

**COMMITTEE ON SPECIAL PERMITS
MAY 8, 2017 AT 6:19 PM
COMMITTEE ROOM
WOBURN CITY HALL**

Voting Members:

Attending: Chair Richard Gately, Alderman Mark Gaffney,
Alderman Joanne Campbell, Alderman Darlene Mercer-Bruen,
Alderman Edward Tedesco
Absent: None

Non-Voting Members:

Attending: Alderman Michael Anderson, Alderman Michael Concannon
Alderman Lindsay Higgins, President Richard Haggerty
Absent: None

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The Committee on Special Permits met as a Committee of the Whole on the petition by Cabot, Cabot & Forbes, LLC and the petition by Seaver Properties LLC.

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On the petition by Cabot, Cabot & Forbes, LLC for special permit to allow restaurant and retail uses on ground floor with multifamily residential housing within the six stories above with parking spaces including surface spaces to serve the retail and residential clubhouse areas and a structured parking facility wrapped by residential units at 120 Commerce Way, meeting as Committee of the Whole. President Haggerty stated that he spoke to the attorney for the petitioner, Attorney Mark Salvati, and that he asked that this matter be continued as they continue to work with the City Engineer on mitigation. Motion made and 2nd that the matter be left in committee, all in favor, 9-0.

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Motion made and 2nd to recess the meeting for the purposes of allowing the Committee on Personnel to convene, all in favor, 9-0. Committee in recess at 6:21 p.m.

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Chair Gately called the meeting back to Order at 6:25 p.m.

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On the petition by Seaver Properties LLC for a special permit to allow for one hundred eighteen (118) residential townhouse units at 285, 287 and 299 Lexington Street, meeting as a Committee of the Whole. Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner received the comments from the City Engineer and the Planning Director, that he will address the issues raised, that there will be 112 units, that the petition complies with Section 14.4 of the Woburn Zoning Ordinances as to the number of units in the developable parcel, that there are 4.85 units per acre which is less than what is allowed under Section 14, that the latest revised plan is dated May 3, 2017, that the Police Chief responded to the request for information stating that there were two

reportable traffic accidents in the area, that the Planning Department provided a report as to the number of units per acre at the Quail Run development although that project was developed under Section 10 and not Section 14, that the petitioner's engineer has submitted information showing adequate water capacity, that a proposed mitigation package was submitted, that the City Engineer concurs with the traffic signalization improvements at the Lexington Street and Cambridge Road intersection, that there will be improvement to the sidewalk along Lexington Street, that there will be public parking and access to the public lands at Shaker Glen, that an access agreement is needed from Eversource in order to traverse the easement, and that the mitigation totaling \$602,000.00 exceeds the \$572,700.00 mitigation required. Mark Sleger, ALAN Engineering, L.L.C, 288 Littleton Road, Suite 31, Westford, Massachusetts 01886 stated that the plan has been modified in accordance with concerns of the committee, that there is 24.5 acres of open space or 51.5% of the land and 23.09 of developable land, that there will be 4.85 units per acre of developable land, that the driveway of an abutting property encroaches on the development, that the driveway will be relocated to mitigate zoning issues raised by the Building Commissioner, that the front porch of the existing farmhouse will be removed and a smaller porch added to meet the required setback of 75 feet, that the revised building envelopes have been tightened up, that the decks, patios and porches are shown on the plan, that the trail specifications have been added showing the location and allowing flexibility depending upon terrain and ledge outcroppings, that the petitioner will perform limited clearing of the trail, that the trail will be of natural surface and switchbacks added where needed, that the intent is to be as unintrusive as possible, that there will be enough use that the path condition will be maintained, that some occasional pruning of shrubs may be necessary along the trail, that signs will be added indicating one way travel on the road at the clubhouse, that additional signs for the deeded parking and dead-end roads was added, that there will be snow storage in the five foot strip along each road, that there are also some areas for excessive snow to be moved and drained into the infiltration system rather than melt back onto the road, that unit directional signage was added which will help emergency personnel, that the end units will have a two bay garage, that the middle units will have a one bay garage and a deeded parking space in front of the garage, that the flat units will also have two deeded parking spaces, that the parking for the open space has increased from ten parking spaces to eighteen parking spaces with eight of the parking spaces located across the street, that signs will be installed indicating that the parking is for the open space use only, that there will be two handicapped accessible parking spaces among the open space parking, that there will be handicapped access to the trail which is required but the trail is not required to be handicapped accessible, that there will be a handicapped accessible ramp, that there will be a total of 295 parking spaces, that 18 parking spaces will be dedicated to the open space with 277 parking spaces located throughout the development at 2.5 parking spaces per unit, that the parking spaces behind the two bay garages have not been included in the calculation, that additional unassigned parking is available near the open space is available if needed, that the water and sewer calculations were submitted to the City Engineer and the Superintendent of Public Works, that the City Engineer indicated that the information was adequate, that the Fire Chief has indicated that the roadway width is suitable, that there are turnarounds for fire vehicles on roads more than 150 feet long, that the Fire Department standard roadway width is twenty feet, that the two main roads in the development will be 24 feet wide and the access roads will be twenty feet wide, that parking will be prohibited on the road, that the roadway parking prohibition can be included

in the association documents, that a sign could be erected indicating no parking on the roadway, that the Fire Department vehicle maneuverability at the intersection is adequate, that there will be granite curbing at the intersection, that the curbing will be five inch vertical granite, that there will be handicapped ramps at the driveway locations, that the curbing along Lexington Street will be six inch granite curb, that other areas in the development will use bituminous Cape Cod curb which will assist with drainage to the catch basins, that there will be granite curbing at the corners, bituminous concrete curbing in areas where curbing is needed and no curbing in some areas, that the intent is to have a rural look and granite curbing will give the development a city look, that approximately 25% of the site will curbing and the remaining will have no curbing, that all of the curbing is shown on the plan sheets, and that the cross slope of the sidewalks at the driveways must be ADA complaint. Scott Seaver, Seaver Properties LLC stated that they will be meeting with the abutter to discuss relocating the driveway from the property, that they did not know that this driveway was going to be an issue, that adding stone dust to the trail will be objectionable to the Conservation Commission, that he conferred with the Veteran's Agent and there is no request to name the main roads after veterans killed in action because this is a private development and not real roads, that the Planning Board recommended 10% visitor parking and this development provides 30% visitor parking, that there is plenty of visitor parking, that the whole sidewalk along Lexington Street will be replaced with concrete sidewalks and be made handicapped accessible, that the sidewalks in the development will be made of asphalt, that the petitioner is trying to maintain the farm feel, that Eversource has the plan and has up to six months to approve the easement use, that the trail is a minor use, that the ten parking spaces and some drainage that goes into the easement are minor intrusions, that the two bay garages will be 24 feet wide, that there will not be trash receptacle holding areas, that each unit owner will be responsible for their own trash barrels, that he could not obtain financing for the whole project being constructed as a single phase, that at the Baldwin Landing project he obtained financing for three building that must be completed and sales activity demonstrated before financing will be available for the fifth building, that the plan is to start the project at the right of the property and move left, that sales will set the pace of construction, that at Newbridge Village the sales were ahead of the building process and they had to continue building to keep up with the demand, that the project could be completed in 2½ years depending upon sales, that he cannot move forward with construction if there are no sales, that there is no issue with completing mitigation of what he can control but MassDOT has approval over the traffic signals and the sidewalk improvements along Lexington Street, that 24 feet width is the standard for private development roadways, that 24 feet is a wide road, that the Quail Run development has 21 foot wide roads throughout the development, and that he sent a copy of the plans for review as directed to the Building Commissioner, Planning Director, City Engineer and out of courtesy to the Superintendent of Public Works. Alderman Higgins stated that she wanted the two main roads named to assist emergency personnel and preferably named after a veteran killed in action, that access to the site will not be open to the public until the improvements are complete so that they area is safe and not a construction site, that the public cannot be traversing a construction site, and that she has worked on proposed conditions that address many of the issues being discussed as follows:

1. The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit entitled: "Site Plan Shannon

Farms, Woburn, Massachusetts” dated September 27, 2016 revised April 12, 2017 and revised May 3, 2017, prepared by ALAN Engineering, L.L.C., 288 Littleton Road, Suite 31, Westford, Massachusetts (hereinafter the “Site Plan”) although design adjustments and modifications generally associated with: (i) preparing so-called “working drawings” or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan.

2. All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting any abutting properties.
3. Exterior construction activities on the Site shall be from 7 a.m. to 5 p.m. Monday through Friday, and 7 a.m. to 4 p.m. on Saturdays. Exterior construction activities on Site shall not be permitted on Sundays.
4. The applicant must comply with the requirements of Section 11.11 of the Zoning Ordinance (Affordable Housing Requirement) relative to the creation of at least eleven (11) affordable housing units.
5. The plan should identify adequate snow storage areas and the applicant must file a copy of the snow storage plan with the Director of Inspectional Services. The Petitioner shall be responsible for snow removal until such time when all its legal rights in the development are transferred to the Townhouse Association or similar association. Once the Townhouse Association, or similar association, has been transferred and its legal rights vested in the development, the Townhouse Association, or similar association, will be responsible for snow removal.
6. The mitigation for this proposal shall be as indicated below and in accordance with the City Engineer’s memo dated May 2, 2017, revised May 5, 2017:
 - (a) Petitioner shall construct the Public Parking area as shown on the Plan in order to facilitate the public access to the Shaker Glen Conservation Area and additional open space which the Petitioner will deed to the City of Woburn’s Conservation Commission as part of this Special Permit, as indicated on the Plan of Record. The open space parcel shall be in accordance with and meet the requirements of Section 14.5 of the City of Woburn Zoning Ordinances. Such open space parcel shall be deeded to the City of Woburn’s Conservation Commission prior to the issuance of building permit. Petitioner shall coordinate with the City Solicitor as to the language and appropriate documentation for such transfer.
 - (b) Petitioner shall provide and install signage in such Public Parking area clearly indicating that there is access to the Shaker Glen Conservation Area. Petitioner shall seek guidance and approval from the Conservation Administrator for such signage.
 - (c) Petitioner shall create a new access/entry point into Shaker Glen Conservation area for easy access for the general public. To facilitate this access, Petitioner shall build a trail from the Public Parking area to the new access/entry point. No certificate of occupancy, permanent or temporary, may be granted until the trail as depicted in the Plan of Record is constructed.

- (d) Petitioner shall provide sidewalks along Lexington Street along the entire length of the development parcel. Such sidewalks shall be five feet (5') in width, with six inch (6") granite curbing.
 - (e) The Petitioner shall install plantings, signage and benches in the Open Space Parcel.
 - (f) The Petitioner shall clean up the Open Space Parcel.
 - (g) Subject to the approval from MassDOT, the Petitioner shall complete traffic signal improvements at the Four Corners. The Petitioner must seek MassDOT approval prior to site construction and issuance of building permit. Petitioner shall notify the City Council, Building Inspector, and City Engineer within ten (10) days of approval or denial by MassDOT. Such improvements shall be completed within twelve (12) months of the date of approval from MassDOT.
7. Petitioner shall maintain such Public Parking area and new trail until such time when all its legal rights in the development are transferred to the Townhouse Association or similar association. Once the Townhouse Association, or similar association, has been transferred and its legal rights vested in the development, the Townhouse Association, or similar association, shall maintain such Public Parking area and new trail in perpetuity.
 8. Subject to obtaining the necessary approvals, the Petitioner shall provide signage at the townhouse development main entrance indicating access to Public Parking for Shaker Glen Conservation Area. Petitioner shall provide and install other signage to appropriately direct visitors to such Public Parking area. Petitioner will consult with the Conservation Advisor on all open space signage.
 9. Petitioner shall seek approval for the Public Parking area, as well as trail and access to Shaker Glen Conservation Area, from Eversource, or whomever is the owner of the easement of power lines shown in the Plan of Record. Such approval shall be obtained before any excavation, construction, or any work may begin on the site. If no such approval is obtained, the Petitioner shall not be permitted to build the development referenced in the Plan of Record, and such Special Permit is null and void. Petitioner shall notify the City Council within ten (10) days of approval or denial by Eversource or whomever is the owner of the easement of power lines shown in the Plan of Record.
 10. Before any construction may begin, Petitioner is required to remove all farming machinery, equipment, tools, and other implements of husbandry, as well as any debris, from areas that will be deeded to the City of Woburn for open space.
 11. Petitioner's construction vehicles or other work related heavy equipment or heavy vehicles as well as any such vehicles which are owned or operated by its subcontractors, shall not traverse on Grace Road, Maura Drive, and/or Waltham Street.
 12. Each townhouse unit that does not have a garage and/or driveway of its own shall be allocated at least two deeded spots, which must be clearly labeled.
 13. All visitor parking spots must be clearly labeled and used as such. No visitor parking spots as indicated on the Plan of Record may be deeded out to property owners.
 14. No occupancy permit, temporary or permanent, may be issued by the Building Commissioner for the remaining cluster of buildings to be constructed, unless all items required under Section 14 of the of the City of Woburn Zoning Ordinances and these Conditions have been complied with.

15. The existing stone wall located on Lexington Street will remain in place as indicated on Page 11 of 27 on the Plan of Record.
16. All blasting shall conform with all local, state, and federal statutes, regulations, and other administrative procedures. Petitioner shall obtain all required blasting permits.
17. The landscaping plan shall be submitted and approved by the City Council prior to the issuance of occupancy permits for the last cluster. Further, if trees are going to be planted in the grass strips, the grass strips shall be at least six (6) feet wide. All other trees shall be planted five (5) feet to ten (10) feet behind the sidewalk or curb.
18. Petitioner shall submit plans with MassDOT for approval. If no such approval is obtained, no building permit will be issued. Petitioner shall notify the City Council and Building Inspector within ten (10) days of approval or denial by MassDOT.

Motion made and 2nd to accept the proposed conditions and make them part of the record, all in favor, 9-0. President Haggerty stated that he does not want asphalt curbing at the development, that asphalt curbing does not look good and does not hold up, that he will not support bituminous asphalt curbing, that where curbing is needed it should be made of granite, that he wants a single phase development, that an example of delays is the Winning Farm project which has not been developed after seventeen years, that mitigation and other requirements have changed since the project was initially approved, that he wants to avoid this situation at this location, and that he wants to see all of the mitigation such as trails, sidewalks and traffic signalization completed at the beginning of the project. Alderman Concannon stated that he is not asking for granite curbing in the whole development but where curbing is needed for corners or drainage it should be made of granite and not bituminous asphalt, and that if the roads are 26 feet wide this would be more impermeable surface. Alderman Campbell stated that she does not want to wait for two years for access to the trails, that once the area is complete it should be open for public access, that if there is a minimum roadway width then the petitioner must be allowed to meet that minimum width, that if six inch granite curbing is needed then the code should state six inch granite curbing is required, that if the roadway minimum width is twenty feet and the city wants a minimum width of 24 feet then this should be in the code rather than saying that twenty feet is the minimum width but we will require 24 feet for a particular project, and that people need to know what the standards are when they make plans to build. Alderman Gately stated that the process for removing any ledge should be disclosed to the city, that he wants the two main roads to be 26 feet wide and the access roads to be 24 feet wide, that five inch granite curbing is acceptable, that most roads are 26 feet wide with sidewalks that adds up to the forty foot right of way, and that this projects roads should follow the same standards as subdivisions. Motion made and 2nd that the email dated May 8, 2017 from Fire Prevention Officer Lt. Keith Peary be made part of the record, all in favor, 9-0. Motion made and 2nd that the photograph of the lantern design be made part of the record, all in favor, 9-0. The Committee then reviewed each proposed conditions offered by Alderman Higgins. Motion made and 2nd that Condition 1 be adopted, all in favor, 9-0. Motion made and 2nd that Condition 2 be adopted, as amended, all in favor, 9-0. As to Condition 3, Alderman Higgins stated that the residents have requested that work be prohibited on state and federal holidays. Mr. Seaver stated that he wanted some flexibility on the hours of construction, that if a worker is finishing up a task he should be permitted to do so, that the hours of construction are generally 7:00 a.m. to 4:00 p.m., that there are six holidays in the construction industry, that other industries take eleven holidays, and that if the tradesmen

are not working those additional five holidays they are not being paid. Alderman Mercer-Bruen stated that there should be provision for dust and rodent control. Motion made and 2nd that Condition 3 be adopted, as amended, all in favor, 9-0. Motion made and 2nd that Condition 4 be adopted, 7 in favor, 2 opposed (Anderson, Mercer-Bruen opposed). Motion made and 2nd that Condition 5 be adopted, all in favor, 9-0. As to Condition 6a, Alderman Higgins stated that the City Solicitor stated that the City Council will have to authorize the Conservation Commission to accept the open space at some point. Motion made and 2nd that Condition 6a be adopted, all in favor, 9-0. Motion made and 2nd that Condition 6b be adopted, all in favor, 9-0. Motion made and 2nd that Condition 6c be adopted, all in favor, 9-0. As to Condition 6d, President Haggerty stated that there should be a determination as to whether a requirement for a grass strip should be included between the curbing and the sidewalk. Motion made and 2nd that Condition 6d be adopted, as amended, all in favor, 9-0. As to Condition 6e, Alderman Mercer-Bruen stated that the petitioner should have to maintain these items in perpetuity. Motion made and 2nd that Condition 6e be adopted, as amended, 8 in favor, 1 opposed (Mercer-Bruen opposed). Motion made and 2nd that Condition 6f be adopted, all in favor, 9-0. As to Condition 6g, Attorney Tarby stated that the language should be amended by substituting the language “shall file an application with MassDOT for approval prior to site construction” rather than “must seek MassDOT approval prior to site construction.” Alderman Anderson asked what would happen if the work on the traffic signals is not approved by MassDOT. Alderman Higgins stated that the traffic signal improvements at the Four Corners intersection are a big factor in approving this petition. Mr. Seaver stated that he expects the traffic signal improvements will be approved by MassDOT but he is concerned about how long it may take to obtain approval. President Haggerty stated that if MassDOT denies or substantially changes the traffic signal improvements then the petitioner should return to the City Council to discuss alternate mitigation. Motion made and 2nd that Condition 6g be laid on the table to allow Alderman Higgins additional time to revise the language, all in favor, 9-0. As to Condition 7, President Haggerty stated that the petitioner should have to maintain the trail in perpetuity. Alderman Mercer-Bruen stated that the trail will not be maintained by the city. Alderman Concannon stated that the petitioner may have to maintain the beginning of the trail that is on the petitioner’s property but should not have to maintain the trail on the city’s property. Alderman Campbell stated that the responsibility for maintenance of the trail should not be on the townhouse association except when the trail is on the townhouse association’s land. Motion made and 2nd that Condition 7 be adopted, as amended, 6 in favor, 3 opposed (Haggerty, Higgins, Mercer-Bruen opposed). Motion made by Alderman Concannon to reconsider his vote on Condition 7 and 2nd by President Haggerty, all in favor, 9-0. Motion made and 2nd that Condition 7 be adopted, as amended, 5 in favor, 4 opposed (Gately, Haggerty, Higgins, Mercer-Bruen opposed). Motion made and 2nd that Condition 8 be adopted, all in favor, 9-0. As to Condition 9, Attorney Tarby stated that the petitioner wants to add the words “before any building permit issues”, and that if the access easement is not approved then the special permit could not be utilized and would expire in three years for non-use. Mr. Seaver stated that if Eversource said that the ten parking spaces could not be constructed in the easement then the petitioner would find another location for the parking spaces, and that people are already crossing the easement area. Motion made and 2nd to change the word “owner” to the word “beneficiary” where it appears in Condition 9, all in favor, 9-0. President Haggerty left the Committee Room. Motion made and 2nd that Condition 9 be adopted, as amended, 6 in favor, 2 opposed

(Campbell, Concannon opposed), 1 absent (Haggerty absent). Motion made and 2nd that Condition 10 be adopted, 8 in favor, 0 opposed, 1 absent (Haggerty absent). Motion made and 2nd that Condition 11 be adopted, as amended, 8 in favor, 0 opposed, 1 absent (Haggerty absent). Motion made and 2nd that Condition 12 be adopted, 8 in favor, 0 opposed, 1 absent (Haggerty absent). Motion made and 2nd that Condition 13 be adopted, 8 in favor, 0 opposed, 1 absent (Haggerty absent). Motion made and 2nd that Condition 14 be adopted, 8 in favor, 0 opposed, 1 absent (Haggerty absent). President Haggerty entered the Committee Room. Motion made and 2nd that Condition 15 be adopted, all in favor, 9-0. Motion made and 2nd that Condition 16 be adopted, as amended, all in favor, 9-0. Alderman Anderson left the Committee Room. As to Condition 17, Alderman Gately stated that any trees planted will be eight to ten feet tall and be in the range of 1½ inch to 2 inch caliper. Motion made and 2nd that Condition 17 be adopted, 8 in favor, 0 opposed, 1 absent (Anderson absent). As to Condition 18, Alderman Concannon stated that these issues can be addressed in a revised Condition 6g. Motion made and 2nd that Condition 18 be stricken, all in favor, 9-0. Motion made and 2nd to add a new Condition 18 to read as follows: 18. Petitioner shall consult with the Engineering Department and area developers for location of handicapped access ramps along Lexington Street, 8 in favor, 0 opposed, 1 absent (Anderson absent). Motion made and 2nd to add a new Condition 19 to read as follows: 19. Adequate rodent and pest control shall be put in place before demolition, 8 in favor, 0 opposed, 1 absent (Anderson absent). After the amendments, the proposed conditions were as follows:

1. The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit entitled: “Site Plan Shannon Farms, Woburn, Massachusetts” dated September 27, 2016 revised April 12, 2017 and revised May 3, 2017, prepared by ALAN Engineering, L.L.C., 288 Littleton Road, Suite 31, Westford, Massachusetts (hereinafter the “Site Plan”) although design adjustments and modifications generally associated with: (i) preparing so-called “working drawings” or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan.
2. All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting any abutting properties. The street lights shall be in substantial conformity with the lantern plan submitted to the Committee on Special Permits.
3. 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 8 a.m. to 4 p.m. on Saturdays. Exterior construction activities on Site shall not be permitted on Sundays or federal or state holidays.
4. The applicant must comply with the requirements of Section 11.11 of the Zoning Ordinance (Affordable Housing Requirement) relative to the creation of at least eleven (11) affordable housing units.

5. The plan should identify adequate snow storage areas and the applicant must file a copy of the snow storage plan with the Director of Inspectional Services. The Petitioner shall be responsible for snow removal until such time when all its legal rights in the development are transferred to the Townhouse Association or similar association. Once the Townhouse Association, or similar association, has been transferred and its legal rights vested in the development, the Townhouse Association, or similar association, will be responsible for snow removal.
6. The mitigation for this proposal shall be as indicated below and in accordance with the City Engineer's memo dated May 2, 2017, revised May 5, 2017:
 - a. Petitioner shall construct the Public Parking area as shown on the Plan in order to facilitate the public access to the Shaker Glen Conservation Area and additional open space which the Petitioner will deed to the City of Woburn's Conservation Commission as part of this Special Permit, as indicated on the Plan of Record. The open space parcel shall be in accordance with and meet the requirements of Section 14.5 of the City of Woburn Zoning Ordinances. Such open space parcel shall be deeded to the City of Woburn's Conservation Commission prior to the issuance of building permit. Petitioner shall coordinate with the City Solicitor as to the language and appropriate documentation for such transfer.
 - b. Petitioner shall provide and install signage in such Public Parking area clearly indicating that there is access to the Shaker Glen Conservation Area. Petitioner shall seek guidance and approval from the Conservation Administrator for such signage.
 - c. Petitioner shall create a new access/entry point into Shaker Glen Conservation area for easy access for the general public. To facilitate this access, Petitioner shall build a trail from the Public Parking area to the new access/entry point. No certificate of occupancy, permanent or temporary, may be granted until the trail as depicted in the Plan of Record is constructed.
 - d. Petitioner shall provide sidewalks along Lexington Street along the entire length of the development parcel. Such concrete sidewalks shall be five feet (5') in width, with six inch (6") granite curbing, shall be concrete and there shall be a twenty-four (24) inch grass strip between the curbing and sidewalk. Construction of the sidewalks shall be subject to MassDOT approval.
 - e. The Petitioner shall install plantings, signage and benches in the Open Space Parcel in coordination with the Conservation Commission.
 - f. The Petitioner shall clean up the Open Space Parcel in coordination with the Conservation Commission.
 - g. Subject to the approval from MassDOT, the Petitioner shall complete traffic signal improvements at the Four Corners. The Petitioner must seek MassDOT approval prior to site construction and issuance of building permit. Petitioner shall notify the City Council, Building Inspector, and City Engineer within ten (10) days of approval or denial by MassDOT. Such improvements shall be completed within twelve (12) months of the date of approval from MassDOT.
7. Petitioner shall maintain such Public Parking area and the new trail head until such time when all its legal rights in the development are transferred to the Townhouse Association. Once the Townhouse Association, or similar association, has been established, and its legal rights vested in the development, the Townhouse Association, or similar association, shall maintain such Public Parking area and the

new trail head which remains on its property in perpetuity. The remainder of the trail will remain under the jurisdiction of the Conservation Commission.

8. Subject to obtaining the necessary approvals, the Petitioner shall provide signage at the townhouse development main entrance indicating access to Public Parking for Shaker Glen Conservation Area. Petitioner shall provide and install other signage to appropriately direct visitors to such Public Parking area. Petitioner will consult with the Conservation Administrator on all open space signage.
9. Petitioner shall seek approval for the Public Parking area, as well as trail and access to Shaker Glen Conservation Area, from Eversource, or whomever is the beneficiary of the easement of power lines shown in the Plan of Record. Such approval shall be obtained before any excavation, construction, or any work may begin on the site. If no such approval is obtained, the Petitioner shall not be permitted to build the development referenced in the Plan of Record, and such Special Permit is null and void. Petitioner shall notify the City Council within ten (10) days of approval or denial by Eversource or whomever is the beneficiary of the easement of power lines shown in the Plan of Record.
10. Before any construction may begin, Petitioner is required to remove all farming machinery, equipment, tools, and other implements of husbandry, as well as any debris, from areas that will be deeded to the City of Woburn for open space.
11. Petitioner's construction vehicles or other work related heavy equipment or heavy vehicles as well as any such vehicles which are owned or operated by its subcontractors or vendor deliveries, shall not traverse on Grace Road, Maura Drive, and/or Waltham Street.
12. Each townhouse unit that does not have a garage and/or driveway of its own shall be allocated at least two deeded spots, which must be clearly labeled.
13. All visitor parking spots must be clearly labeled and used as such. No visitor parking spots as indicated on the Plan of Record may be deeded out to property owners.
14. No occupancy permit, temporary or permanent, may be issued by the Building Commissioner for the remaining cluster of buildings to be constructed, unless all items required under Section 14 of the of the City of Woburn Zoning Ordinances and these Conditions have been complied with.
15. The existing stone wall located on Lexington Street will remain in place as indicated on Page 11 of 27 on the Plan of Record.
16. All blasting shall conform with all local, state, and federal statutes, regulations, and other administrative procedures. Petitioner shall obtain all required blasting permits. Dust control shall be coordinated with the Fire Department during blasting and demolition and at all other times during construction with the Building Department.
17. The landscaping plan shall be submitted and approved by the City Council prior to the issuance of occupancy permits for the last cluster. Further, if trees are going to be planted in the grass strips, the grass strips shall be at least six (6) feet wide. All other trees shall be planted five (5) feet to ten (10) feet behind the sidewalk or curb.
18. Petitioner shall consult with the Engineering Department and area developers for location of handicapped access ramps along Lexington Street.
19. Adequate rodent and pest control shall be put in place before demolition.

Motion made and 2nd that the matter be sent back for action to the City Council, 8 in favor, 0 opposed, 1 absent (Anderson absent).

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On the Order to review of special permit issued to New Creek II LLC for 425 Washington Street signage condition. Motion made and 2nd to accept the email communication from the Building Commissioner dated May 8, 2017, all in favor, 5-0. Alderman Gately stated that he petitioner should file a new application for the signs, and that the petitioner should start the process over again before the Planning Board. Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner was not invited to attend the first meeting on this matter, that the Planning Board was under the impression that the procedure had been followed, that the zoning code with respect to these signs should be amended, that the issue of signs belongs with the City Council, that the current process can require a petitioner to appear before the City Council, the Planning Board, the Building Commissioner and the Board of Appeals to resolve an issue. Alderman Mercer-Bruen stated that sign packages are not generally received with the application, and that the special permit that issued stated that the signs had to comply with the ordinances. Attorney Tarby stated that there was no substantive discussion of the signage, and that it was a throw away condition added to the special permit. Alderman Mercer-Bruen stated that the condition was added because of the location of this building, and that the signs were a huge consideration. Attorney Tarby stated that by way of example the property at 120 Commerce Way will have retail and restaurant uses but the tenants are not yet known and therefore signs cannot be proposed, that if the sign package is not ready when the petitioner is filed a petitioner could come back to the City Council for approval of a sign plan if necessary, that there have been difficulties with the process as there are a number of vacancies in the Sign Review Board, that there are economic factors behind a sign which is difficult to demonstrate to the Board of Appeals where hardship is the issue in making their decisions, that the better process would be for the City Council to issue a special permit for the signs, that he met with the Planning Director who had no issue with the signage until last week when she said that she had a 180° change in her position with respect to the City Council condition and that she could not support the petition. Alderman Mercer-Bruen stated that there was clear discussion in the City Council meeting about what the City Council intended with respect to the signs. Attorney Tarby stated that he petitioner did comply with the zoning ordinances by applying to the Sign Review Board, that under the ordinance as written the petitioner has to go to the Sign Review Board then the Planning Board and then the City Council, that a petitioner could obtain a variance from the Board of Appeals and then come to the City Council but despite the approved variance the City Council can act in a different fashion. Alderman Mercer-Bruen stated that the impression was that this process utilized by the petitioner was an end around. President Haggerty stated that it was not his intention to not allow the petitioner to avail itself of the system. Alderman Concannon stated that he questions whether the City Council could ever condition a special permit to prohibit a petitioner from availing itself of procedures, that the language was not throw away but he did not dig deeply into the issue, that he believed that the signs would comply with the ordinances, and that the assumption was that the signs on the building would look like the signs on the buildings in the area. Attorney Tarby stated that even if the petitioner showed the City Council signs that the City Council liked the petitioner would still have to go to the Sign Review Board and Planning Board, that the petitioner is not applying for signs now, and that the standards under the Sign Review Board which must be looked at are the zoning district, the effect on the area, economic interests and the purpose of the

sign. Jay Parillo, Back Bay Sign, 65 Industrial Way, Wilmington, Massachusetts 01887 stated that the petitioner is asking for a primary sign and two secondary signs, that secondary signs cannot exceed 25 square feet and 36 inches in height and the petitioner is seeking secondary signs of 29 square feet and 48 inches in height, that primary signs cannot exceed 50 square feet and 36 inches in height and the petitioner is seeking a primary sign of 80 square feet and 80 inches in height, that the signs will be internally illuminated, that the petitioner is seeking a slight increase in the square footage, and that the signs meet the ordinances as to area. Attorney Tarby stated that the property owner will be coming to the City Council with a petition to allow the existing pylon signs to be brought up to date, that the signs will be the same size as the existing sign, that this action is not in conjunction with the petitioner's project, that in the B-I zoning district the signs cannot exceed 20% of the first two stories, and that this proposal is for only 6% and 3%. Alderman Mercer-Bruen stated that she does not object to the signage plan as shown. Alderman Campbell stated that she does not object to the signage plan presented. Attorney Tarby offered a proposed ordinance to amend the zoning code with respect to signs. Motion made and 2nd that the document be received and made part of the record, all in favor, 5-0. Motion made and 2nd that the signage plan submitted, which includes the removal of the south facing signage, be approved pending amendment of the special permit, all in favor, 5-0.

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Motion made and 2nd to adjourn, all in favor, 5-0. Adjourned: 8:48 pm

Attest: _____
William C. Campbell
Clerk of Committees, Pro Tem