

**CITY OF WOBURN
OCTOBER 16, 2018 – 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBER, WOBURN CITY HALL**

Roll Call

Anderson	Gately
Campbell	Higgins
Concannon	Mercer-Bruen
Gaffney	Tedesco
Haggerty	

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

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$4,649.50 be and is hereby appropriate as so stated from Traffic Safety & Infrastructure \$4,649.50 to Mitigation New Boston St Bridge Acct #360058-588110 \$4,649.50 – Court costs associated with New Boston Street easement.

I hereby recommend the above; s/Scott D. Galvin, Mayor
I hereby approve the above: s/Ellen Callahan Doucette, City Solicitor
I have reviewed the above: s/Charles E. Doherty, City Auditor

s/President Haggerty

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

PUBLIC HEARINGS:

Alderman Concannon stated that as previously disclosed he will recuse himself from participating in the following matter to avoid the appearance of conflict because of a business relationship and left the Council Chamber.

On the petition by President Haggerty to amend the 1985 Woburn Zoning Ordinances, as amended, by adding a new Section 30 entitled "Smart Growth Overlay Districts" in accordance with the purposes of G. L. Chapter 40R; 2. By amending the City of Woburn Zoning Map by overlaying the Smart Growth Overlay District zoning provisions over one parcel of land as

shown on Assessors Map 20, Block 1, Lot 1 at 300 Mishawum Road; 3. By adopting the Woburn Mall Smart Growth Overlay District Design Standards; and 4. By adopting the Smart Growth Overlay District Plan Review and Special Permit Application Form and the Smart Growth Overlay District Regulations and Submission Requirements for use by applicants seeking approval under a Smart Growth Overlay Zoning District. PUBLIC HEARING OPENED. A communication dated October 10, 2018 with attachment was received from Tina Cassidy, Planning Board Director, Woburn Planning Board as follows:

Subject: Design Standards accompanying the Woburn Mall 40R zoning proposal

At this week's Committee meeting, a member asked me to forward communications relative to potential modifications to the proposed 40R Design Standards for the Woburn Mall property.

Attached please find a September 11, 2018 email and attachment from Riemer Law requesting consideration of several changes to the Design Standards as well as an email memo dated August 13, 2018 from the Metropolitan Area Planning Council (MAPC) offering its recommendations to me on the requests.

The Planning Board will review and consider these documents/issues during its public hearing process and I expect the Board will include commentary on them in its eventual recommendation to the City Council on the zoning text and map amendments.

As always, feel free to contact me if you have any questions.

A communication dated October 10, 2018 with attachment was received from Tina Cassidy, Planning Board Director, Woburn Planning Board as follows:

Subject: Information for Council Committee members

At last night's Committee meeting, at least several councilors expressed interest in receiving a copy of the minutes of the Planning Board meeting at which the first segment of the Woburn Mall 40R District public hearing was held.

The minutes were approved by the Board at its meeting last night and I am submitting them to you for distribution to the Council. Thank you.

Motion made and 2nd that the communications be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Concannon absent). President Haggerty stated that the following presentation will be made by the owner of the property over which the Mayor and Planning Department have suggested a Chapter 40R overlay district be approve, and that the property owner will advise what their intentions are with this proposal. Appearing for the petitioner was Attorney Mark Vaughan, Riemer and Braunstein, 700 District Avenue, 7th Floor, Burlington, Massachusetts 01803 and he stated that Edens owns the property that is subject of this ordinance although the city through the Mayor and Planning Department are the proponents of the ordinance, that Edens purchased the property approximately one year ago, that a Chapter 40R Smart Growth Overlay District is proposed for the parcel, that Edens communicated with the

Mayor about the challenges in a retail development and discussed what Edens saw as a better use for the property as well as any objections of the city, that it is beneficial to give an overview of the landowner's intentions with the property, and that if the Chapter 40R district is approved the landowner would have to go through a site plan review process. Brad Dumont Managing Director of Edens stated that they have remained deferential to the city's zoning process as they are not the petitioner, that they want to show their vision for the land after having received public input, that Edens has been in business for fifty years and has been in Boston for twenty-five years, that they primarily handle retail shopping centers, that they chose Avalon Bay to work with them as a partner on this proposal, that Avalon manages over 11,000 apartments, that the Chapter 40R proposal makes sense for the city, that the project will reduce the retail use from 3000,000 square feet to 240,000 square feet while adding to the housing stock with 25% of the units being affordable, that they have calculated the city would not be subject to a Chapter 40B petition for a decade if this project is approved, that for 425 housing units the city would receive \$1,600,000.00 from the State and have a potential for additional infrastructure grants, that if 400 housing units were constructed 100 of the units would be affordable with a local preference for future residents of the units, that the current real estate tax revenues paid to the city from the property would double, that there would be an increase in the restaurant tax paid to the city, and 100 net new permanent jobs would be created. Ryan Lorey, Director of Planning of Edens stated that they are a unique real estate company in that they employ ten professionals with a design background, that the quality of the retailers depends upon the quality of the design of the common areas, that there will be a scaled green space for programmed seasonal events, that the scale of the development will be oriented to pedestrians, that Market Basket, TJ Maxx and DSW will remain as retailers, that a cinema will be on a second story with retail below at the west of the site, that there will be big box retailers, that there will be a multifamily building, and that there will be an area with a denser more urban feel where farmers' markets and other events can be held. Mr. Dumont stated that other developers have tried to redevelop the site without success, that this is not a perfect plan because they are working with a current development, and that Market Basket wants to maintain their location and parking which hinders some development alternatives. Alderman Mercer-Bruen stated that if the City Council adopts the Chapter 40R plan there are design standards that must be followed but there is no subsequent special permit process. President Haggerty stated that there will be site plan review. Alderman Anderson stated that there will be site plan review. Alderman Mercer-Bruen stated that people need to understand that once this proposal is approved there will be little that the City Council can do in terms of conditions because this is a site plan process and not a special permit. Alderman Anderson stated that the City Council is waiting for the Planning Board to complete their review of the proposal, that he is concerned about the number of housing units which is currently proposed at 425 units, and that in the Technology and Business Overlay District (TBOD) there are over fifty acres with a limit of 150 housing units and the Woburn Mall parcel is much smaller. President Haggerty stated that the TBOD only requires 15% affordable housing units while this proposal requires 25% affordable housing units and all of the units in this development would count towards the Chapter 40B quota, and that this is a once in a generation opportunity that will have lasting impact on the area. Alderman Mercer-Bruen stated that the property owners indicated that the city would not be subject to a Chapter 40B proposal for a decade if this proposal was approved, and that she asks that the property owner share those calculations with the City Council and the Planning Board. Mr. Dumont stated that their calculations do show that the city would not be subject to a Chapter 40B proposal for ten years, and that he will provide those calculations to the

City Council. Alderman Gately asked if after the project is completed will the developer add further buildings to the parcel, that with all the proposed development the lot is cramped for parking, and that he wanted to know if additional retail buildings may be planned for future development. Mr. Dumont stated that there is no plan for additional retail buildings on the site, that if plans changed they would have to come back to the City Council, that with the mixed uses there is sufficient parking, that a parking garage will be enclosed by the residential building and will have 1.5 parking spaces for every residential unit, that they have been waiting to see where this proposal goes before pursuing significant design work, that it was difficult to put this presentation together, and that they will not have details for the project until the site plan process begins. President Haggerty stated that the building with the residential units will be set back at the northwest corner of the property. Mr. Dumont stated that the only way to get Market Basket to look at this plan was with the residential uses at the back corner of the property so that the residential users do not encroach on the Market Basket parking. PUBLIC COMMENTS: Tim Swain, 29 Dragon Court stated that he is concerned about the safety of children who may live in the residential building, that this is not a child friendly area, that the property should stay retail with no residential, that the parking is already poor, and that he would prefer a larger mall with more businesses. John Casey , 11 Garden Terrace stated that he has a store in the Woburn Mall with options to extend his lease, that he is working with the property owner regarding the lease options, and that there should be more information on the impact the proposal will have on area traffic. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 20, 2018 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, 8 in favor, 0 opposed, 1 absent (Concannon absent).

Alderman Concannon returned to the Council Chamber.

On the petition by JianPing Lin, 3 Sandpiper Lane, West Yarmouth, Massachusetts 02673 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, to allow therapeutic massage and spa at 546 Main Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: 1. The on-site dumpster shall be screened; 2. Rodent control measures shall be in place year-round; 3. Hours of operation shall be 9:00 a.m. to 9:00 p.m. Monday-Saturday, and 9:00 a.m. to 7:00 p.m. on Sunday; 4. All massage therapists must be appropriately licensed; 5. All the conditions of the existing special permit for 546 Main Street shall remain in full effect; 6. The two shade trees required as part of condition #4 of the special permit for 546 Main Street shall be planted by May 1, 2019; 7. A fence shall be erected on the existing wall in back of the building, in accordance with the Woburn Zoning Ordinance; 8. The dumpster shall not be emptied before 7:00 a.m. or after 6:00 p.m., in accordance with the Woburn Zoning Ordinance; 9. The plan of record is dated July 25, 2018. Alderman Gately stated that at the committee meeting the petitioner was told she did not have to appear at this meeting as the issues were resolved in committee. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the nine conditions recommended in the committee report adopted as conditions of the special permit, 8 in favor, 1 opposed (Anderson opposed), 0 absent.

On the petition by Presidential Ventures LLC, 275 Mishawum Road, 4th Floor, Woburn, Massachusetts 01801 for a special permit and site plan approval pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 12.2.4 and 8.6.2.2 to allow construction of 270+/- parking spaces, subsurface drainage structures, exterior lighting and waiver from tree requirement at 8 Presidential Way. PUBLIC HEARING OPENED. A communication dated October 10, 2018 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on special permit modification application for 8 Presidential Way/Presidential Ventures LLC

Dear Council:

The Planning Department has reviewed the request for a Special Permit and modification to the Site Plan of Record. The pending application seeks to amend the Plan of Record by increasing the amount of onsite parking, pursuant to Sections 12.2.4 and 8.6.3 of the Woburn Zoning Ordinance (WZO). The developer is also seeking relief from the requirement to plant one (1) interior tree for every ten (10) parking stalls (pursuant to Section 8.2.2). Staff's review of the GIS mapping system reveals no portion of the affected property falls within a Groundwater Protection District, wetland or flood zone/hazard area. Due to the scope of Site Plan alteration, the Petitioner has submitted a required Development Impact Statement, subject to review and comment by the City Engineer.

The new parking configuration proposes 114,092 sq. ft. of new pavement and the addition of "approximately" 270 new parking spaces (staff recommends that a specific number be clarified by the Petitioner for the purpose of adopting a final site plan/Plan of Record). According to the information supplied in the application, the new parking area will incorporate five (5) new ADA-compliant parking spaces and seven (7) new landscaped islands. The Petitioner is required to add 27 trees to the planting areas interior to the lot, and the requested waiver is to forego planting any such trees in the lot's interior. Staff note via conversation with the Petitioner's representative and review of the site plan that the Petitioner intends to plant additional trees along the periphery of the parking lot area in lieu of in-island tree plantings. However, the Council will need to ultimately base its decision to grant or deny the Petitioner's waiver relative to tree plantings on whether the amount, placement and type of landscaping proposed is equal or superior in visual appearance to that required by zoning. Provisions for parking lot snow storage (Sheet C-102), drainage infrastructure (Sheet C-103), lighting (Sheet E-101) and landscaping details (Sheets L-101 and L-501) have all been incorporated into the proposed site plan. The City Engineer should be asked to comment on the adequacy of snow storage areas.

Further, the proposed interior landscaped area is 16%, which is in excess of the required 5% of the total parking facility area, although the Petitioner will need to confirm that each interior landscaped area is at least 20 sq. ft. in size. If any are smaller an additional special permit will need to be obtained for this required element, as well (per Section 8.6.2.2). Similarly, the amount

of open space will remain in excess of the required 20% (although it will represent a reduction from 69% under current conditions to 54% under proposed conditions).

If the Council approves a modified Plan of Record, Planning staff recommends the Council impose at least the following as part of its conditions:

1. That all applicable conditions of the original Special Permit remain in full force and effect, in addition to citing the revised plan as the special permit Plan of Record;
2. That the trees planted on the perimeter of the parking area are restricted from removal in perpetuity under the current site plan, or that any such removal requires Council authorization;
3. That the Petitioner is prohibited from leasing any portion of the parking area to offsite tenants or uses;
4. That Special Permit issuance is subject to the required approvals of the Conservation Commission and U.S. Environmental Protection Agency (EPA).

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

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

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney James Mawn, Mawn and Mawn, 275 Mishawum Road, Woburn, Massachusetts 01801 and he stated that the petitioner purchased the property approximately one year ago, and that the property was to be converted from a trade school to a warehouse and storage use. Alderman Mercer-Bruen recused herself from participating in this matter and left the Council Chamber. Attorney Mawn stated that Lahey Health Systems uses 75,000 square feet of the 104,000 square foot building to house its IT department, that 50,000 square feet is used for office and 25,000 square feet is used for storage or is vacant, that the petitioner is in negotiations for Lahey to use the entire space as office use, that Lahey asked that the parking be increased to accommodate the sue, that the proposal is to increase the parking to the rear of the property and to improve the parking, that this is a fourteen acre site, and that the site is of a sufficient size to accommodate the parking requirements. Brian Jones, Allen & Major Associates, 100 Commerce Way, Woburn, Massachusetts 01801 stated that they are the civil engineers and landscape architects for the project, that the property abuts the Town of Wilmington to the north, that this is a 13.8 acre parcel, that there is a two-story 104,000 square foot building on the parcel, that there are two driveways onto Presidential Way, that two Boston Edison easements run on the property, that there is a detention basin in the center of the current parking lot for site drainage, that there are wetlands mostly around the perimeter and front of the building, that the petitioner has filed with the Conservation Commission for review, that the petitioner proposes to add 273 parking spaces to meet the needs of the tenant and building use, that there will be 54% open space which far exceeds the requirement for open space, that handicapped parking will be added, that a landscape plan has been filed, that the petitioner requests a waiver from the number of trees required in the islands, that 27 trees are required but the petitioner proposes to add 17 trees mostly on the perimeter of the property rather than on the parking islands, that this waiver is proposed because of the

extensive wooded area at the rear of the property, that there is a plan to manage stormwater with an infiltration system, that there is an overflow for a large weather event, that there is a subsurface retention system which is not infiltration but storage for drainage, file pole lights will be added, and building mounted lights will be added. Attorney Mawn stated that Lahey is currently in 75,000 square feet of the building, that Lahey wants to convert the 25,000 square feet currently used for storage and vacant as well as an additional 25,000 square feet for a total additional 50,000 square feet of office use, that there will be approximately 600 parking spaces for the 104,000 square foot building, that 300 parking spaces are required so this proposal is double the required amount of parking, that there will be no parking issues on site at completion of the project, that Reading Vending is currently a tenant-at-will which uses 5,000 square feet of the building and has eleven vehicles parked overnight, that if this special permit is approved Lahey will be the sole tenant of the building, that if Lahey has vehicles that will be parked overnight on site the Building Commissioner indicated that the eleven previously approved overnight parking spaces could be used, that the storage space will be converted to office space for the IT department, that he cannot see a purpose for the loading docks but the loading docks and overhead doors to the rear will not be removed, that in 2008 a previous owner proposed to add a 60,000 square foot three-story addition to the building which was approved but not constructed, that there is no intention at this time to expand the building, and that if in the future the petitioner wanted to expand the building the petitioner would have to come back to the City Council. Mr. Jones stated that there will be appropriate internal landscaping in conformance with the zoning code, that a snow storage plan has been provided, and that the surplus parking areas can be used for snow storage. Alderman Gately stated that the petitioner cannot push snow into the conservation area, that there will be 540 new trips per day with 273 parking spaces, and that the impact on traffic in the area is significant. Attorney Mawn stated that the number of employees will be limited by the size of the building, that generally the petitioner would look for a waiver from the parking requirements but this massive size of the lot allows for the additional parking, that access to Presidential Way and every other aspect of the proposal is more than adequate, that there are no restrictions on weekend hours in the lease but the use is sparse on weekends, that he believes the petition complies with Conservation Commission requirements but is still under review, and that the petitioner does not object to the four Planning Board recommendations. Alderman Concannon asked if there were plans to use the lot as satellite parking with a shuttle to other Lahey properties. Attorney Mawn stated that there is no plan to have this parking lot used as a satellite parking lot for other Lahey properties, that the Planning Department indicated that no such use should be allowed and the petitioner would agree to such a restriction, that the petitioner proposes to plant 16 rather than 27 trees, that 27 trees could be planted around the interior although there is almost a forest on other portions of the lot, and that the petitioner does not want to add trees to the parking area. Alderman Campbell stated that she is concerned about the trees, and that there trees are required to be planted in the parking area and not along the exterior because of aesthetics. Mr. Jones stated that the subsurface drainage would be impacted from some of the tree planting, and that the lot is not visible from the street but on visible to the tenants. Alderman Campbell stated that the trees will be aesthetically pleasing to the tenants and the requirement is that the trees be planted in the interior parking area and not the exterior, that she would like to see a plan with the trees in the parking area, that this is a hug parking lot, and that she wants to see the trees in the parking area. Attorney Mawn stated that the public hearing before the Conservation Commission is scheduled for October 25, 2018. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be

CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 20, 2018 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

Alderman Mercer-Bruen returned to the Council Chamber.

On the petition by Seaver Properties LLC, 215 Lexington Street, Woburn, Massachusetts 01801 for a special permit and site plan approval pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.3a, 5.7.3 and 12.2.2 to allow 41 residential townhouse units and a waiver of the required buffer zone of seventy feet between the R-3 zoned property and O-P zoned property at Hinckley Street (09-15-03), Warren-Mishawum Avenue (09-15-02), Mishawum-Dexter Avenue (09-15-01), Warren-Mishawum Avenue (09-10-01); Dexter Avenue (09-14-03), North Maple/Monks (09-09-02), Monks Street (09-09-01), Hinckley, Monks Warren (09-14-01); Monks Street (09-14-02). PUBLIC HEARING OPENED. A communication dated September 24, 2018 was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Special Permit applications for nine (9) lots on North Maple and Monks Streets and (East) Dexter and Mishawum Avenues/Seaver Properties LLC

Dear Councilors:

The Planning Department has reviewed the above-referenced application which seeks special permits for (a) permission to construct 41 residential townhouse units in accordance with Section 5.1(3a) of the Woburn Zoning Ordinance (WZO) and (b) a waiver of the 70' buffer required between residential and industrial districts, in accordance with Section 5.7.3 of the WZO. The Petition also seeks (c) site plan review in accordance with Section 12.2.2 of the WZO.

Planning staff notes the following issues/concerns:

1. There are at least two paper streets that bisect the subject property which are not shown on Sheets 1, 3, 4, 5 or 6. The rights of way for Hinckley Street and Warren Avenue appear to be accurately shown (with dashed lines) on Sheet 2 of 8 but are omitted from the remaining sheets.

The existence of these paper streets is not insignificant. The proposed buildings will have myriad side, rear and front setback violations and in some cases obstruct the rights of way. Planning staff does not recommend the Council grant the requested special permits/site plan review unless and until such time as these rights of ways are legally extinguished. Otherwise, the plan approved by the City Council will violate provisions of the WZO.

2. The WZO mandates a 70' wide buffer zone along any boundary line that adjoins a residential zoning district (Section 5.7.2). The mandatory buffer zone can be waived or varied by special permit if the buffer requirement is triggered by a rezoning from industrial/business to

residential after September 25, 2015. A significant portion of the subject land was recently rezoned from O-P to R-2 and would therefore be eligible for a waiver from the 70' buffer requirement if alternative screening methods can provide a reasonable buffer. However, not all of the site was rezoned; the first 150' of the parcel (the portion nearest to East Dexter Avenue) was then, and continues to be, zoned R-2. Despite the notes on Sheet 6, no alternative screening has been proposed along the common property lines with a parcel on Monks Street. The Monks Street parcel is not labeled for reference but can be identified as the lot on Monks Street that has two retaining walls mere feet away from its rear property line with no fencing or plantings to buffer it from the proposed development.

3. If approved, fifteen percent (15%) of the units (6) must be set aside as affordable housing in accordance with Section 11.11.1 of the WZO. Planning staff urges the Council to require the applicant to submit, as soon as possible, the Memorandum of Understanding (MOU) required by Section 11.11.1 between Seaver Properties and the Woburn Housing Authority. This MOU must be in place prior to final action by the Council on this Petition.
4. The Petitioner did not include a Development Impact Statement with the application as required by Sections 18.3 and 18.5 of the WZO.
5. No information has been provided relative to pedestrian and vehicular traffic projections and impacts.
6. A notation on Sheet 3 indicates that a total of 94 parking spaces are being provided on site. Only 60 are shown on the plan. If there are 34 additional spaces contained in either garages or driveways, the plans should note and depict that. Additionally, the Council should note that each space - whether in a parking area, driveway or garage - must be at least 18' in length to comply with the WZO.
7. Several of the parking spaces shown within the driveway turnaround do not appear to meet either the City's or State's minimum requirements for parking space widths, which must be at least 9' wide for standard spaces.
8. There is only one sidewalk on East Dexter Avenue and it is on the opposite side of the roadway from the proposed development's entrance. Construction of the existing sidewalk on East Dexter was required by the Planning Board several years ago in connection with approval of another townhouse project elsewhere on Dexter Avenue. Two sidewalks would have typically been required, but the Planning Board waived the requirement for a second sidewalk at that time. Planning staff recommends the Council evaluate the need for a sidewalk on both sides of Dexter/East Dexter Avenue given the addition of an estimated 50-125 residents who will live in the proposed development.

With respect to sidewalks, the plan shows handicapped ramps to be installed where the project's driveway would intersect with East Dexter Avenue; these ramps lead to "nowhere" because the sidewalk along East Dexter Avenue is, again, on the opposite side of the roadway from the proposed development.

On-site, the developer is proposing to install bituminous concrete sidewalks on only one side of the project driveway. The sidewalk is disjointed/discontinuous in that it consists of 13 different segments cutting across driveways and parking areas. As designed, the internal sidewalk will not only require pedestrians to walk in the roadway but also require they walk behind vehicles parked in driveways and parking areas which may be exiting those areas at any time. The Council should investigate alternative designs that minimize the number of pedestrian/vehicular conflicts and maximize the sidewalk's continuity, and should require the installation of Code-compliant handicap access ramps at each end of each sidewalk segment.

Finally, staff recommends the Council consider requiring the sidewalks to be made of concrete.

9. The plan does not show areas for the storage of snow. Staff recommends the Council require the developer to identify and show on the plan an adequate number of areas for such storage or, alternatively, require the removal of fallen snow within "x" hours after the end of every storm event.
10. Lighting appears to be inadequate. No street lights are proposed although 5 pedestrian scale light fixtures 12' high are proposed along one side and in the turnaround of the project's roadway. Staff recommends that the Council either require adequate street-scale lighting or, at a minimum, increase the number of pedestrian-scale lighting fixtures to ensure adequate light for safety purposes.
11. No provisions for the exterior storage of trash have been made and it is unwise to assume homeowners will store their trash and recyclables inside their units between pickups. Staff recommends the Council require the developer to provide adequate outside trash and recycling storage areas in the current design, rather than include no provisions for either and assume 41 different homeowners will coordinate acceptable systems on their own.

Will the City be providing trash and recycling collection for these units? If not, the Council should dictate minimum standards for the Homeowners Association to follow (e.g. minimum mandatory pick up of trash and recycling at least once per week). The Homeowners Association should also be made responsible for maintenance and repair of all utilities, sidewalks and driveways/roadway in the development itself.

12. Not all property owners have signed this application. There are a total of 9 lots included in the application that are owned by two different people according to the records of the Assessor: Mr. Arthur Brussard appears to own eight of the lots and Mr. Alexander Gichun owns one. An attorney known to represent Mr. Brussard previously has signed the application, and it is assumed (but not confirmed) that he represents Mr. Brussard in this matter. Mr. Gichun's assent to the application is not indicated in any fashion.
13. The cover sheet on the plan set references City of Woburn Assessors data and Registry of Deeds recording information for only two of the nine lots. The cover sheet should include information on all lots that are subject to the application.

14. The “tree notes” in the bottom left corner of Sheet 6 conflict with the “tree planting detail” in the top left corner of the same sheet. One indicates the proposed trees will be a minimum of 12’ in height and 2 ½ inches in diameter; the other indicates the trees will be a minimum of 6’ in height and 3 feet in diameter. Staff assumes these are the minimum measurements at the time of planting. The conflicting information should be reconciled, and the landscaping legend on Sheet 6 should be revised to include the size of other proposed plantings at the time of installation.

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

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

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the property is located in the R-3 zoning district, that the use is allowed by special permit, that the parcel is 4.9 acres, that the units will be 1,900 square feet, that seventeen units will have garages with driveways in front of the garages, that there will be 36 units in front of the other units, that the petitioner is seeking a waiver from the buffer zone, that the buffer zone can be waived if there are existing or alternative screening devices which are a reasonable buffer, the waiver will not substantially impact residents in the property and the nature or circumstances of the neighborhood justifies the waiver, that the property has been vacant for years, that the property has been used as a dumping ground for grass clippings and leaves by neighbors, and that the petitioner will clean up the property and develop the property consistent with neighboring property that he recently developed. Attorney Tarby offered a set of plans entitled “Site Plan Proposed Townhouse Development East Dexter Avenue Woburn Massachusetts” dated September 12, 2018 prepared by ALAN Engineering, L.L.C. for the City Council to review. Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Mark Sleger, ALAN Engineering, L.L.C., 110 Winn Street, Suite 209, Woburn, Massachusetts 01801 stated that there will be 41 units in seven buildings, that six buildings have six units and there is a single building with five units, that there will be a 25 foot wide road with a cul-de-sac, that there will be vertical granite curbing, that there will be a sidewalk on the eastern portion of the property, that the end units of the six unit buildings will have garage space and driveway parking, that there will be six deeded parking spaces, that the five unit building will have parking in front of the building, that additional parking is provided, that 82 parking spaces are required and 94 spaces are proposed, that there will be twelve parking spaces for guests, that there will be a mail station at the entrance to the development, that East Dexter Avenue has recently been upgraded with paving and new sidewalks, that the sidewalks are on the development side of the project, that the property is 213,649 square feet in area, that 12,000 square feet are required for the first unit and 5,000 square feet for each additional unit, that East Dexter Avenue will serve as the frontage for the property, that there will be no access from North Maple Street, that there will be 62.5% open space and 50% open space is required, that there will be 21.2% building ground coverage with no more than 25% required, that there will be four units in the middles of the buildings with one unit on each end, that the site slopes down to North Maple Street, that the petitioner is looking to recharge the stormwater into the northwest of the site, that there is wetland across North Maple Street, that the petitioner will be filing with the Conservation Commission for review, that the

petitioner will use the water main from North Maple Street, that the sewer will connect to North Maple Street, that the gas is currently stubbed at North Maple Street and will be extended from there to the site, that ornamental trees will be disbursed throughout the site, that shade trees will be planted in the cul-de-sac, that there will be a trellis feature, that there will be a landscaped berm for the buffer zone, that there will be a three to four foot berm with a six foot fence on top, that one area will have a 95 foot buffer because that portion of the property was not rezoned, and that there will be a twelve foot grade drop in that area which will have retaining walls. Alderman Tedesco stated that the Planning Board comments can be addressed in committee, that he wants to see the Memorandum of Understanding between the petitioner and the Woburn Housing Authority relative to the 15% affordable housing requirement, and that he wants the interior sidewalk to be constructed on concrete. Alderman Gately stated that he is concerned about the handicapped ramp at the sidewalk that appears to lead nowhere, and that when the Planning Board granted a waiver they likely were not aware of this development. Attorney Tarby stated that he believes there were topography issues that prohibited construction of the sidewalks. Alderman Gately stated that there may not be a water main in North Maple Street. Alderman Concannon stated that he wanted to obtain comments from the City Engineer relative to the Development Impact Statement. Motion made and 2nd that the plan dated September 12, 2008 be sent to the City Engineer, Department of Public Works and Fire Department for comment prior to the committee meeting, all in favor, 9-0. Motion made and 2nd that a communication be sent to the City Engineer requesting comments on the Development Impact Statement, all in favor, 9-0. Mr. Sleger stated that he would provide an aerial view of the property to the City Council. PUBLIC COMMENTS: Attorney Peter Nechtem, MacLean, Holloway, Doherty & Sheehan P.C., 8 Essex Center Drive, Peabody, Massachusetts 01960 stated that he represents John Devine who owns abutting property, that he agrees with comments in the letter from the Planning Department and the issues raised, that this is not a petition under Section 5.1.3a of the Woburn Zoning Ordinances as that section applies to a cluster development which contemplates as single lot for each building, that the proposed project is for a series fo multifamily dwellings, that the table of dimensional regulations requires 12,000 square feet for the first unit and 5,000 square feet for each additional unit, that one parcel remains in the R-2 zoning district and cannot be used for those calculations, that such a development would require a minimum of eighteen acres rather than the five acres of this parcel if the R-2 property is included, that the petitioner seeks to extinguish Mr. Devine's rights in several of the paper streets, that as an owner of a lot on a subdivision plan Mr. Devine has rights over those streets, that the 70 foot buffer zone is upt to the edges of the development, that the buffer zone cannot be waived because the parcel being used for the project was not entirely rezoned, that Mr. Devine runs a bus terminal from his property, that this use generates noise, that this is the reason for buffer zones, that the snow storage should not be in an area that will drain to Mr. Devine's property, that Mr. Devine does not want to see outside storage of trash and if necessary that this be stored as far away from Mr. Devine's property as possible because of the concern of rodents, and that the project violates Section 11 of the Woburn Zoning Ordinances as the proposal infringes on Mr. Devine's use of paper streets and the project is not compatible with the bus terminal operated on the abutting property for years. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON DECEMBER 4, 2018 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

On the petition by Alderman Tedesco to amend the 1985 Woburn Zoning Ordinances, as amended, by striking the definition for “Floor Area, Gross” and inserting in its place the following: “Floor Area, Gross: The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns and other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.” and 2. By striking the definition for “Floor Area, Net” and inserting in its place the following: “Floor Area, Net: The actual occupied area not including unoccupied accessory areas such as corridors, stairways, ramps, toilet rooms, mechanical rooms and closets.” PUBLIC HEARING OPENED. A communication dated October 10, 2018 was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Proposed zoning amendment to replace existing definitions of Floor Area, Gross and Floor Area, Net in Section 2 of the Woburn Zoning Ordinance with definitions for these terms found in the 2015 edition of the International Building Code/Alderman Tedesco

Dear Mr. Campbell:

At a meeting of the Woburn Planning Board held on Thursday, October 9, 2018, members of the Board voted 6-0 to continue the public hearing and discussion on the above-referenced application to the Board’s October 23, 2018 meeting at 7:00 p.m.

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

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Alderman Tedesco stated that the Planning Board continued their review of the proposal to October 23, 2018, and that the Building Commissioner and Planning Director will provide further comment at that time. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 20, 2018, all in favor, 9-0.

Alderman Tedesco recused himself from participating in this matter and left the Council Chamber.

On the petition by Cellco Partnership d/b/a Verizon Wireless for a grant of right in a way to locate a small cell wireless antenna, radio unit, meter, AC/DC converter, 60A disc., RGS conduit, ground rod, power and fiber, together with sustaining and protecting fixtures as may be necessary in accordance with a plan entitled “Woburn MA SC60” dated August 10, 2017, at 550 Main Street, one pole, #178/1. PUBLIC HEARING OPENED. A communication dated October 16, 2018 was received from Attorney Elizabeth Mason, McLane Middleton, 300 TradeCenter, Suite 7000, Woburn, Massachusetts 01801 as follows:

Subject: Verizon Wireless - Woburn MA SC60 - request to continue 10/16/18 City Council hearing on GOL petition

Dear City Clerk Campbell:

Verizon Wireless (“VZW”) respectfully requests that the City Council continue the public hearing scheduled for this evening, Tuesday, October 16, 2018, regarding VZW’s July 31, 2018 Petition for a Grant of Right in a Public Way to install, operate and maintain a “small cell” wireless communication antenna and supporting equipment (together, the “Small Cell”) on Utility Pole #178/1, which is located in the public right of way on Main Street (adjacent to 550 Main Street) (“Woburn MA SC60”). VZW is reviewing its options in preparation for a meeting with the City Engineer, as the Council has requested, and needs additional time to complete its review. We would respectfully request that the City Council continue the hearing to its next scheduled meeting on Tuesday, November 6, 2018.

Please let me know if we need to appear this evening to explain further. Thank you very much.

Regards, Betsy Mason

Motion made and 2nd that the communication be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Tedesco absent). President Haggerty stated that the petitioner’s representative was at this meeting, that he spoke to the representative, and that the petitioner is waiting for comments from the City Engineer relative to an alternative location. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 20, 2018, 8 in favor, 0 opposed, 1 absent (Tedesco absent).

Alderman Tedesco returned to the Council Chamber.

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$125,000.00 from Fire/BLS Ambulance Acct to Fire Ambulance Salary Acct, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: October 18, 2018 s/Scott D. Galvin October 18, 2018

PERSONNEL:

On the appointment of Joanne Cahill as a Member of the Woburn Council on Aging, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: October 18, 2018 **s/Scott D. Galvin October 18, 2018**

NEW PETITIONS:

Petition by Wig Big, Inc., 5115 Inwood Drive, Woburn, Massachusetts 01801 for a new Livery License for one (1) vehicle. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSE, all in favor, 9-0.

Petition by Copy Pro, 46 Fowle Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Section 7.3 to alter a pre-existing nonconforming structure by adding a separate 1500 square foot garage; 2. Section 5.1.57b to allow for overnight parking of eight commercial vehicles; and 3. Section 15(C)(i) to allow for enlargement of an existing use that does not conform to the Groundwater Protection District, at 46 Fowle Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Scrub-A-Dub Auto Wash Center Inc., P.O. Box 2058, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.46b and 5.1.37 to amend a prior special permit to allow for alteration of an existing self-serve gas station and car wash at 295 Mishawum Road. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated October 1, 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 July 1, 2018 thru September 30, 2018.

- 43-45 Church Street notice sent to owner on property conditions.
- 52-54 High Street notice sent to owner on property conditions.
- 12 Montvale Road notice sent to owner on exterior property conditions.
- 20 Kentucky Avenue notice sent to owner on exterior property conditions.

As always if you have any questions do not hesitate to contact me.

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

Motion made and 2nd 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:

RESOLVED Whereas, in the interest of and promotion of public health and safety and in order to establish uniformity in the placement of trash receptacles and dumpsters within the City of Woburn; and

Whereas, pursuant to Massachusetts General Laws Chapter 111, Section 31, 31A, 31B and 122, the Woburn Board of Health has authority to establish regulations over the removal, transportation and disposal of garbage, trash and other substances;

Now, Therefore, Be It Resolved that the Woburn Board of Health establish Regulations for the Removal or Transportation of Trash within the city in the form substantially as set forth herein.

Attached thereto was the following:

Woburn Board of Health

REGULATIONS FOR THE REMOVAL OR TRANSPORTATION OF TRASH

Section 1 - Definitions.

Dumpster: Shall mean any receptacle of 75 gallons capacity or more which is used for the collection, storage or transportation of household or commercial trash, rubbish, garbage, offal, scrap or other material for discard, disposal or recycling by a private trash collection service, and all commercial grease containers regardless of size. This definition excludes temporary construction material dumpsters which are regulated by the Inspectional Services Department or the Department of Public Works, depending on the type of work and location of dumpster.

Owner: Shall mean any person, including a lessee or mortgagee in possession alone or severally with others who has lawful title to or lawful possession, care or control of any property

on which a dumpster is located or proposed to be located. "Owner" also includes any authorized agent of any such person.

Contractor: Shall mean any person who, for compensation, in the City of Woburn, supplies, maintains or services one or more dumpsters, or removes, transports or disposes of the contents thereof. The Board of Health licenses issued to Contractors shall be known as the "Dumpster Hauler License".

Person: Shall include any individual, partnership, corporation, firm, association, group or trust.

Board: Shall mean the Board of Health of the City of Woburn.

Section 2 - Dumpster License Application; Fees.

- 2.1 No dumpster shall be used or kept in the City of Woburn after July 1, 2019, unless application is made to the Board of Health and a license is issued by the Board allowing the use of such dumpster.
- 2.2 Applications for dumpster licenses may be made with the Board. Each application shall include the name and address of the owner of the property where the dumpster(s) is to be located, along with contact information for the person responsible for the dumpster and the service company; the dumpster size, service schedule, type (business, food service, recycling, or residential), and such other information as the Board may require. Any changes in the foregoing must be immediately reported to the Board.
- 2.3 All dumpster licenses shall expire on the following June 30, but may be renewed annually on application as herein provided.
- 2.4 The fee for a dumpster license shall be one hundred dollars (\$100) per dumpster.

Section 3 - Dumpster Hauler License Application; Fees.

- 3.1 Application for a dumpster hauler license may be made with the Board. Each application shall include the business name, address and telephone number of the applicant; list with name and address of each account in Woburn, showing frequency of pickup and dumpster size at each site; worker's compensation insurance affidavit; and such other information that the Board may require. Each dumpster hauler license shall expire on the following June 30, but may be renewed annually upon application.
- 3.2 The annual fee for a dumpster hauler license shall be three hundred thirty dollars (\$330).

Section 4 - Dumpster Regulations.

- 4.1 All dumpsters shall have tight fitting lids, doors or covers, shall be kept covered when not in actual use and shall be locked between the hours of 11:00 p.m. and 7:00 a.m.

- 4.2 Dumpsters shall not be emptied or removed between the hours of 7:00 p.m. and 7:00 a.m.
- 4.3 All dumpsters shall prominently display both the name of the Woburn business licensing the dumpster, and the name of the disposal company that services the dumpster, including service company address and telephone number.
- 4.4 Dumpsters shall be located at a sufficient distance from the lot line to avoid interference with the safety, convenience or health of abutters and other residents. Dumpsters shall comply with the requirements of the Woburn Zoning Ordinance pertaining to dumpsters and trash collection areas.
- 4.5 The Board may require that a dumpster site be enclosed or screened by the owner.
- 4.6 No dumpster shall be situated so as to obstruct the view of flowing traffic.
- 4.7 Any dumpster used for the disposal of liquids or organic matter shall be emptied daily.
- 4.8 All dumpsters and dumpster areas shall be kept free of all nuisances including, but not limited to, flies, insects, rodents and scattered debris.
- 4.9 Each dumpster must be of sufficient size and capacity to eliminate overflowing. Routine weekly scheduled pickups shall be mandatory for multi-unit residences.

- 4.10 The Board may order dumpster capacity size changes and/or additional pickups if in their opinion they find it necessary.
- 4.11 No dumpster may be placed on the city streets without first obtaining permission from the Department of Public Works.
- 4.12 Food service establishments must also comply with 590 CMR 590.000, the State Sanitary Code.
- 4.13 Dumpsters must be maintained in good condition. Rust holes, uncovered drain caps, and other physical evidence of neglect that allows rodents and other animals access to the dumpster contents are not permitted. Licensees who have a history of poor maintenance shall be required to work with their contractor and swap out the dumpster for one that meets these regulations.
- 4.14 Dumpsters must be placed on pavement or concrete, not soil.

Section 5 - Duties of the Contractor and Owner.

- 5.1 The Contractor or Owner shall ensure (1) that dumpster contents are not spilled during removal or transportation; and (2) that each dumpster is deodorized when emptied and washed or sanitized as necessary to maintain the dumpster in a sanitary condition.

Section 6 - Violations; Enforcement.

- 6.1 Any violation of these regulations shall be corrected within twelve (12) hours of being notified of such violation or such other period as the Board may determine.
- 6.2 Upon neglect or violation of the duty imposed by the provisions of these regulations, such duty may be performed by the Department of Public Works of the City of Woburn at the expense of the person liable for same.
- 6.3 The Board may suspend or revoke any dumpster license or dumpster hauler license upon a finding that the holder of such license has violated any of these regulations or has failed to comply with any lawful order of the Board pursuant to these regulations. Additionally, and not by way of limitation, the Board may suspend or revoke any dumpster hauler license upon a finding that the contractor has repeatedly failed or neglected to sanitize, service or maintain dumpsters.
- 6.4 Any person who violates any of these regulations shall be punished by a fine of fifty dollars (\$50) per day for each offense. Nothing in these regulations shall prevent the City from issuing fines under other applicable law.
- 6.5 Each day's failure to comply with an order shall constitute a separate violation.

- 6.6 These regulations shall apply to all dumpsters in the City of Woburn whether for residential, commercial or industrial use.
- 6.7 These regulations may be enforced by Board of Health or the Police Department.
- 6.8 Health Inspectors shall regularly inspect dumpsters for compliance with these regulations. Inspections are unannounced. Inspectors shall conduct dumpster inspections at any time, carry City of Woburn identification, and have the right to enter the property of the licensee to inspect the dumpster.

7 -Transportation of Trash Collected in City; License; Fine.

- 7.1 In accordance with M.G.L. c. 111, 31A, no person shall transport through the streets of Woburn any garbage, offal or other offensive substances which was collected from any dumpster in Woburn, without first obtaining a license issued by the Board of Health. Whoever violates this section shall be punished by a fine of not more than one thousand dollars (\$1,000) for each violation in accordance with M.G.L. c. 111, 31B.

Section 8 - Transportation of Trash not Collected in City; Registration; Fine.

- 8.1 In accordance with M.G.L. c. 111, 31A, any person may transport through the streets of Woburn any garbage, offal or other offensive substances collected outside the City of Woburn provided that such person registers with the Board of Health. Whoever violates this section shall be punished by a fine of not more than one thousand dollars (\$1,000) for each violation in accordance with M.G.L. c. 111, 31B.

s/Alderman Gately

Alderman Gately stated that he wants the Board of Health to come to a committee meeting to discuss this matter. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON LIAISON, all in favor, 9-0.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 8:41 p.m.

A TRUE RECORD ATTEST:

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