

**CITY OF WOBURN
JUNE 2, 2020 – 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Campbell	Gately
Concannon	Higgins
Dillon	Mercer-Bruen
Ferullo	Tedesco
Anderson	

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

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$61,000.00 be and is hereby transferred as so stated from Veterans Cash Aid Acct #0154357-577000 \$61,000.00 to Rubbish Removal Acct #0151552-529200 \$61,000.00

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 \$53,573.46 be and is hereby transferred as so stated from Mayor Salary Adjustment Acct #0112151-511019 \$53,573.46 to Cemetery SLBB Acct #0149051-515400 \$53,573.46

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

s/Alderman _____

NEW PETITIONS: None.

PUBLIC HEARINGS:

On the petition by President Anderson to amend 1985 Woburn Zoning Ordinances, as amended, Section 28.12.1 to read as follows: "Twenty-four (24) copies of a Technology and Business District Site Plan Review/Special Permit with Site Plan Review Application and

two copies of an Application Checklist for Technology and Business Mixed Use District Development, both of which shall be in forms approved by the City Clerk;”. PUBLIC HEARING OPENED.

On the petition by Lawless Inc., 196 Lexington Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.44, 5.1.45, 5.1.69, 7.3 and 15 to allow for: 1. Automobile and truck repair garage; 2. Sale and rental of automobiles, trucks, truck trailers and motorcycles; 3. Alteration of nonconforming structure; and 4. Alteration of nonconforming use within Groundwater Protection District and for a Second Class Motor Vehicle Sales License, at 193 Main Street. PUBLIC HEARING OPENED. A plan entitled “Project: 193 Main Street, Woburn, MA” dated 04/10/2020, rev. 05/28/2020 prepared by Allen & Major Associates, Inc. was received.

On the petition by Randy J. MacDonald, Trustee of the MacDonald Trust, 13 Sturgis Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 7.1, 7.6 and 11.1 to allow construction of new three-family residential dwelling to replace pre-existing and non-conforming three-family residential dwelling destroyed by fire at 13 Sturgis Street. PUBLIC HEARING OPENED. A communication dated May 26, 2020 was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for 13 Sturgis Street/Randy J. MacDonald, Trustee of the MacDonald Trust

Dear Council:

The Planning Department recently received and reviewed a Petition seeking Special Permit(s) in accordance with Sections 7.1, 7.6 and 11.1 of the Woburn Zoning Ordinance (WZO). The Special Permits are needed to allow the reconstruction of a three-family dwelling that existed at the above-referenced address until it was destroyed by fire in August of last year.

Planning staff noted that one sheet of the plan set (no title, between Sheets A-210 and S-100) has been copied incorrectly and is therefore effectively unreadable. This sheet should be replaced so that the correct plan set can be cited in the Council’s decision.

The Planning Department recommends the following with respect to this application:

- That the Petitioner be required to prove that the new building will not encroach any closer to the side lot lines (along the eastern and western property lines) than did the pre-existing building destroyed by fire;
- That adequate snow storage areas be shown on the plans;
- That an area be formally designated for trash and recycling containers, and the area deemed adequate to service the needs of all three units; and

- That the Petitioner be asked to consider filing an Approval Not Required plan (ANR) with the Planning Board to combine the two lots owned by the Petitioner into one lot. Planning staff does not believe this should be a requirement or condition of approval since accessory parking on the lot which fronts on “Dows Lane” may be a legally pre-existing non-conforming use. Combining the lots will facilitate the task of accurately assessing the lots for real estate tax purposes.

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

On the petition by Robert Johnson, 14 Lexington Street, Stoneham, Massachusetts 02180 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.5, 8.3 and 12 to allow for 1. Four (4) residential dwelling units above first story in commercial structure at 12 Montvale Avenue; and 2. Parking within municipal parking lot (eight (8) spaces). PUBLIC HEARING OPENED.

On the petition by Tesla Inc., 3500 Deer Creek Road, Palo Alto, California 94304 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.56 to allow installation of twelve (12) Tesla charging posts, four (4) Level 2 charging posts, transformer, one (1) switchgear, three (3) Tesla superchargers, electrical equipment, underground conduit and related equipment at 101 Commerce Way. PUBLIC HEARING OPENED. A communication dated May 26., 2020 was received from Tina P. Cassidy, Planning Board Director, WRA Administrator, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for property located at 101 Commerce Way/Tesla Inc.

Dear Council:

The Planning Department has reviewed the request for a Special Permit application pursuant to Section 5.1 (56) of the Woburn Zoning Ordinances (WZO). Specifically, the applicant proposes to install twelve (12) Tesla electric vehicle (EV) charging posts and two (2) Level II universal charging posts (supporting up to four [4] electric vehicles), amounting to fourteen (14) total proposed charging posts, in addition to supporting equipment. Although the Petition was submitted independent of the current principal use (i.e., not as a modification to an existing special permit), the project is proposed as an accessory use exceeding 900-square feet in an existing parking lot (located at a commercial property currently anchored by Target department store). The subject property is located within a Business Interstate (B-I) district. The Petitioner notes that no modifications to existing buildings or parking lot drainage infrastructure are contemplated as part of this project.

Planning staff noted that the Treasurer's/Collector's form in the application package was not signed by that office. Planning staff also reviewed the application and engineer-certified site plan set (dated 7/10/19, last revised 3/16/20) jointly with the Building Commissioner and offers the following observations and comments:

Zoning & Use Classifications

- Fundamentally, the applicant has not provided sufficient justification or documentation, to the satisfaction of the Building Commissioner, supporting the argument that the proposed use is accessory to the current principal use(s). Further, should the applicant instead choose to pursue approval of a special permit by categorizing the proposal as a new principal use, a use description within the Section 5.1 Table of Use regulations must be identified. It should be noted that applicant has made initial contact with Commissioner Quinn on this point, but the fundamental question of whether this use is a permitted accessory use remains unresolved. The applicant should be required to provide additional information to clarify the foregoing questions about proposed use prior to further action on this Petition.
- The charging stations and equipment accessory to it do not observe the 25-foot side setback requirements for the B-I zoning district set forth in Table 6.1 (“Table of Dimensional Regulations”). The Petitioner must either obtain a variance from the Board of Appeals using the current EV charger configuration or modify the site plan to meet zoning regulations prior to further action on this Petition. If a variance is needed, it must be obtained prior to submission of a special permit application (Section 11.3.1 of the WZO).
- The description found in the application appears to suggest that the Tesla electric charging posts will be exclusively for the purpose of charging Tesla-branded electric vehicles (EVs), whereas the “universal” Chargepoint posts are intended to service all other branded EVs. The Petitioner should verify that this is a correct understanding of the EV charging arrangement as proposed.

Parking & Mobility

- Sheet C-2 indicates 15 existing parking spaces will be affected if the special permit is granted (Sheet C-3 indicates 16). These spaces may be essential to ensuring the retail store (Target) still has sufficient parking to meet minimum zoning requirements. The Petitioner should amend the plan by adding a parking table that calculates the number of spaces required and provided for both Target and the envisioned use.
- The site plan adequately identifies the location of the proposed EV charging spaces. However, the impact of reducing standard parking spaces originally intended to serve the existing onsite uses has not been indicated in the form of an updated parking calculation table. Although there is potential for mixed-use “overlap” for patrons utilizing both the EV charging stations and electing to go shopping on the premises, the application does not contain a parking study supporting the likelihood of that activity. Moreover, the proportion of proposed spaces effectively reserved for Tesla vehicles may in fact be disproportionate to the percentage of Tesla owners amongst the general population, creating an unintended imbalance in parking availability.

- Due consideration should be given to the intensity of vehicle trips generated by introducing EV charging infrastructure to the site, including vehicle trips for the purpose of equipment maintenance and patrons of the EV charging stations who may visit other establishments on the property. The application presumes that the proposed use “should not significantly impact traffic volumes,” but this statement cannot be independently verified by any other information contained in the application package.

Access & Environment

- The site plan does not currently incorporate provisions to comply with 521 CMR (Architectural Access Board) or the Americans with Disabilities Act (ADA) regulations. The Council should require the Petitioner to demonstrate how the proposed use will meet compliance under these regulations.
- Although the proposed site improvements appear to be outside of the limits of an adjacent flood plain area (based on information provided on both the submitted site plan and the City’s GIS database), construction of some of those improvements may in fact take place in the floodplain area. Given its proximity, it is difficult to imagine how some of the work, including gate relocation and partial fence replacement, could take place without some equipment or personnel within the floodplain area. The Council should consider requiring the Petitioner to submit a construction plan that verifies the existing floodplain will be unaffected by any and all planned demolition and construction activities. In addition, due to the area’s historic contamination with Class A soils, the construction plan should provide written assurances that ground disturbances required by the installation of conduit will be completed with appropriate environmental safeguards and methods.
- Sheet C-2 indicates that the existing 14’ wide swing gate in the chain link fence will be relocated to the south, and the void filled with new chain link fencing. This fencing will not provide any effective screening for the supporting equipment, which will be highly visible from roadways. In addition, the placement of the relocated swing gate appears to conflict with use of several existing parking spaces. Finally, how can work on the fence occur without impact to the abutting floodplain area?

Proposed Signage

- The applicant has included the design and dimensions of proposed Tesla parking signage as part of site plan on Sheet C-4 (“Equipment Elevation and Signage”). However, the Petitioner should verify whether this sheet comprises the entirety of new signage proposed for the site (for example, if identification signage will also be proposed for the Chargepoint-serviced spaces). Will any signage be visible from Commerce Way or Atlantic Avenue? If additional signage is contemplated, it should be included on a modified version of the site plan. If signage is included in the special permit package, the applicant should ensure that all signage in fact meets the requirements of Section 13 prior to action on this special permit application. Failure to verify zoning compliance now could prove problematic in the future. If the Building Commissioner determines the signage does not comply, the Petitioner will either need a variance from the Zoning

Board of Appeals or will need to file a revised special permit application for review and approval by the Council.

Other Design Concerns

- The site plan does not contain any provisions for snow management/storage locations, screened refuse collection to service the users of the charging stations, and “dark sky” compliant lighting details for the two (2) proposed pole-mounted lighting fixtures. These features should be added to a modified version of the proposed site plan.

If the Council ultimately decides to grant the requested special permit after receiving all outstanding information, Planning staff recommends the following as minimum conditions of approval:

1. That the Petitioner be required to file all modified Plans of Record with the Inspectional Services Department; and
2. That any new signage is subject to review by the Inspectional Services Department for compliance with all general and B-I zoning district-specific sign regulations set forth in Section 13 of the WZO and will require the submission of separate application(s) to the Inspectional Services Department.

Please feel free to contact me if you have any questions about this recommendation.

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

On the petition by Ryan Cassidy and Patrick Cassidy, 17 Winship Drive, Wakefield, Massachusetts 01880 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.57a and 5.1.57b to allow overnight commercial parking at 3 Breed Avenue. PUBLIC HEARING OPENED. A communication dated May 21, 2020 was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for 3 Breed Avenue/Ryan and Patrick Cassidy

Dear Council:

The Planning Department recently received a Petition seeking Special Permit(s) to operate a “landscaping commercial business operation” with commercial parking, in accordance with Sections “5.1.57b to 5.1.57a” of the Woburn Zoning Ordinance (WZO).

Please be advised that this Department can conduct no meaningful review or nor offer substantive comments on this Petition due to the lack of information and absence of any engineered plans.

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

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to appropriate the sum of \$37,000.00 from Cemetery Interest Fund to various Cemetery Accounts, committee report was received “ought to pass”.

On the Order to transfer the sum of \$750,000.00 from Overlay Reserve Acct to OPEB Trust Fund Acct, committee report was received “ought to pass”.

On the Order to transfer the sum of \$25,506.95 from Fire/BLS Ambulance Acct to Apparatus Maintenance Acct, committee report was received “ought to pass”.

On the Order to transfer the sum of \$813,000.00 from Fire/BLS Ambulance Acct to various Fire Department Accounts, committee report was received “ought to pass”.

ORDINANCE:

On the Order to amend Title 2, Article XXVII, Section 2-180 relative to non-union department head salaries, committee report was received “ought to pass, as amended, by deleting the word ‘shall remain at’ in paragraph 6 to ‘shall be amended to’”.

PUBLIC SAFETY AND LICENSES:

On the petition by Day and Knight Transportation, Inc. for a new Livery License, committee report was received “that the petition be given leave to withdraw without prejudice”.

On the petition by Woburn Bowladrome Inc. for renewal of Bowling Alley License, committee report was received “ought to pass”.

On the petition by Musto Jewelers for renewal of Secondhand Dealers and Secondhand Collectors License, committee report was received “ought to pass with any existing conditions or limitations”.

On the petition by Sams Liv Express, LLC for renewal of Livery License, committee report was received “ought to pass pending receipt of payment and any existing conditions and limitations”.

On the petition by Woburn Cab Co. for renewal of Taxi Cab License, committee report was received “ought to pass with any existing conditions and limitations”.

On the petition by TransAction Corporate Shuttles, Inc. for renewal of Common Carrier License, committee report was received “ought to pass with any existing conditions and limitations”.

On the petition by Camargo Chauffeur Service, LLC for renewal of Livery License, committee report was received “ought to pass pending receipt of vehicle inspection report and with all existing conditions and limitations”.

CITIZEN’S PARTICIPATION: None.

COMMUNICATIONS AND REPORTS: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED WHEREAS, there presently exists a structure or structures located in the City of Woburn, Massachusetts known and numbered as 11 Montvale Road; and

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Woburn that the City Clerk and Clerk of the City Council schedule a public hearing pursuant to Mass. General Laws Ch. 139, Sec. 1, et. seq., and give notice thereof to the owner of said building or buildings, said hearing to be conducted for the purposes of determining whether said building or buildings are a nuisance, a nuisance to the neighborhood, dilapidated or dangerous building or buildings or other structure or structures, as said terms are used in Mass. 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.

s/Alderman Mercer-Bruen

Motion made and 2nd to ADJOURN.