

**CITY OF WOBURN
OCTOBER 15, 2019 – 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBER, WOBURN CITY HALL**

Roll Call

Campbell	Gately
Concannon	Higgins
Ferullo	Mercer-Bruen
Gaffney	Tedesco
Anderson	

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

MAYOR'S COMMUNICATIONS:

A communication dated October 10, 2019 was received from His Honor the Mayor Scott D. Galvin as follows:

Re: Proposed Railway Overlay District zoning amendments

Dear Council:

I received a copy of the Planning Board's recent report to you on the above-referenced zoning amendment and want to encourage you to consider the points expressed in that communication. I am told the rezoning request has been reported out of committee without a specific recommendation and is now before the full City Council for final action. I respectfully request that the Council refer this matter back to committee so that the questions and issues raised in the Planning Board's report can be fully considered and properly vetted before a final vote is taken.

I remain very supportive of developments that benefit the City and can readily see the positive aspects of the conceptual redevelopment plan for 8-10 Green Street that would be built if the rezoning is approved. However, I am increasingly hearing from residents that they are concerned about the impacts of some developments, most notably with density and traffic. I share their concerns in this regard, particularly since the zoning amendments you are considering would double the number of potential dwelling units that could be built on the lots under consideration. I am also uneasy about the possibility that approval of this zoning amendment will most likely lead to requests for similarly-dense developments on other industrial parcels in the contiguous area, heading south to the Woburn/Winchester line.

In its report, the Planning Board raises a number of valid issues and questions that deserve to be addressed before the Council takes final action on the rezoning measure. I therefore,

again, respectfully urge you to refer this matter back to committee, so that the points raised by the Board can be thoroughly deliberated.

Respectfully, s/Scott D. Galvin, Mayor

ORDERED That the sum of \$15,000.00 be and is hereby appropriated as so stated to Infrastructure Safety Ward 6 Acct #360058-588005 \$15,000.00 – Purpose: Purchase of dust sensor & consultant

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

s/Alderman _____

ORDERED That the sum of \$49,441.26 be and is hereby appropriated as so stated from Mayor Salary Adjustments Acct #0112151-511019 \$49,441.26 to Library Salary Acct #0161051-51100 \$49,441.26 – Purpose: Union contract settlement

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

s/Alderman _____

A communication dated October 11, 2019 with attachments was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Redevelopment of Kraft parcel – Widening of Hill Street

In a matter related to the development of the former Kraft Heinz site at 2 Hill Street, I have been engaged in discussions concerning the conveyance of easements to the City for the reconstruction/widening of Hill Street. The necessary easements would be granted to the City from McDonald’s Corporation, MassDOT and Montvale Land, LLC.

While the form of the easements has not yet been finalized, I am herewith submitting an Order to the City Council to authorize the Mayor to accept these easements. A plan depicting the approximate location of these easements is also attached hereto.

I am available to discuss and with the City Council at its convenience.

Sincerely, s/Ellen Callahan Doucette

Attached thereto was the following Order:

ORDERED That the Mayor be and is hereby authorized to accept on behalf of the City of Woburn three (3) perpetual, permanent easements over parcels of property abutting the public way known as Hill Street, which parcels are currently owned by McDonald's Corporation, MassDOT and Montvale Land, LLC; such easements to be used for the purpose of widening and reconstructing Hill Street, together with the installation of utilities.

s/Alderman _____

A communication dated October 3, 2019 was received from His Honor the Mayor Scott D. Galvin as follows:

Re: 42nd Annual Mayor's Senior Appreciation Day Dinner

Dear President Anderson and Members of the Woburn City Council:

On Sunday, November 3, 2019, the 42nd Annual Mayor's Senior Appreciation Day Dinner will be held at Woburn Memorial High School, starting at 11 a.m. Dinner will be served at noon. It is my pleasure to continue this tradition, which attracts more than 500 Woburn Seniors each year.

In keeping with this Mayoral tradition, I am extending an invitation to all to participate in the dinner by serving our seniors.

Sincerely, s/Scott D. Galvin, Mayor

NEW PETITIONS:

Petition by Festival on the Common, P.O. Box 211, Woburn, Massachusetts 01801 for a Special Event Permit to allow a festival on Woburn Common and surrounding streets on November 30, 2019.

Petitions for renewal of Second Class Motor Vehicles Sales Licenses by ACT Leasing, Inc., 215 Salem Street; and David Dellarocco dba Woburn Auto Sales, 5 Crescent Avenue #4.

Petition by New Cingular Wireless PCS, LLC (AT&T) for grant of right in a way to construct and maintain telecommunications wires and wireless attachments and appurtenances, including fiber optic cable(s), remote nodes and pole top antennas to be attached to existing utility poles at 200 Bedford Road.

Petition by Arena WL, LLC, 2 Hale Street, Newton, Massachusetts 02464 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended Section 5.1.64 Note 22 to allow for thirty-two (32) amusements games at Launch Trampoline Park, 350 Cambridge Road.

Petition by 304 Cambridge LLC, c/o Avenue Management LLC, 304 Cambridge Road, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended Sections 8.2.5 and 15 to allow reduction in parking from 303 parking spaces to 202 parking spaces at 304 Cambridge Road.

Petition by Braese Holdings LLC, 132 Pleasant Street, Woburn, Massachusetts 01801 for special permits pursuant to 1985 Woburn Zoning Ordinances, as amended Sections 29.4.1 and 29.4.2 to allow for 1. Six (6) dwelling units with required parking, and 2. Continuation of office space (reduction from 3,262 square feet to 1,230 square feet), at 132 Pleasant Street.

Petition by ARE-MA Region No. 20, LLC, c/o Timothy M. White, Alexandria Real Estate Equities, Inc., 400 Technology Square, Suite 101, Cambridge, MA 02139 for special permits and site plan review pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.41a, 5.1.66, 8.3.1 and 12 to allow 116,000+/- g.s.f. biomedical research and development building with associated uses and surface parking at 195 and 215 Presidential Way f/k/a 19 Presidential Way.

PUBLIC HEARINGS:

On the petition by Tidd Home LLC, 28 West Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.69, 7.3, 29.5.4, 29.6.3 and 29.6.4 to allow conversion of a Significant Historic Building to allow for: 1. Fourteen (14) dwelling units; 2. Reduction in parking spaces from 28 to 15; 3. Relief from design and screening requirements for parking spaces and parking lot; and 4. Alteration of nonconforming use and nonconforming structure, at 74 Elm Street. PUBLIC HEARING OPENED. A communication dated October 8, 2019 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Tidd Home LLC, 74 Elm Street, Woburn, MA

Dear Mr. Campbell:

On behalf of my client Tidd Home LLC, I respectfully request that the public hearing scheduled for October 15, 2019 be continued to November 19, 2019. In addition, since the Petitioner is proceeding under Section 29, we respectfully request the withdrawal without prejudice of the request for a Special Permit under Section 7.3 of the Zoning Ordinance.

If you have any questions, please do not hesitate to contact me. Thank you.

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

On the petition by TMC New England, LLC, 501 Pennsylvania Parkway, Suite 160, Indianapolis, Indiana 46280 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.69, 7.3, 8.6.3, 8.7.1.6, 13.5 and 15 to allow for: 1. Renovation of existing nonconforming retail establishment and shopping center to retail establishment greater than 15,000 square feet gross floor area with drive-up customer service facility within Groundwater Protection District; 2. Exception to area and landscaping requirements; 3. Allow for loading door in place of loading bay; 4. Modifications to existing nonconforming signage; and 5. Modification of Special Permit dated May 8, 2008 as modified November 12, 2009, at 175 Main Street. PUBLIC HEARING OPENED. A communication dated October 8, 2019 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of TMC New England, LLC, 175 Main Street, Woburn, Massachusetts

Dear Mr. Campbell:

On behalf of my client TMC New England, LLC, I respectfully request that the City Council public hearing on this matter presently scheduled for October 15, 2019 be continued to the City Council meeting on November 19, 2019.

If you need further information, please let me know. Thank you.

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

On the petition by Garage 42 Degrees, LLC, 20 Sonar Drive, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.44, 5.1.69, 5.1.71 and 7.3 to allow for: 1. Reconditioning, adjusting, equipping and detailing of motor vehicle; 2. Commercial parking lot; and 3. Alteration of nonconforming structure, at 20 Sonar Drive. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass with the conditions as follows: 1. The Petitioner shall construct and improve the site as substantially described on the Plan of Record which for this project shall be "20 Sonar Drive Redevelopment, 20 Sonar Drive, Special Permit Set, Woburn, MA" dated September 26, 2019, prepared by Howard Stein Hudson, 11 Beacon Street, Suite 1010, Boston, MA 02108 (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. No vehicle repairs (mechanical or bodywork) shall take place on the premises of Garage 42 Degrees LLC.; 3. The use of the premises by the Petitioner shall be limited to the adjusting, equipping and detailing of motor vehicles and the parking of same.; 4. The Petitioner shall be allowed to park 55 motor vehicles inside the premises.; 5. A snow plow removal plan shall be filed with the Building Commissioner prior to occupancy.; 6. All dumpsters and waste containers shall be enclosed by means of a fence, wall or landscaping in compliance with the Woburn Zoning Ordinances.; 7. A second easement access document shall be provided prior to the issuance of a building permit.; 8. Deliveries of vehicles to the site shall be made by single car carrier only.; and 9. The dumpster shall only be emptied between 7 a.m. and 7 p.m.”

On the petition by 20 Sonar Drive LLC for an Inflammable License to allow storage of 990 gallons of gasoline in vehicles Class 1A UST at 20 Sonar Drive. PUBLIC HEARING OPENED. A report was received from the Committee on Public Safety and Licenses as follows: “ought to pass conditioned upon approval of special permit.”

On the petition by Judith Altavesta and Leonard J. Sortino, Sr., 10 Buttaro Road, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.56 Note 15 to allow construction of a 3-bay garage with two doors with height of nine feet and one door with height of ten feet at 10 Buttaro Road. PUBLIC HEARING OPENED. A communication dated October 9, 2019 was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Special Permit applications for construction of residential garage exceeding none hundred (900) square feet in size, and with doors exceeding eight (8) feet in height at 10 Buttaro Road/Judith Altavesta & Leonard J. Sortino, Sr.

Dear Council:

This office has reviewed the initial (received September 16, 2019) and revised (received October 9, 2019) versions of the above-referenced Petition, which seeks authorization for the construction of a three (3)-bay detached garage at this residential (R-1 zoned) property for the described purpose of easing on-street parking conditions. The applicant is seeking a special permit in accordance with Section 5.1.56 of the Woburn Zoning Ordinances (WZO); the Petition also cites Note 15 to Table 5.1, although this note was stricken from the WZO as of 4/19/2018.

The application was initially filed because all of the garage doors would have exceeded eight (8)-feet in height (two measured nine [9] feet in height and the third measured ten [10] feet) and the total area of the garage would have exceeded nine hundred (900) square feet (the

proposed garage footprint was initially 1,170 square feet and that remains unchanged). The revised Petition proposes two (2) “by-right” garage doors measuring eight (8) feet in height, with only one door measuring nine (9) feet in height. The single nine (9) foot tall garage door and greater-than-900-square-foot garage area require City Council Special Permits.

Following review of the plot plan dated August 7, 2019, and garage design plan dated July 18, 2019, staff notes that the revised Petition does not include revised garage design plans to reflect the reduced door heights; the plans should be revised to reflect the current request prior to further Council action.

Planning staff takes no further exception to this request but, in consultation with the Building Commissioner, recommends that the City Council consider imposing the following as conditions of approval of this petition:

1. That, once revised as noted above, the Plans of Record shall be: (1) “Plot Plan, 10 Buttaro Road, Woburn, Mass.”; Scale: 1” = 30’; dated August 7, 2019; Prepared by Edward J. Farrell, Professional Land Surveyor; 110 Winn Street, Suite 203, Woburn, MA; (781)-933-9012”; and (2) “New Garage for Mrs. Judy Altavesta, 10 Buttaro Road, Woburn MA; Scale: 1/4” = 1’ 10””; dated July 18, 2019, revised _____; Prepared by Robert M. Connell; 22 North Street, Wilmington, MA; Sheets A6-A7”
2. That no business activity or home occupation shall be conducted in/from the garage itself;
3. That the garage is for use only by the current residents/tenants of the property;
4. That the garage cannot be used as an additional dwelling unit;
5. That, if the applicant wishes to install electrical service to the garage, it can only be obtained via extension of the existing electrical service from the Petitioner’s home (that is, no individual, separate electric service may be installed to the garage) and shall be subject to the proper electrical permits and compliance with applicable building codes; and
6. That if the applicant wishes to install water or sewer services to the garage, either must also be obtained via extension of the existing services from the Petitioner’s home (that is, no individual, separate water or sewer service may be installed to the garage) and shall be subject to the proper plumbing permits and compliance with 248 CMR Plumbing Code.

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

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

A communication dated October 8, 2019 with attachment was received from Attorney Robert W. Tedesco, Tedesco Law Offices, P.C., 88 Main Street, Woburn, Massachusetts 01801 as follows:

Re: Special Permit – Garage – 10 Buttaro Road

Dear Attorney Campbell:

Enclosed please find a revised plan (& 12 copies) pertaining to the above-referenced Petition for Special Permit scheduled for public hearing on October 15, 2019. The petitioners have revised “down” their request, as noted on the attached plan, as follows: Three-bay garage consisting of one nine (9) foot high door requiring a Special Permit pursuant to Section 5.1.56 Note 15, and two “by-right” eight (8) foot high doors; the footprint of the structure remains unchanged per plan filed with the original Petition.

Please do not hesitate to contact me should there be any questions regarding the enclosed.

Very truly yours, s/Robert W. Tedesco, Esq.

On the petition by Maurice Saba, Montvale Auto Care, 317 Montvale Avenue, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.44 to allow automobile and truck repair garage at 317 Montvale Avenue. PUBLIC HEARING OPENED.

On the petition by Alderman Mark Gaffney and Alderman Edward Tedesco to amend the 1985 Woburn Zoning Ordinances, as amended, by adding a new Section 31 entitled “Railway Overlay (ROD) District” as set forth in the Journal for the City Council Regular Meeting on July 16, 2019. PUBLIC HEARING OPENED. A communication dated October 9, 2019 with attachments was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Planning Board recommendation on proposed zoning text amendment to add a new Section 31 to the Woburn Zoning Ordinances entitled “Railway Overlay [ROD] District” and proposed Zoning Map amendment to establish a ROD district “...over the properties in the S-1 zoning district that abut the abandoned Boston and Maine railroad line between High Street and Green Street”, as set forth in the proposed text/Aldermen Gaffney and Tedesco, co-sponsors

Dear Council:

The Planning Board thanks the Council for considering its request for a joint meeting (memo received by the Board is attached as Attachment A). The ROD-related zoning changes raise more than a handful of questions on a range of issues, from big-picture matters to technical details of the proposed ordinance’s “mechanics”. In order to discharge its responsibility to most effectively assist the Council with this complex issue, the Planning Board suggested the

meeting. In lieu of a joint meeting and in accordance with M.G.L. Chapter 40A, Section 5, please accept this communication as the Board's best effort to assist the Council with a comprehensive written report.

PURPOSES AND INTENT OF THE PROPOSED AMENDMENT

1. The reason(s) for creating the proposed new overlay is unclear. Is it being created to encourage "...*the redevelopment of abandoned, underutilized, and/or obsolete commercial and industrial sites to residential use*" as the text says, or is it being proposed to facilitate redevelopment of a particular lot, as shown on the plans in Attachment B which were submitted to the Council at its September 19, 2019 meeting?

If the intent of the ROD is in fact correctly stated in the text, the Board recommends the Council either focus the rezoning on the industrially-zoned lots to the south or at least consider them along with the lots currently under discussion. The area to the immediate south of the proposed ROD district is zoned IG and overlain with the Woburn Loop Bikeway Greenway Overlay District (WLBGOD); see the map in Attachment C. The suggestion to include the abutting IG/WLBGOD area in the on-going rezoning deliberation is made for two reasons.

One, the lots in the WLBGOD district appear identical in character to those in the proposed ROD in terms of lot sizes and characteristics, existing and historic land uses, and probable site environmental conditions and remediation requirements. Both areas rely on the same public infrastructure, abut the same streets and former railroad right-of-way, and are next to a single- and two-family residential district.

Two, the need to incentivize residential redevelopment in the IG/WLBGOD area may be greater than the need to do so for the lots in the proposed ROD. Residential development is already allowed in

both areas; the proposed ROD lots are zoned S-1 which allows residential uses by special permit at a density of 14 units per acre under existing zoning. The proposed rezoning would nearly double the maximum permitted density to 25 units per acre. This contrasts sharply with the allowed density in the WLBGOD, where only 7 units per acre are currently possible. If there is in fact a need or desire to incentivize residential redevelopment of the industrial lots on the outskirts of downtown, it would seem rezoning the abutting IG area to S-1, or to a ROD, might be equally worthy of consideration.

The draft ordinance lists a second purpose, which is "*To promote high quality design and minimize negative impacts on the surrounding area.*" The Board found no provisions in the proposed ROD text that would define, promote or encourage high quality design, or ensure the use of high-quality construction materials for example. Similarly, there are no provisions in the draft text to minimize the negative impacts on the surrounding area, particularly the residential neighborhood on Prospect Street. While some development impacts may be addressed by the City's mitigation ordinance,

the visual impacts of nearly 50' tall buildings without buffers and within 25' of some abutters will be significant.

2. Increasing the allowable density of units per acre from 14 to 25 will significantly increase the number of potential dwelling units on the proposed ROD lots from 118 to 210. Can this area of the City support development of this intensity in terms of providing the public infrastructure needed to sustain it? If there is a concern about the potential impact of maximum build-out, could it be addressed by placing a district-wide cap on the total number of dwelling units that could be allowed by Special Permit under the overlay? (If so, the City Solicitor would need to confirm that enacting a cap was legally permissible.)

Will the resulting traffic be bearable? Does the Council have any concerns about encouraging the owners of commercial buildings along Main Street to replace them with four story multi-family dwellings? The proposed ROD would make it possible for them to do so. Are there any concerns about the visual impact 49' tall buildings would have on the streetscape whether directly on the sidewalk or on lots behind the former railroad right of way? Should design guidelines or standards be in place to guide new development?

3. To the Planning Board's knowledge, no information or argument has been advanced to suggest redevelopment of the lots requires the zoning relief the ROD proposal reflects. Assuming residential reuse is preferred by the Council, why isn't the current zoning and density sufficient to support redevelopment of the 8-10 Green Street site and the other lots proposed for inclusion in the ROD? Are there conditions here that require a doubling of density to effect redevelopment? Is there something that distinguishes the lots in the proposed ROD from those in the IG/WLBGOD zone to the south?

IMPACT OF PROPOSED AMENDMENT IN THE LONGER TERM

1. Rezoning this area could set a precedent or perhaps establish an incentive for other property owners nearby to request inclusion in the overlay. The aforementioned 45 to 50-acre IG/WLBGOD zoning district just south of the proposed overlay, between Green Street and the Winchester town line, currently has the option for residential development at the rate of seven (7) units per acre. If the City creates the ROD, owners of land in the IG/WLBGOD district might be expected to request their lots be rezoned to ROD. Given the current value of residential developments versus industrial land uses and what would be a near quadrupling of the number of possible dwelling units, it is a likelihood. If the Council says yes to 25 units per acre for the proposed ROD area, on what basis would it say no to the owners of land literally immediately across the street?
2. The proposed ROD will authorize a housing density equal to that allowed near the Anderson/Woburn Regional Transit Center and greater than that permitted at the Woburn Mall. If the City wants the industrial uses in the area near Main Street including those in the WLBGOD district to be replaced with housing at a density of this

magnitude, a significant amount of advanced planning would seem to be necessary to accommodate it. A summary of possible unit counts is provided as Attachment D. For example, the streets near the proposed overlay district are unlikely to provide equal or better access to mass transit than does Commerce Way to Anderson/Woburn Regional Transit Center or provide more direct access to highways in order to reduce traffic impacts on local roads. Should the City pursue acquisition and build-out of the former railroad right-of-way as an access road for the cars, pedestrians and bicyclists that new development of this scale would bring?

OTHER QUESTIONS AND ISSUES RELATED TO THE PROPOSED BOUNDARIES FOR THE ROD

1. The map included with the zoning petition has at least one confusing aspect to it. To be clear, the lots that would be rezoned by the pending petition are the following (City of Woburn Assessors Map identification in parentheses):

275 Main St. (Map 51, Block 27, Lot 16) 269a Main St. (Map 51, Block 27, Lot 17)
263 Main St. (Map 51, Block 27, Lot 18) 257 Main St. (Map 51, Block 27, Lot 19)
253 Main St. (Map 51, Block 27, Lot 20) 245 Main St. (Map 51, Block 27, Lot 21)
243 Main St. (Map 51, Block 27, Lot 22) 8 Green St. (Map 59, Block 4, Lot 5)
29 High St. (Map 51, Block 27, Lot 11)
S-1 zoned portion of 239-241 Main St. (Map 59, Block 04, Lot 1)
Unnumbered lot at Main and High Streets (Map 51, Block 27, Lot 15)
Unnumbered lot on Green St. (Map 59, Block 4, Lot 4)
Unnumbered parcel containing part of former railroad right-of way, between High and Main Streets

The zoning petition and attachment do not reflect this more comprehensive list above. In particular, the parcels in italics above were not mentioned in the Petition or included in the Council's legal notice but Planning staff subsequently confirmed with the attorney for the 8-10 Street property owners that the omissions were oversights.

2. The proposed rezoning would leave several "islands" of S-1 Zoning District in place without the ROD overlay. More particularly, three lots that are either in the center of the area to be rezoned or on the periphery of the area to be rezoned have been omitted from the proposed map amendment. Specifically, lots at 31 High Street (Map 51, Block 27, Lot 10), 35 Prospect Street (Map 51, Block 27, Lot 08), and 47 Prospect Street Rear (Map 51, Block 27, Lot 23) would remain zoned S-1 but would not be included in the overlay. There does not seem to be a logical planning argument for leaving them out.
3. The proposed overlay district uses a combination of lot lines and zoning lines as boundaries and excludes some lots (such as 31 High Street and the one at the corner of Main and Green Streets) without apparent rationale. To the extent possible, streets should be used as boundary lines instead of lot lines or historic zoning district boundary lines.

OTHER QUESTIONS AND ISSUES ABOUT PROPOSED TEXT FOR THE ROD

1. The proposed ordinance states that the overlay permits residential land uses not allowed in the underlying district, but this is mostly inaccurate. Three of the four proposed special permit uses (elevator apartment, congregate elderly and townhouse apartments) are already allowed by special permit in the underlying S-1 zoning district. The newly-added use would be garden apartments, but the Board suggests adding that use would be unnecessary, since new buildings over 2 stories are virtually guaranteed to have an elevator by State Building Code and would therefore be permitted as elevator apartments. Also, it is unlikely a developer will “underbuild” by constructing two-story buildings where four and a half stories would be permitted.
2. The proposed zoning text is inadequate as drafted and in need of revision/elaboration. At a minimum:
 - a. It does not follow the same formatting as the rest of the zoning ordinance, either in terms of numbering or titling of subsections;
 - b. Customary and/or required provisions about such matters as signage and parking design standards are not included; and
 - c. References to the applicability of other sections of the WZO, including but not limited to special permits, groundwater protection and floodway and flood plain districts, are missing.
3. The proposed zoning ordinance would require less than two parking spaces per unit and call for no additional parking for guests, contractors, and the like.
4. The impact of a 49’ height limit on residences along Prospect Street is of concern. The homes on that street are largely one- and two-family dwellings that are 25’ – 30’ in height. The rezoning would therefore authorize construction of a building nearly twice as tall as some of the abutting structures on Prospect Street and more than twice as tall as some of the commercial structures along Main Street. The size and mass of the proposed building would be considerably greater than those of any of the structures on abutting lots. Is this appropriate? And as previously mentioned, if the properties along Main Street that are proposed for inclusion in the overlay were redeveloped with 49’ tall buildings, would that be acceptable/desirable?

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

On the petition by Alderman Mark Gaffney and Alderman Edward Tedesco to amend the Zoning Map of the City of Woburn by establishing the ROD Zoning District over the properties in the S-1 District between Green Street and High Street that abut the abandoned Boston & Maine Railroad Line located on Main Street, Green Street and High Street as set

forth in the Journal for the City Council Regular Meeting on July 16, 2019. PUBLIC HEARING OPENED.

On the petition by Alderman Gately concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 52 Garfield Avenue, Woburn, Massachusetts, for the purposes of determining whether said structure or structures are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. PUBLIC HEARING OPENED.

UNFINISHED BUSINESS OF PRECEDING MEETING:

ORDERED Whereas, on June 20, 2017 the Woburn City Council adopted an Order declaring the property located at 52 High Street as a nuisance as the term is used in M.G.L. Ch. 139, Sec. 1, et. seq. and further ordered that the property be razed within 60 days; and

Whereas, the City Solicitor commenced an action in the Woburn District Court under the title City of Woburn vs. Deutsche Bank, Trustee, Civ. No. 1753-CV-0455 for the appointment of a receiver over the property; and

Whereas, the condition of the property has not been improved;

Now, therefore, Be It Ordered by the City Council of the City of Woburn that the City Solicitor proceed with the receivership proceeding over the property located at 52 High Street in the interest of the health, safety and welfare of the community.

s/Alderman Gately

COMMITTEE REPORTS:

ORDINANCES:

On the Order to amend 1989 Woburn Municipal Code Section 12-49 relative to municipal parking lots in the business downtown district, committee report was received “ought to pass”.

On the Order to amend 1989 Woburn Municipal Code Sections 12-28A and 15-5, committee report was received as follows: “ought to pass, as amended with the amendments that Title

12, Article IV, Section 12-28A shall be amended to read: “The Building Commissioner shall have the authority to issue permits for the excavation of trenches on privately-owned land in the city, and shall provide permits and permit applications to the Department of Public Works; and, the Superintendent of Public Works shall have the authority to issue permits for the excavation of a public way in the city, and shall provide permits and permit applications to the Building Commissioner,” and, that Title 15, Article 1, Building and Occupancy Permits Section 15-5 be amended by adding under “Additional Fees” the following: “Trench excavation fee: \$100.”

CITIZEN’S PARTICIPATION: None.

COMMUNICATIONS AND REPORTS:

A communication dated October 1, 2019 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, 2019 thru September 30, 2019.

- 43-45 Church Street matter with City Council.
- 15 Highland Street matter with City Council.
- 45 Revere Road Letter has been sent to property owner (exterior grounds).
- 8 Russell Court matter with City Council.

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

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

APPOINTMENTS AND ELECTIONS:

A communication dated October 2, 2019 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Rosalie Travelo, 3 William Avenue, to the Woburn Council on Aging, with a three-year term to expire on December 31, 2020; subject to approval by the City Council.

Ms. Travelo's appointment fills a seat left vacant following the death of member Myles Collins.

Respectfully, s/Scott D. Galvin, Mayor

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That in accordance with Massachusetts General Laws Chapter 54, as amended, the City Clerk is hereby authorized and directed to notify and to warn such of the inhabitants of the City of Woburn as are qualified to vote in Municipal Elections to assemble at the polling places in their respective wards as designated herein, on TUESDAY, the FIFTH DAY OF NOVEMBER, 2019 from 7:00 a.m. to 8:00 p.m., then and there to cast their votes in the MUNICIPAL ELECTION for the candidates for the following offices:

ENTIRE CITY MAYOR, ALDERMAN-AT-LARGE,
 SCHOOL COMMITTEE

EACH WARD WARD ALDERMAN

<u>Ward-Precinct</u>	<u>Polling Place Location</u>
1-1	Joyce Middle School, 55 Locust Street
1-2	Joyce Middle School, 55 Locust Street
2-1	Shamrock Elementary, 60 Green Street
2-2	Shamrock Elementary, 60 Green Street
3-1	Former Hurld Elementary School, 75 Bedford Road
3-2	Former Hurld Elementary School, 75 Bedford Road
4-1	Former Wyman Elementary School, Main Street and Eaton Avenue
4-2	White Elementary School, 36 Bow Street
5-1	Goodyear Elementary School, 41 Central Street
5-2	Goodyear Elementary School, 41 Central Street
6-1	Altavesta Elementary School, 990 Main Street
6-2	Altavesta Elementary School, 990 Main Street
7-1	Reeves Elementary School, 240 Lexington Street
7-2	Reeves Elementary School, 240 Lexington Street

s/Alderman _____

Motion made and 2nd to ADJOURN.