copies of the Landowner’s Decision and Notice of Special Permit to Madison Woburn Holdings LLC dated January 24, 2018.
2. Ten (10) copies of the Landowner’s Decision and Notice of Special Permit to Madison Woburn Holdings LLC dated January 24, 2018.

### 3. Certification of Treasurer/Collector

The building plans submitted to the Building Commissioner for construction of the 110 Grill Restaurant building include a mezzanine area containing approximately 382 square feet of gross floor area. The Building Commissioner has requested that the Mezzanine Plan and the additional 382 square feet of gross floor area be approved by the City Council before he issues the building permit for the construction of the restaurant.

The proposed minor revision which was inadvertently not discussed during the public hearing process, to the gross square footage does not result in any change or modification to the location of the building nor does it change any of the conditions contained in the Decision.

Further, the proposed minor modification does not result in a substantive amendment which changes the result of the Decision or which grants relief different from that originally granted.

On behalf of my client, I respectfully request approval by the City Council of the Mezzanine Plan as shown on Sheet A101.

If you need any further information, please do not hesitate to contact me. Thank you.

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

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. Alderman Mercer-Bruen stated that she spoke to the Building Commissioner, that this modification does not add floor space or add square footage, and that the Building Commissioner had no objection to the proposal but wanted the City Council to approve the change. Motion made and 2<sup>nd</sup> that the MINOR MODIFICATION be APPROVED, all in favor, 9-0.

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

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

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

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**COMMUNICATIONS AND REPORTS:**

A communication dated June 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 May 2018. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication dated June 22, 2018 was received from Charles O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

Council Members,

In accordance with Massachusetts General Laws Chapter 90, Section 20½ I am submitting the following parking ticket report. Figures cited below are for the Month of Jan. 2018 to May 2018: Number of violations issued 224, Numbers of violations paid 96, Number of violations outstanding 102, Amount collected and submitted to Collectors Office \$18,740.80, Parking fines referred to the Handicap Commission \$9,600.00.

There is a backlog of 1,521 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 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication dated June 29, 2018 was received from Thomas C. Quinn, Jr., Building Commissioner as follows:

Re: Woburn Municipal Code Title 15 Article VIII 15-42

Dear Members of the Council:

With regard to the above referenced section of the Woburn Municipal Code, I submit the following quarterly nuisance report for the period of April 1, 2018 thru June 29, 2018.

There have been no properties that have required any action within the time frame specified above.

If you have any questions as always do not hesitate to contact me.

s/Thomas C. Quinn, Jr., Building Commission, City of Woburn

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

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A communication dated June 27, 2018 with attachment was received from City Clerk William C. Campbell as follows:

Re: Notification of Litigation

Pursuant to 1989 Woburn Municipal Code, as amended, Title 2, Section 2-19, this is to advise you that a copy of a Complaint in the matter of 285 Locust LLC v. Alderman Michael D. Anderson, et. al., entered in the Land Court Department under Docket No. 18-MISC-000322 was filed in this office on June 26, 2018 at 2:26 p.m. The action concerns the special permit granted by the City Council in the matter of the petition of 285 Locust LLC on June 5, 2018. A copy of the Complaint was forwarded to you by email.

s/William C. Campbell, City Clerk

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON LIAISON and that the City Solicitor asked to attend the meeting, all in favor, 9-0.

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A copy of a communication dated July 5, 2018 with attachments to Robert J. Shea, Presiding Officer, Energy Facilities Siting Board, was received from Attorney David S. Rosenzweig, Keegan Werlin LLP, 99 High Street, Suite 2900, Boston, Massachusetts 02110-3113 as follows:

Re: NSTAR Electric Company d/b/a Eversource Energy, EFSB 18-03

Dear Mr. Shea:

Enclosed please find an original and five (5) copies of the Initial Petition of NSTAR Electric Company d/b/a Eversource energy (“Eversource”) for a Certificate of Environmental Impact and Public Interest (“Certificate”), pursuant to G.L. c. 164, §69K (the “Initial Petition”). As described in the Initial Petition, Eversource requests that the Energy Facilities Siting Board (the “Siting Board”) exercise its Certificate authority with respect to the jurisdictional

facilities approved by the Siting Board in EFSB 15-04/D.P.U, 15-140/15-141. Eversource's Initial Petition is necessary because, on May 1, 2018, the Woburn City Council denied Eversource's petition for a grant of location in public ways for the portion of the New Line [approximately 8.54-mile, 345-kilovolt ("kV") underground electric transmission line between Eversource's existing substation in Woburn and NEP's [New England Power Company d/b/a National Grid] existing substation in Wakefield] to be located in Woburn (the "GOL Petition"). Given the Woburn City Council's denial of a required local permit, the exercise of the Siting Board's certificate authority is necessary in order for the Project to go forward as previously approved by the Siting Board. In addition, the Woburn City Council's denial of Eversource's GOL Petition in Woburn precludes Eversource from obtaining road opening permits in Woburn that are also necessary to facilitate construction of the New Line.

As described in more detail in the Initial Petition, consistent with the express provisions in G.L. c. 164, §69K, Eversource seeks a comprehensive Certificate from the Siting Board, representing a composite of all remaining local permits, approvals, licenses, certificates or other forms of authorizations that would otherwise apply to the Project in Woburn, Stoneham and Winchester that have been applied for, but have not yet been obtained in final and non-appealable form by Eversource. As of the date of this Initial Petition, NEP has obtained, or expect to be able to obtain, all of the local permits it requires for the Project from the Town of Wakefield. Similarly, Eversource and NEP each have obtained, or expect to be able to obtain, the state permits required to be able to construct the Project. Thus, Eversource's Initial Petition does not request the inclusion of any state permits or permits from Wakefield in any Certificate to be issued by the Siting Board.

In accordance with the Siting Board's Certificate procedures and regulations, the Initial Petition sets for the grounds and factual bases for the Siting Board to grant the Initial Petition and to authorize Eversource to submit an Application for a Certificate (the "Application") pursuant to G.L. c. 164, §§69K-69O. Pursuant to the terms of 980 C.M.R. §6.02(4), Eversource requests that the Siting Board, within seven (7) days of this filing, either hold a hearing on the merits of the grounds asserted in the Initial Petition, or defer a decision on the merits of the Initial Petition until the submission of Eversource's Application.

Please contact me if you have any questions regarding this filing. I have enclosed a Certificate of Service. Thank you for your attention to this matter.

Very truly yours, s/David S. Rosenzweig

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON LIAISON and that the City Solicitor asked to attend the meeting, all in favor, 9-0.

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A communication dated June 27, 2018 with attachments was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Decision of A.L. Prime Energy Consultant, Inc., 1 Hill Street, Woburn, Massachusetts

Dear Bill:

Pursuant to Condition 3 of the Landowners Decision and Notice of Special Permit dated October 27, 2016, the Petitioner is required to provide an easement along the property line of the project starting west of the western driveway and going up to the east-northeast corner of the project to allow for the future resetting and movement of the curbing as shown on the site plan. Enclosed for submission to the City Council for approval are the following: 1. Easement Agreement; 2. Copy of October 27, 2016 Landowners Decision and Notice of Special Permit.

Due to the fact that my client expects to be in a position to open its new building by the end of July, 2018, I respectfully request that the City Council act on the proposed Easement Agreement at its meeting scheduled for July 17, 2018. If you need any further information please do not hesitate to contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

Motion made and 2<sup>nd</sup> that the communication be accepted and made part of the record, all in favor, 9-0. Motion made and 2<sup>nd</sup> to suspend the rules to hear from Attorney Joseph Tarby, all in favor, 9-0. Attorney Joseph Tarby stated that the special permit granted in 2016 requires prior to the issuance of the occupancy permit the petitioner must provide and easement to allow for the future moving of the curbing and to install the asphalt crosswalk, that he received an email from the City Solicitor stating that the form of the easement was fine, that the petitioner is looking to open the business by the end of the month, and that this easement is required. Attorney Tarby will send the email received from the City Solicitor to the City Clerk for review by the City Council. Motion made and 2<sup>nd</sup> that the email by the City Solicitor be received and made part of the record, all in favor, 9-0. Motion made and 2<sup>nd</sup> to return to the regular order of business, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the EASEMENT AS APPROVED BY THE CITY SOLICITOR be APPROVED, all in favor, 9-0.

**Presented to the Mayor: July 19, 2018**

**s/Scott D. Galvin July 19, 2018**

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A communication dated June 21, 2018 was received from Joan Collins, `12 Bartlett Drive relative to the Pearl Street subdivision. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

**UNFINISHED BUSINESS OF PRECEDING MEETING:** None.

**APPOINTMENTS AND ELECTIONS:** None.



**MOTIONS, ORDERS AND RESOLUTIONS:**

ORDERED That in accordance with Massachusetts General Laws Chapter 54, as amended, the City Clerk is hereby authorized and directed to notify and to warn such of the inhabitants of the City of Woburn as are qualified to vote in Primaries to assemble at the polling places in their respective wards as designated herein, on TUESDAY, the FOURTH DAY OF SEPTEMBER, 2018 from 7:00 a.m. to 8:00 p.m., then and there to cast their votes in the State Primary for the candidates of political parties DEMOCRATIC, REPUBLICAN, LIBERTARIAN for the following offices:

SENATOR IN CONGRESS ..... FOR THIS COMMONWEALTH  
 GOVERNOR ..... FOR THIS COMMONWEALTH  
 LIEUTENANT GOVERNOR ..... FOR THIS COMMONWEALTH  
 ATTORNEY GENERAL ..... FOR THIS COMMONWEALTH  
 SECRETARY OF STATE..... FOR THIS COMMONWEALTH  
 TREASURER AND RECEIVER GENERAL .... FOR THIS COMMONWEALTH  
 AUDITOR ..... FOR THIS COMMONWEALTH  
 REPRESENTATIVE IN CONGRESS ..... FIFTH DISTRICT  
 COUNCILLOR..... THIRD DISTRICT  
 SENATOR IN GENERAL COURT..... 4<sup>TH</sup> MIDDLESEX DISTRICT  
 REPRESENTATIVE IN GENERAL COURT... 15<sup>th</sup> MIDDLESEX DISTRICT  
 (Wards 1, 7 )  
 REPRESENTATIVE IN GENERAL COURT... 30<sup>th</sup> MIDDLESEX DISTRICT  
 (Wards 2, 3, 4, 5, 6)  
 DISTRICT ATTORNEY ..... NORTHERN DISTRICT  
 CLERK OF COURTS ..... MIDDLESEX COUNTY  
 REGISTER OF DEEDS ..... MIDDLESEX SOUTHERN DISTRICT

<u>Ward-Precinct</u>	<u>Polling Place Location</u>
1-1	Joyce Middle School Gymnasium, 55 Locust Street
1-2	Joyce Middle School Gymnasium, 55 Locust Street
2-1	Shamrock Elementary School Gymnasium, 60 Green Street
2-2	Shamrock Elementary School Gymnasium, 60 Green Street
3-1	Hurld Elementary School Gymnasium, 75 Bedford Road
3-2	Hurld Elementary School Gymnasium, 75 Bedford Road
4-1	Wyman Elementary School Auditorium, Main Street and Eaton Avenue
4-2	White Elementary School, 36 Bow Street
5-1	Goodyear Elementary School Gymnasium, 41 Central Street

- 5-2 Goodyear Elementary School Gymnasium, 41 Central Street
- 6-1 Altavesta Elementary School Gymnasium, 990 Main Street
- 6-2 Altavesta Elementary School Gymnasium, 990 Main Street
- 7-1 Reeves Elementary School Gymnasium, 240 Lexington Street
- 7-2 Reeves Elementary School Gymnasium, 240 Lexington Street

s/President Haggerty

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

**Presented to the Mayor: July 19, 2018**

**s/Scott D. Galvin July 19, 2018**

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**ORDERED** That the following list of Wardens, Clerks, Inspectors and Substitutes be approved for all Elections between September 1, 2018 and August 31, 2019:

Ward	Precinct	First Name	Last Name	Address	Office
1	1	Barbara	Fagan	33 Dix Rd. Ext.	Warden
1	1	Sharon	Flynn	6 Thornton St.	Clerk
1	1	Paula	Beckakian	10 Locust St	Inspector
1	1	Roberta	Bengtson	6 Samoset Road	Inspector
1	1	Jean	Bergeron	8 Brooks Street	Inspector
1	1	Marie	Giangrande	6 Flint Circle	Inspector
1	1	Claire	Regan	8 Howard Court	Inspector
1	1	Loretta	Schuck	44 Leonard Street	Inspector
1	1	Florianna	Tobin	59 Campbell Street #309	Inspector
1	1	Catherine	Walsh	273 Cambridge Road #202	Inspector
1	2	Mary	Packard	101 Montvale Avenue	Warden
1	2	Philip	Hughes	855 Main Street - Unit 8	Clerk
1	2	Carmelita	Alessandroni	29 Grace Road	Inspector
1	2	Mary	Willis	164 Place Lane	Inspector
1	2	Hans	Christenson	256 Salem Street	Inspector
1	2	Anne	Decubellis	1 Library Place #507	Inspector
1	2	Dorothy	Geary	1 Belmont Street	Inspector
1	2	Joan	DiSarcina	13 Ellen Road	Inspector
1	2	Robert	Hurkett	16 Linden Street	Inspector
1	2	Richard	Packard	101 Montvale Avenue	Inspector
2	1	Sandra	Luther	19 Cummings Ave	Warden
2	1	Diane	Burton	35 Union Street	Clerk
2	1	Carmella	Crowell	30 Dix Road Ext	Inspector
2	1	Arthur	Cumming	27 Anna Road	Inspector

2	1	Deborah Jean	Finn	1 Village Street	Inspector
2	1	Connie	Pandolph	9 Park Drive	Inspector
2	1	Anthony	DiFrumolo	9 Quimby Avenue	Inspector
2	1	June	MacKenzie	20 Mt. Pleasant St	Inspector
2	1	Calvin	McCall	32 Webster Avenue	Inspector
2	1	Sandra	Strong	9 Arlington Street	Inspector
2	2	Paula	Nagle	8 Thomas Street	Warden
2	2	Judith	Nagle	8 Thomas Street	Clerk
2	2	Jo-Ann	Lyons	10 Grant Street	Inspector
2	2	Nancy Farrey	Forsyth	9 Sedgewick Pk	Inspector
2	2	Patricia	McCuish	14 Scott Street	Inspector
2	2	Jean	Mernin	2 Walnut Court	Inspector
2	2	Florence	Keefe	43 Leonard Street	Inspector
2	2	Loretta	Lentz	47 Conn Street	Inspector
2	2	Theresa	Nardone	2 Albert Drive #3	Inspector
2	2	Robert	Leonard, Jr.	176 Montvale Avenue	Inspector
3	1	Donald	MacGee	26 Cranston Circle	Warden
3	1	Marcia	Andrews	238 Winn Street	Clerk
3	1	Stella	DiGirolamo	9 Lee Road	Inspector
3	1	Janet	Sutton	11 Lawrence Street	Inspector
3	1	Donna	Donovan	5 Pilgrim Road	Inspector
3	1	Janet	Irwin	37 Waltham Street	Inspector
3	1	Marie	Landino	12 Minchin Drive	Inspector
3	1	Elizabeth A.	Simonds	3 Court Street	Inspector
3	1	Rosemary	Spencer	5 Caulifield Road	Inspector
3	1	Anthony	Zeoli	15 Independence Dr	Inspector
3	2	Elizabeth	Donovan	5 Crescent Road	Warden
3	2	Geraldine	Easler	7 Adams Circle	Clerk
3	2	Pauline	Barkalow	12 Wolcott Road	Inspector
3	2	Godfredo	Alaras	7 Bradford Road	Inspector
3	2	Marilyn	Crampton	35 So. Bedford Street	Inspector
3	2	Judith	Zeoli	15 Independence Dr	Inspector
3	2	Pamela B.	Doherty	1 Felton Street	Inspector
3	2	David	Youngclaus	2 Park Drive	Inspector
3	2	Tom	Barkalow	12 Wolcott Road	Inspector
3	2	Lois	Surette	78 Kilby Street	Inspector
4	1	Sarkis	Chinian	8 Asbury Avenue	Warden
4	1	Vincent	Rivela	16 Jan Street	Clerk
4	1	Deanna	Lesser	1 Kimball Court #410	Inspector

4	1	Robert	Coffey	273 Cambridge Rd #307	Inspector
4	1	Mary Anne	Damico	20 Brentwood Road	Inspector
4	1	James	Doherty	45 Brentwood Road	Inspector
4	1	Edward	Grzyb	26 Carroll Road	Inspector
4	1	Mary Alice	Grzyb	26 Carroll Road	Inspector
4	1	Francis	Mooney	3 Oakwood Lane	Inspector
4	1	Gerald	Murray	6 Asbury Avenue	Inspector
4	2	Elaine	Haggerty	30 Thistle Road	Warden
4	2	Thomas	Fuller	178 Montvale Avenue	Clerk
4	2	Alfred	Autenzio	9 Arbor Lane	Inspector
4	2	Hazel	Lambert	3 Elmwood Terrace	Inspector
4	2	Jeanne	Lingblom	18 Day Circle	Inspector
4	2	Eleanor	Collins	19 Squanto Road	Inspector
4	2	Geraldine	Moscaritolo	200 Bedford Road #20E	Inspector
4	2	Jennie	Keough	16 Parliament Lane	Inspector
4	2	Cecelia	Rivela	16 Jan Street	Inspector
4	2	Margaret	Stack	7 Willow Street	Inspector
5	1	Rodney	Flynn	6 Thornton St	Warden
5	1	Emily	Bloch	18 Lexington Street	Clerk
5	1	Peter	Benoit	35 Carroll Road	Inspector
5	1	Kevin	Kaufman	41 Montvale Road	Inspector
5	1	Paul	Farrey	5 Sedgewick Road	Inspector
5	1	Mary Ellen	Jones	5 Hilltop Circle	Inspector
5	1	Rosemarie	Spinazola	1 Library Place #401	Inspector
5	1	Gloria	Platon	6 Fieldstone Drive	Inspector
5	1	Maria	Hennessy	6 Jan Street	Inspector
5	1	Robert	Hennessy	6 Jan Street	Inspector
5	2	Helen	Hatch	14 Marlboro Road	Warden
5	2	Elizabeth	Hatch	14 Marlboro Road	Clerk
5	2	Shirley	Butler	28 Felton Street	Inspector
5	2	Theresa	Chotkowski	3 Pond Terrace	Inspector
5	2	William	Coady	35 Glenwood Avenue	Inspector
5	2	Myles	Collins	19 Squanto Road	Inspector
5	2	Anna	Cumming	27 Anna Road	Inspector
5	2	Mary	Dickie	1 Linden Circle	Inspector
5	2	Diane	Fogarty	117 Washington Street	Inspector
5	2	Nancy	Doyle	7 Flint Circle	Inspector
6	1	Jean	O'Connor	9 Rock Street	Warden
6	1	Linda	McLaughlin	269 Cambridge Rd #103	Clerk
6	1	Michele	Barling	23 Milan Ave	Inspector
6	1	Kathleen	Bailey	4 Utica Street	Inspector

6	1	Judy	Elios	9 Thomas Street	Inspector
6	1	Margaret	Reilly	7 Williams Lane	Inspector
6	1	Carol	Breed	269 Cambridge Rd #509	Inspector
6	1	Caroline	Murphy	3 Akeson Road	Inspector
6	1	Theresa	Christerson	33 Sherman Place	Inspector
6	1	Barbara	Ridley	129 Place Lane	Inspector
6	2	Diane	Autenzio	23 Milan Avenue	Warden
6	2	Irene	Decata	57 Wood Street	Clerk
6	2	Christine	Bellekevicz	17 Jan Street	Inspector
6	2	Michelina	DeAngelis	255 Lexington Street	Inspector
6	2	Marilyn	Ebrecht	40 West Street	Inspector
6	2	Sheila	Marshall	26 Boyd Road	Inspector
6	2	Patricia	Ryan	99 Pearl Street	Inspector
6	2	Marilyn	Smith	16 Nichols Street Ext	Inspector
6	2	Patrice	McCall	32 Webster Avenue	Inspector
6	2	Lina	Cicchetto	22 Longwood Avenue	Inspector
7	1	Darlene	Daddario	3 McDevitt Drive	Warden
7	1	MaryAnn	Chorlton	312 Lexington Street	Clerk
7	1	Barbara	Callahan	32 Van Norden Road	Inspector
7	1	Dorothy	Curran	1 Dix Road	Inspector
7	1	Virginia	Evans	12 Barbara Circle	Inspector
7	1	Ruthann	Gridelli	25 Grape Street	Inspector
7	1	Camille	Maccini	3 Pheasant Lane	Inspector
7	1	Ellen	Magro	9 Rich Road	Inspector
7	1	James	Rooney	38 Carroll Road	Inspector
7	1	Florence	Tully	5 Hiawatha Road	Inspector
7	2	M. Joyce	O'Donnell	442 Russell Street	Warden
7	2	Donna	Winitzer	18 Hart Place	Clerk
7	2	Donna	Bullen	27 Robinson Road	Inspector
7	2	Gail	Burke	6 Janis Terrace	Inspector
7	2	Linda	Loreth	19 Rich Road	inspector
7	2	Mary	Harrison	48 Lake Ave #BC5	Inspector
7	2	Dorothy	Livolsi	57 Winter Street	Inspector
7	2	Nancy	Matthews	361 Place Lane	Inspector
7	2	Carol	Murphy	275 Russell Street	Inspector
7	2	Mary	Sasso	39 Carroll Road	Inspector
		Sheila	Newman	81 Willow Street	Substitute
		Carolyn	Youngclaus	2 Park Drive	Substitute
		Nancy	Kerrigan	328 Place Lane	Substitute
		Leslie	Catania	28 Burlington St	Substitute
		Mary	Regan	12 Lakeview Terrace	Substitute

I hereby approve the above. s/Scott D. Galvin

s/Alderman Higgins

Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, 8 in favor, 0 opposed, 1 abstained (Haggerty abstained 0).

**Presented to the Mayor July 19, 2018 and ten days having elapsed without same being approved, said Order became effective without his signature on July 31, 2018.**

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ORDERED That the Committee on Special Permits meet with representatives of 4-K Realty Trust to review a special permit issued 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.

s/President Haggerty

Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED and the matter be referred to the Committee on Special Permits, all in favor, 9-0.

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From Traffic Commission:

ORDERED Be it ordered that Schedule 4 Heavy Commercial Vehicle Exclusions of the 2017 Woburn Traffic Code, as amended, be further amended by adding the following:

MOUNTAIN STREET – No heavy trucking in both directions the entire length.

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

**Presented to the Mayor July 19, 2018 and ten days having elapsed without same being approved, said Order became effective without his signature on July 31, 2018.**

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Motion made and 2<sup>nd</sup> to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:03 p.m.

A TRUE RECORD ATTEST:

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