

**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	

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

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**MAYOR'S COMMUNICATIONS:**

A communication dated 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

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

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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/President Anderson

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

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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/President Anderson

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

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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/President Anderson

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

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

Re: 42<sup>nd</sup> Annual Mayor's Senior Appreciation Day Dinner

Dear President Anderson and Members of the Woburn City Council:

On Sunday, November 3, 2019, the 42<sup>nd</sup> 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

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

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**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. Motion made and 2<sup>nd</sup> that the SPECIAL EVENT PERMIT be GRANTED, all in favor, 9-0.

**Presented to the Mayor: October 17, 2019                      s/Scott D. Galvin October 17, 2019**

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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. Alderman Mercer-Bruen stated that she recused herself from participating in the ACT Leasing, Inc. petition. Motion made and 2<sup>nd</sup> that the PETITION BY ACT LEASING, INC. be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, 8 in favor, 0 opposed, 1 abstained (Mercer-Bruen abstained). Motion made and 2<sup>nd</sup> that the PETITION BY David Dellarocco dba Woburn Auto Sales be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

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

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

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

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

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

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**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

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 19, 2019 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

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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

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 19, 2019 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

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

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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.” Appearing for the petitioner was Attorney Adam Goncalves, Dwyer, Ruggieri, Spino & Goncalves, LLC, 300 Washington Street, Suite 450, Newton, Massachusetts 02458 and he stated that the petitioner has received the proposed conditions and agrees with the proposed conditions. Alderman Gately stated that this will be a low impact use, that there will not be any automotive repairs, that this is a business catering to owners of high end vehicles that want to park the vehicles in this facility, that the vehicles will be brought to the site on short trailers and not on tractor trailer trucks, that this is a good fit for the neighborhood, and that he supports the petitioner. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED with the amendments as follows: 1. That the nine conditions recommendation in the committee report be adopted as conditions of the special permit, all in favor, 9-0.

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On the petition by 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.” See record notes from preceding meeting. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the IMFLAMMABLE LICENSE be GRANTED, all in favor, 9-0.

**Presented to the Mayor: October 17, 2019                      s/Scott D. Galvin October 17, 2019**

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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.

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Robert W. Tedesco and he stated that the petition is for a three-bay garage with one door nine feet in height, that the garage will also have an area of 1,170 square feet, that a special permit is required for a garage larger than 900 square feet or with a bay door in excess of eight feet, that there must be a finding that the conditions will not be substantially more detrimental, that the project will not negatively impact the area, that the lot is 16,235 square feet, that the garage will be set back from the street by 150 feet, that the intent is to keep their vehicles off the street and in the garage, that the petitioner owns a boat and will need a higher bay door to move the boat into a garage on a trailer, that the garage will also be used for storage of a lawn tractor and similar uses, that the petitioner received the Planning Board comments and agrees with the comments except a subsequent plan was filed after the original petition, that the door on the

left is the taller door, that there will be no business activity in the garage, that the garage will be used for the petitioners own purposes, that the garage will not be used as a dwelling, that the electric service in the garage will be from the house, that there will be no plumbing, and that the petitioner asks that the special permit be approved so that they can move forward with having the slab foundation installed. Leonard Sortino stated that there will be no water service, and that the garage will not be heated. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the six conditions recommended by the Planning Department as further amended be adopted as conditions of the special permit, and 2. That condition 1 be amended to read as follows: "That 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 as provided under letter dated October 8, 2019 from Attorney Robert W. Tedesco; Prepared by Robert M. Connell; 22 North Street, Wilmington, MA; Sheets A6-A7", all in favor, 9-0.

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Upon noting that residents who appeared for the Tidd Home LLC special permit were in the audience, President Anderson advised them that the public hearing had been continued to November 19, 2019. Judy Nasse, 16 Edwards Road asked why the matter was continued. President Anderson stated that the attorney for the petitioner was not available. Ms. Nasse stated that she heard there was a conflict in the ordinance language, that she does not understand why the petition is going through the process when the petitioner has not even applied for a historically significant designation from the Historical Commission, and that the City Council should be aware of these issues.

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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. Appearing was the petitioner was Maurice Saba and he stated that he needs to transfer the garage special permit from the previous owner, that the location has been a repair shop for many years, that this is a gasoline station and two-bay garage, that he leases and operates the facility, that the gasoline company owns the building, that the exterior of the property has been improved, and that the petition has nothing to do with used cars only the garage. Alderman Gately stated that the petitioner should be aware that a lot of work is being done in that area, that the petitioner should make certain the dumpster and any parts are screened, and that the petitioner should spruce up the lot. Alderman Mercer-Bruen stated that the neighbors are concerned that the hours of operation are changing, and that no work will be allowed after a certain time. Mr. Saba stated that he understands the prior conditions will apply to this operation. Aldermen Mercer-Bruen stated that the petitioner should be certain to abide by the conditions. Mr. Saba stated that the dumpster is emptied on Tuesdays at 7:00 a.m. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED.

Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That all nine conditions of the prior special permit as further amended herein shall be adopted as conditions of the special permit, 2. That condition 8 shall be amended to read as follows: That the special permit shall be issued to Maurice Saba only and is not transferable; and 3. Condition 9 shall read as follows: All other conditions of any prior special permit shall remain in full force and effect unless modified herein, all in favor, 9-0.

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

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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

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, 7 in favor, 2 opposed (Gately, Tedesco opposed). Alderman Tedesco stated that the matter should be referred to Committee on Ordinances for further review. Alderman Mercer-Bruen stated that she was concerned about the height and density of the proposal and still has these concerns with regard to this proposal. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 19, 2019 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor, 9-0.

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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. See notes of preceding matter. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL

ON NOVEMBER 19, 2019 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor, 9-0.

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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. Clerk Campbell advised that notice to the property owner of record in the Assessors records were returned undelivered and received information that the property owner may have passed away. Alderman Gately stated that he learned Rushmore Loan Company took over the property after a January 2019 foreclosure,. Jamie Doughty, 52 Garfield Avenue appeared and stated that she has lived in the property for twenty years. Alderman Gately stated that he has information from the Police Department and Fire Department regarding the property, that there have been five calls to the Fire Department since February 2019, that there were Police Department reports of over thirty calls to the property in 2018, that these issues have been going on the last few years, and that there are four families residing at the property. Raymond Gordon, 52 Garfield Avenue stated that there are not four families residing at the property. Ms. Doughty stated that when they light a fire in their fire pit a neighbor complains. Mr. Gordon stated that there is a fire pit, that they both work in the service industry and come home late at times, that one neighbor complains about what they do, that they learned from a neighbor about this meeting, that they did not receive notice of the meeting, that the Fire Department advised the fire pit was allowed, that they do have small parties, and that he would fill in the fire pit if he knew it would be an issue. Alderman Gately stated that crates and furniture are burned in the fire pit. Mr. Gordon stated that this is a stone fire pit, that they burn wood in the fire pit, and that they do not burn crates in the fire pit. President Anderson stated that it would be the property owner who receives notice of this hearing. Ms. Doughty stated that the property owner died. Mr. Gordon stated that they stopped using the fire pit once these issues arose. Ms. Doughty stated that the neighbors also join them at their parties except for two neighbors. Mr. Gordon stated that they have not used the fire pit for two months, and that they have no intention of doing do. President Anderson stated that the matter could be continued until the property owner is served. Alderman Gately stated that the Building Commissioner should issue fines when violations occur. Alderman Higgins stated that the true owner of the property should be served before taking action. President Anderson stated the Building Commissioner could be advised of who the true owner of the property is. Motion made and 2<sup>nd</sup> that a communication be sent to the Building Commissioner to review the file relative to the property and, it appropriate, to send notice of applicable fines to the property owner, all in favor, 9-0. Motion made and 2<sup>nd</sup> that a communication be sent to the City Solicitor asking that she conduct a title search to determine the true owner of the property and to provide the information to the City Clerk, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the public hearing be continued to January 21, 2020, all in favor, 9-0. Motion made and 2<sup>nd</sup> that correspondence be sent to



Raymond Gordon and Jamie Doughty notifying them of the date of the meeting, all in favor, 9-0.

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**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

Motion made and 2<sup>nd</sup> to take the matter from the table, all in favor, 9-0. Alderman Gately offered to the City Council for review a copy of a Building Permit indicating that a total renovation of the property will take place. Motion made and 2<sup>nd</sup> that the document be received and made part of the record, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the MATTER be PLACED ON FILE, all in favor, 9-0.

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

**Presented to the Mayor: October 17, 2019                      s/Scott D. Galvin October 17, 2019**

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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.” Alderman Tedesco offered a copy of an email to Building Commissioner Thomas C. Quinn dated October 15, 2019 as follows:

Subject: Trenches

Title 12, Article IV, Section 12-28A shall be amended to read: “The Superintendent of Public Works shall have the authority to issue the trench permit for any excavation within a public way in the city. This will also include any excavation on private property for the purpose of repair or replacement of utilities including any water, sewer, drain, and/or natural gas permits. DPW Superintendent shall provide permits and permit applications to the Building Department upon issuance.

The Building Commissioner shall have the authority to issue permits for the excavation of other required trenches on privately-owned land in the city that are subject to the Commonwealth of Massachusetts Building, Plumbing and Electrical Codes and shall provide permits and permit applications to the Dept. of Public Works upon issuance.

The DPW Superintendent shall not issue any permits subject to above referenced codes under the Inspectional Services Department. The Building Commissioner shall not issue any trench permits on private land for public utilities until the DPW Superintendent has issued a utilities permit such as water, sewer, drain and/or natural gas.”

Alderman Edward Tedesco

Motion made and 2<sup>nd</sup> that the document be received and made part of the record, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, AS AMENDED with the amendments as follows: 1. That Section 12-28A shall conform to the language set forth in the email dated October 15, 2019, and 2. That Section 15-5 shall be adopted as recommended in the report of the Committee on Ordinances, all in favor, 9-0.

**Presented to the Mayor: October 17, 2019            s/Scott D. Galvin October 17, 2019**

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**CITIZEN’S PARTICIPATION:** None.

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**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

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

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**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

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

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**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/President Anderson

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

**Presented to the Mayor: October 17, 2019             s/Scott D. Galvin October 17, 2019**

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Motion made and 2<sup>nd</sup> to ADJOURN, all in favor, 9-0. Meeting adjourned at 7:57 p.m.

A TRUE RECORD ATTEST:

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