

**CITY OF WOBURN
NOVEMBER 17, 2020 – 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBER, WOBURN CITY HALL**

Roll Call

Campbell	Ferullo
Concannon	Gately
Demers	Mercer-Bruen
Dillon	Tedesco
Higgins	

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

MAYOR'S COMMUNICATIONS: None.

NEW PETITIONS:

Petitions for renewal of Second Class Motor Vehicles Sales Licenses by Maurice Saba dba Montvale Auto Care, 317 Montvale Avenue; Nicolas Saba dba Montvale Service, 289 Salem Street.

PUBLIC HEARINGS:

On the petition by NSTAR Electric Company dba Eversource Energy and Verizon New England, Inc. for a grant of right in a way to install two joint occupancy poles (612/2A and 612/3A) on the northwesterly side of Atlantic Avenue approximately 176 feet west of Commerce Way. PUBLIC HEARING OPENED.

On the petition by Alderman Mercer-Bruen concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 11 Montvale Road, 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.

On the petition by UDR Inwood LLC, c/o UDR, Inc., 1745 Shea Center Drive, Suite 200, Highlands Ranch, Colorado 80129 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, to modify and amend special permit dated April 7, 2005, amended April 13, 2006, November 9, 2006, March 19, 2007, July 13, 2007, January 25, 2008, December 12, 2013, September 3, 2015 and July 5, 2019 by adding plan entitled “Site Improvements Plan Set, Proposed Cardboard Recycling Area, #1 Inwood Drive, Woburn, MA 01801” dated October 13, 2020 prepared by Allen & Major Associates, Inc. to the Plan of Record at 1 Inwood Drive. PUBLIC HEARING OPENED. A communication dated November 12, 2020 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Modification to an existing special permit granted for Property at 1 Inwood Drive/UDR Inwood LLC

Dear Council:

The Planning Department has completed its review of the above-referenced Petition which requests modification to the Plan of Record for a Special Permit granted by the City Council in 2005, and further modified in 2006, 2007, 2008, 2013, 2015 and 2019 (pursuant to Section 5.1.4 of the Woburn Zoning Ordinances [WZO]) to allow for the construction of multifamily elevator apartment building. The current Petition requests permission to modify the special permit site plan to incorporate a cardboard recycling area (accessory structure), comprised of a concrete pad and two (2) 8-yard Dumpsters, in addition to upgrades for pedestrian access (proposed segment of sidewalk and crosswalk connecting the recycling area to the opposite side of driveway). No alterations are proposed to any of the residential structures themselves.

Planning staff conferred with the Building Commissioner on this Petition, who indicated that there is one zoning-related concern related to the setback of the proposed new accessory structure. As to the specifics of the revised site plan and current application, Planning staff makes the following collective observations and comments, incorporating those from the Building Commissioner:

- The recycling containers/screening do not reference an observed setback from the property line (a 25-foot side setback in an S-2 district, in this scenario). The Petitioner should clarify this information for the purpose of ensuring compliance with Section 6.1 Table of Dimensional Regulations relative to an accessory structure. Should the proposed setback not be compliant with zoning, the Petitioner must seek a variance from the Board of Appeals or modify the site plan.
- Although the site plan indicates that the Petitioner does not intend to modify the number of available off-street parking spaces (897) per the parking summary table on Sheet C-101, it is not clear whether the parking space adjacent on the southerly side of the recycling area will be eliminated or remain as is. The Council should request that the Petitioner provide clarification on this point.

- The Petitioner has included a parking summary table with the site plan (depicted on Sheet C-101) indicating that the existing and proposed number of off-street parking spaces (897)
- It is unclear whether the clearance of the swinging doors used to access to the recycling containers will result in conflicts with passing vehicles if left ajar or unlatched. This should be addressed by the Petitioner with the intent to prevent any potential obstructions.
- The proposed concrete recycling area and replacement of adjacent landscaped island and existing tree with concrete will result in an increase in impervious surface area and corresponding decrease in landscaped usable open space. The Council should ask the Petitioner to provide updated calculations to ensure that the amount of landscaped usable open space and the number of trees will continue to comply with the Table of Dimension Regulations (Table 6.1) and requirements for landscaping of outdoor parking facilities (Section 8.6), with such information incorporated into a modified version of the Plan of Record.
- The modified site plan does not contain any references to lighting details, pursuant to Section 8.5 (1). This information should be clarified by the Petitioner and added to a modified version of the site plan, with the intent to ensure that adequate lighting exists for residents crossing the drive aisle during evening hours to utilize the recycling area.
- It is unclear based on the site plan submitted whether the proposed curbing will match the existing curbing in the vicinity of the recycling area. The Council should ask the Petitioner to clarify this information for the record to ensure consistency.

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

- That the modified site plan (to be potentially further modified/re-submitted, as noted above) be cited in the Special Permit decision as the official Plan of Record;
- That the tree proposed for removal should be replaced elsewhere on the property with another as close as reasonably possible to the caliber of the one being removed;
- That the Petitioner be required to file the modified Plan(s) of Record with the Office of Inspectional Services as a condition of any Special Permit modification; and
- That all other conditions issued by the Council in its April 7, 2005, April 13, 2006, November 9, 2006, March 19, 2007, July 13, 2007, January 25, 2008, December 12, 2013, September 3, 2015 and July 5, 2019 Decisions remain in full force and effect, to the extent they are still applicable, and unless otherwise modified by the Council's forthcoming Decision.

Please feel free to contact me if you have any questions regarding these comments.

Respectfully, s/Dan Orr, City Planner Grant Writer

A communication with attachment was received from Attorney Joseph R. Tarby III, Rubin and Rudman, 600 Unicorn Park, Woburn, Massachusetts 01801 as follows:

Re: Petition of UDR Inwood LLC, 1 Inwood Drive, Woburn, Massachusetts

Dear Bill:

Enclosed please find for filing thirteen (13) copies of a revised Site Plan prepared by Allen & Major Associates dated October 13, 2020 and revised on November 12, 2020 showing the recycling area moved to the right of its original location. If you have any questions, please do not hesitate to contact me. Thank you for your assistance.

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

On the petition by MVRH Realty, LLC, c/o Bohler, 353 Turnpike Road, Southborough, Massachusetts 01772 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 9.4.2.1, 26.4.2.b.iii and 7.3 to allow amendment of Special Permit and Site Plan of recorded dated December 2, 2005 for proposed Solar Photovoltaic Installation, construction of a structure in floodplain, extension of alteration of existing nonconforming use or structure, and solar carport/canopy in non-residential district at 20 Cabot Road. PUBLIC HEARING OPENED. A communication dated November 6, 2020 with attachments was received from Eric G. Dubrule and John A. Kucich, P.E., Bohler Engineering, 353 Turnpike Road, Southborough, Massachusetts 01772 and attached thereto was Site Development Plans prepared by Bohler, dated 7/6/20, revised through 10/26/20; Compensatory Storage Exhibit dated 10/26/20; Fire Department Correspondence dated 10/29/20; City Council Special Permit Approval dated 2/9/06; Solect Solar Energy System Operations and Maintenance Plan; and Solar Canopy Lighting Exhibit and Luminaire Cutsheet.

UNFINISHED BUSINESS OF PRECEDING MEETING:

On the Order to appropriate the sum of \$7,000.00 Traffic Safety & Infrastructure to Draper Street/Ward 5 Acct to purchase & install traffic safety/speed flash sign.

On the Order to appropriate the sum of \$220,000.00 Veterans Cash Aid Acct.

On the Order to appropriate the sum of \$3,500,000.00 from Unreserved Fund Balance Acct to reduce the city tax rate.

COMMITTEE REPORTS: None.

CITIZEN'S PARTICIPATION: None.

COMMUNICATIONS AND REPORTS:

A communication dated November 10, 2020 was received from Charles O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

Council Members,

In accordance with Massachusetts General Laws Chapter 90, Section 20½ I am submitting the following parking ticket report. Figures cited below are for the Month of January 2020 to October 2020: Number of violations issued 538, Numbers of violations paid 258, Number of violations outstanding 265, Amount collected and submitted to Collectors Office \$25,346.40, Parking fines referred to the Handicap Commission \$7,200.00.

There is a backlog of 1479 unpaid tickets dating from January 2004 to December 2019. A 21 day late notice is sent to vehicle owners who have not paid the fine. After 28 days, if the fine still has not been paid, that information is forwarded to the Registry of Motor Vehicles for administrative action.

Respectfully submitted, s/Charles O'Connor, Parking Clerk

A communication dated November 10, 2020 was received from Veterans' Agent Larry Giuseppe as follows:

Re: City Council Meeting

I would like to get on agenda for an upcoming City Council meeting. I wish to formally give back the Ferullo Park area to the city since the Friends of Woburn Veterans have now completed all the work planned at the flag pole park.

Larry Guiseppe, Veterans' Agent

APPOINTMENTS AND ELECTIONS:

A copy of a communication dated November 4, 2020 to City Clerk William Campbell was received from Mayor Scott D. Galvin as follows:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Heather Barackman, 37 Arlington Street, #F1, to the Woburn Conservation Commission, with a three-year term to expire November 10, 2023.

Ms. Barackman's appointment fills the seat of James A. Juliano, 21 Watson Lane, who recently resigned.

Respectfully, s/Scott D. Galvin, Mayor

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Whereas, Woburn Fire Chief Stephen W. Adgate demonstrated extraordinary dedication and devotion to public safety and service to the citizens of the City of Woburn during a distinguished career with the Woburn Fire Department; and

Whereas, Woburn Fire Chief Stephen W. Adgate rose through the ranks of the Woburn Fire Department having been appointed a Full Time Reserve Fire Fighter in February 1980, Permanent Fire Fighter in August 1982, Permanent Fire Lieutenant in May 1991, Permanent Fire Captain in May 2007, Deputy Fire Chief in November 2015 and Fire Chief in July 2017; and

Whereas, Woburn Fire Chief Stephen W. Adgate led the department during profound public health emergencies, including a worldwide pandemic and opioid addiction epidemic and worked in ways to address these issues so as to improve the public health and safety of the residents; and

Whereas, Woburn Fire Chief Stephen W. Adgate taking into consideration his many years of dedicated service to the city as a member of the Woburn Fire Department and took an active role in improving the equipment and resources of the Department, including the construction of a new Fire Department Headquarters, all of which will long serve to protect the lives and property of Woburn residents and businesses;

Now, therefore, the City Council of the City of Woburn hereby recognizes the long and distinguished career of Woburn Fire Chief Stephen W. Adgate and his many accomplishments and contributions in improving the quality of life of the citizens of the City of Woburn, thanks him for his service to the city, and extends the best wishes of the community for a long, happy and well-deserved retirement.

President Higgins, Alderman Campbell, Alderman Concannon, Alderman Demers, Alderman Dillon, Alderman Ferullo, Alderman Gately, Alderman Mercer-Bruen, Alderman Tedesco

Motion made and 2nd to ADJOURN.