

**CITY OF WOBURN  
SEPTEMBER 1, 2015 - 7:00 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gaffney
Concannon	Gately
DiTucci	Mercer-Bruen
Drapeau	Raymond
Haggerty	

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

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**MAYOR'S COMMUNICATIONS:**

A communication dated August 27, 2015 with attachment was received from His Honor the Mayor Scott D. Galvin as follows:

Re: Proposed revisions to WZO – New Section 26, Solar Photovoltaic Installations; Section 2, Definitions; and Table 5.1, Table of Use Regulations

This correspondence shall serve to support the accompanying Order, which proposes to amend the Woburn Zoning Ordinance (“WZO”) by deleting the current Section 26, Solar Overlay District, and inserting a new Section 26, Solar Photovoltaic Installations, and to further amend Section 2, Definitions to insert new definitions required by, and associated with, the new Section 26 (the “Amendment”). The Amendment represents a collaborative effort among the City’s Planner, Building Commissioner, Engineering Department, City Solicitor and myself, and furthers the City’s commitment to the principles of a strong green community.

As proposed, the Amendment deletes the Solar Overlay District and amends the WZO in various respects to allow solar photovoltaic installations citywide. In addition to furthering the City’s green community standing, the Amendment also seeks to comply with M.G.L. c.40A, §3 [uses that cannot be regulated by zoning], ¶9 (“the §3 Solar Provision”), which states that, “[n]o zoning ordinance or by-law shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare.”

The §3 Solar Provision does not operate as a blanket exemption from zoning because municipalities may reasonably regulate uses protected by c.40A, §3 as long as the effect of those regulations does not prohibit those uses, hence the requirement that certain solar

installations be subject to site plan review. Limiting the WZO to the regulation of large-scale ground mounted solar installations located in an overlay district might be interpreted as the prohibition of smaller solar installations, which currently are given no consideration at all by the WZO. Such a prohibition would not be in keeping with the §3 Solar Provision.

Thank you for your attention to this matter. Any and all of the individuals who contributed to this effort will be available to discuss the Amendment at the Council's convenience.

Sincerely, s/Scott D. Galvin, Mayor

Attached thereto was the following Order:

ORDERED

Be it ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinances, as amended, be further amended by deleting therefrom Section 26, Solar Overlay District; and amending Sections of said 1985 Zoning Ordinances as follows:

By amending Section 2, Definitions, to insert the following definitions in alphabetical order:

PHOTOVOLTAIC SYSTEM (also referred to as Photovoltaic Installation): An active solar energy system that converts solar energy directly into electricity.

RATED NAMEPLATE CAPACITY: The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).

SOLAR ACCESS: The access of a solar energy system to direct sunlight.

SOLAR COLLECTOR: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

SOLAR ENERGY: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY SYSTEM: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

- a) SOLAR ENERGY SYSTEM, ACTIVE: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of

- energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.
- b) SOLAR ENERGY SYSTEM, CARPORT/CANOPY: An accessory structure designed and utilized principally for the support of a solar energy system. For purposes of this Ordinance, a Solar Carport/Canopy is considered to be ground-mounted.
  - c) SOLAR ENERGY SYSTEM, GRID-INTERTIE: A photovoltaic system that is connected to an electric circuit served by an electric utility.
  - d) SOLAR ENERGY SYSTEM, GROUND-MOUNTED: An Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).
  - e) SOLAR ENERGY SYSTEM, LARGE-SCALE: An Active Solar Energy System that occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).
  - f) SOLAR ENERGY SYSTEM, MEDIUM-SCALE: An Active Solar Energy System that occupies more than 1,750 but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 10 - 250 kW DC).
  - g) SOLAR ENERGY SYSTEM, OFF-GRID: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility.
  - h) SOLAR ENERGY SYSTEM, PASSIVE: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.
  - i) SOLAR ENERGY SYSTEM, ROOF-MOUNTED: An Active Solar Energy System that is structurally mounted to the roof of a building or structure; may be of any size (small-, medium- or large-scale).
  - j) SOLAR ENERGY SYSTEM, SMALL-SCALE: An Active Solar Energy System that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW DC or less).

SOLAR THERMAL SYSTEM: An Active Solar Energy System that uses collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling;

YARD, FRONT: An open space extending for the full width of the lot between the front line of the structure wall and the front lot line. On corner lots having frontage on two or more streets, each such street shall have a front yard.

YARD, REAR: An open space extending the full width of the lot between the rear line of the structure wall and the rear lot line.

YARD, SIDE: An open space extending for the full length of a structure between the structure wall and the side lot line. On triangular-shaped lots, each side yard setback shall be paralleled and extended to a rear point of intersection within the lot.”

By amending Section 2, Definitions, to revise the definition of Height of a Building, as follows: **(additional language in bold)**

**HEIGHT OF A BUILDING:** The vertical distance measured from the average ground elevation around the exterior walls of the building, determined without regard to any attached accessory building or attached parking structure, or the underside of the floor slab of the building above any parking facilities contained within the structure, to the highest point of the roof surface in the case of a flat roof, and to the mean height between eaves and ridge in the case of a pitched roof except that the measurement of height shall not include appurtenant roof structures such as chimneys, service equipment and penthouses or spires, smokestacks, flag poles, aerials, **roof-mounted energy systems**, and the like, nor shall it include any parking facilities contained within the building.

By amending Section 5.1, Table of Use Regulations, to insert the following new uses:

		R-1	R-2	R-3	R-4	B-N	B-H	B-D	B-1	I-P	IP-2	I-G	S-1	S-2	O-P	OP-93	O-S	Notes/other Sections
	<b>Solar Photovoltaic Systems</b>																	
87	Roof-Mounted	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-	Section 26
88	Solar Carport/Canopy	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		Section 26
89	Ground – Mounted, Small-Scale	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-	Section 26
90	Ground-Mounted, Medium-Scale	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-	Section 26
91	Ground-Mounted, Large-Scale	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-	Section 26
92	Off-Grid	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-	Section 26
93	Passive	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-	Section 26
94	Solar Thermal System	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-	Section 26

By inserting a new Section 26 entitled “Solar Photovoltaic Installations” as follows:

26.1 Purpose

The purpose of this ordinance is to promote the creation of new solar photovoltaic installations in accordance with M.G.L. c.40A, §9B and the Green Communities Act, M.G.L. c.25A, §10, by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

## 26.2 Applicability

This ordinance applies to all ground-mounted solar energy facilities and to physical modifications that materially alter the type, configuration, or size of these facilities or related equipment. Ground-mounted solar energy facilities on municipal and school properties are exempt from this Section and are allowed in all zoning districts.

## 26.3 General Requirements for all Solar Photovoltaic Installations

The following requirements are common to all solar photovoltaic installations to be sited in designated locations.

1. **Compliance with Laws, Ordinances and Regulations:** The construction and operation of all solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.
2. **Permits and Inspections:** No solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining all required building, electrical and plumbing permits.
3. The total capacity of all existing and proposed ground-mounted solar photovoltaic installations on the lot shall be measured in determining whether an installation is large-scale or small-scale.

## 26.4 Use Regulations

### 26.4.1 Residential District Uses

#### (a) Uses Permitted as of Right

- i. Roof-Mounted Solar Energy Systems
- ii. Small-Scale Ground-Mounted Solar Energy Systems
- iii. Solar Carport/Canopy

#### (b) Uses Allowed through Site Plan Review

- i. Medium-Scale Ground-Mounted Solar Energy Systems
- ii. Large-Scale Ground-Mounted Solar Energy Systems

### 26.4.2 Non-Residential District Uses

#### (a) Uses Permitted as of Right

- i. Roof-Mounted Solar Energy Systems

ii. Small-Scale Ground-Mounted Solar Energy Systems

(b) Uses Allowed through Site Plan Review

- i. Medium-Scale Ground-Mounted Solar Energy Systems
- ii. Large-Scale Ground-Mounted Solar Energy Systems
- iii. Solar Carport/Canopy

26.5 Dimensional and Density Requirements

26.5.1 Setbacks

For all ground-mounted solar photovoltaic installations the side and rear setbacks shall be as follows:

Side Setback: at least 75 feet;  
Rear Setback: at least 75 feet.

In residential districts, the applicable setbacks for detached accessory structures shall be those set forth in Section 6.2 (3), Additional Dimensional Regulations.

Ground-mounted solar photovoltaic installations shall not be installed in front yards.

26.5.2 Appurtenant Structures

All appurtenant structures to a ground-mounted solar photovoltaic installation shall be subject to the requirements of this Zoning Ordinance concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation. Security fencing associated with ground mounted solar photovoltaic installations shall not be subject to the provisions of Section 5.3.2 of this Ordinance

26.6 Solar Photovoltaic Installation Site Plan Review.

Prior to construction, installation or modification, Ground Mounted Solar Photovoltaic Installations shall undergo Solar Photovoltaic Installation Site Plan Review by the City Council as provided below. In accordance with Section 22(c) of the Massachusetts Green Communities Act, Solar Photovoltaic Installation Site Plan Review shall be expedited and no decision shall be rendered more than six (6) months after the date of a complete application as determined by the City Council.

26.7 Application and Plan Requirements.

A completed application for Solar Photovoltaic Installation Site Plan Review shall be filled with the City Council, along with the applicable review fee. Upon receipt of an application, the City Council may engage, at the applicant's cost, professional and technical consultants, including legal counsel, to assist the City Council with its review of the application, in accordance with the requirements of M.G.L. c.44, §53G. The City Council may direct the applicant to deposit funds with the City Auditor for such review at the time the application is determined to be complete, and may direct the applicant to add additional funds as needed upon notice. Failure to comply with this section shall be grounds for denying the application. Upon approval of the application, any excess amount attributable to the application processing by the City Council shall be refunded to the applicant.

1. Plans: All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.
2. Required Documents: the project proponent shall provide the following documents:
  - (a) A site plan showing:
    - i. Property lines and physical features, including roads, for the project site;
    - ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
    - iii. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
    - iv. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
    - v. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
    - vi. Name, address, and contact information for proposed system installer;
    - vii. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any; and
    - viii. The name, contact information and signature of any agents representing the project proponent.
  - (b) Documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation;
  - (c) An operation and maintenance plan which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation;

(d) The underlying Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);

(e) Proof of liability insurance; and

(f) Description of financial surety that satisfies Section 26.13.3.

(g) No Ground–Mounted Solar Photovoltaic Installation shall be constructed until evidence has been given to the City Council that the utility company that operates the electrical grid where the installation is to be located has been informed of the installation owner or operator’s intent to install an interconnected customer-owned generator as well as documentation from said utility that it will connect the proposed customer-owned generator into its power grid. Off-grid systems shall be exempt from this section.

## 26.8 Design Standards

### 26.8.1 Dimensional and Density Requirements

All construction shall comply with the yard, space, and height requirements of the zoning district(s) in which the installation is located or 75 feet set back from front, side and rear yard; whichever is greater.

### 26.8.2 Lighting

Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Lighting of the solar photovoltaic installation shall be directed downward and inward and shall incorporate full cut off fixtures to reduce light pollution.

### 26.8.3 Signage

Signs shall comply with Section 13 of this Ordinance. A sign consistent with Section 13 shall be required to identify the owner and provide a 24-hour emergency contact phone number shall be made visible from a right of way where the property has frontage. Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.

### 26.8.4 Utilities

Reasonable efforts, as determined by the SPRA, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on

appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

#### 26.8.5 Appurtenant Structures

All appurtenant structures to large-scale ground-mounted solar photovoltaic installations shall conform to the setback requirements of the zoning district in which the installation is located or 75 feet setback from front, side and rear yard; whichever is greater. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts. All appurtenant structures shall have a Landscape Plan.

s/Alderman \_\_\_\_\_

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A communication dated August 27, 2015 was received from His Honor the Mayor Scott D. Galvin with attachment as follows:

Dear President Haggerty and Members of the City Council:

Attached is a letter I received from a group of local bereaved parents working to raise funds for a bronze “Angel of Hope,” to be dedicated to the memory of children who have passed away.

The purpose of this communication is to inform the Council of this community proposal. No action is required now, but I am requesting the opportunity to bring organizers to a Council Committee meeting to overview the project.

Respectfully, s/Scott D. Galvin, Mayor

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A communication dated August 27, 2015 was received from His Honor the Mayor Scott D. Galvin as follows:

Re: Authorizations relative to a MassWorks grant application for New Boston Street Bridge Project

Dear President Haggerty and members of the City Council:

I respectfully request your authorization to submit a grant application for MassWorks funding for the New Boston Street Bridge, and for authorization to expend MassWorks funds for this purpose should the City receive a grant award.

As you know, the City initially planned to seek MassWorks grant funding for a downtown parking garage. We were subsequently informed by the funding agency that such an application would not be viewed favorably and we were encouraged to apply for funding for the New Boston Street project instead.

Accordingly, the City's MassWorks application will request \$8.5 million to replace the New Boston Street bridge over the MBTA rail line. If MassWorks funds are awarded, design of the bridge would be completed by next summer and the bridge would be constructed in 2017.

The New Boston Street bridge project has been a top transportation priority for the City of many years. It continues to be identified as such through the current master planning process. For that reason I hope you will support the application by granting the requested authorizations. If successful, the application will result in the bridge being replaced years earlier than would otherwise be the case. The City will realize a number of important benefits with a new bridge, including:

- The infrastructure needed to encourage and support additional future commercial and industrial development in the Commerce Way and New Boston Street corridors;
- Improved access to the Anderson Regional Transportation Center (RTC) by both pedestrians and vehicles (the bridge will provide a second means of access to Anderson RTC and will have sidewalks on both sides); and
- Improved circulation to/from/between the New Boston Street and Commerce Way Corridor industrial districts, including and most notably truck traffic.

Sincerely, s/Scott D. Galvin, Mayor

Attached thereto was the following Order:

**ORDERED** Be it ordained by the City Council of the City of Woburn that the Mayor be authorized to apply for, and accept funding from, the State's Executive Office of Housing and Economic Development's MassWorks grant program should it be awarded to the City, to be used for the reconstruction of the New Boston Street bridge.

s/Alderman \_\_\_\_\_

**PUBLIC HEARINGS:**

On the petition by Two Men and a Truck, 42 Sixth Road a/k/a 55 Sixth Road, Suite 6, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to allow for the overnight parking of commercial vehicles at 42 Sixth Road a/k/a 55 Sixth Road. **PUBLIC HEARING OPENED.** A communication dated August 27, 2015 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 Two men and a Truck, 42 Sixth Road a/k/a 55 Sixth Road, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the above-referenced Petition be given leave to withdraw without prejudice. If you need any further information, please contact me. Thank you.

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

A communication dated August 24, 2015 was received from Planning Director Tina Cassidy as follows:

Re: Planning Department comments on special permit applications for overnight commercial vehicle storage at 42 Sixth Road/Boston Solar (Suite #1) and Two Men and a Truck (Suite #6)

Dear Honorable Council:

The Planning Department has reviewed the two applications referenced above which seek authorization for the overnight parking of commercial motor vehicles at 42 Sixth Road pursuant to Section 5.1.(57b) of the Woburn Zoning Ordinance. The property is located in an I-P zoning district and the requested use (overnight parking) is allowed by special permit from the City Council.

The applications do not specify the number and types of vehicles that would be stored on site overnight if the special permit is granted. After a discussion with the petitioner's attorney, it was determined that Boston Solar is seeking permission to park fifteen (15) "small service trucks" on the property overnight. Two Men and a Truck may be seeking permission to park as many as six (6) trucks on site, but that number was not confirmed.

There are a total of 119 parking spaces on the property that are available to the building's tenants and customers. (Note that the twenty [20] parking spaces along the western property line are for the exclusive use of an abutting property owner and so are not included in the total). 112 parking spaces are required by zoning, given the type and floor area of uses in the building. As a result then, there are seven (7) "excess" parking spaces on site.

The Building Commissioner requires applicants to demonstrate that there is sufficient parking on site to accommodate employees, customers and any commercial vehicles that will be stored on the property for employees' use during the business day. These two applications seek authorization for a total of approximately twenty one (21) commercial vehicles, which is three times the number of "excess" spaces available on site to house

them. Additionally, no information has been provided with respect to the number of employees working at the various businesses on site to demonstrate that there is sufficient additional parking to support the requested special permits.

With respect to the plan accompanying the application, the Planning Department notes a setback violation on the plan. The fifteen (15) new parking spaces proposed along the southern property line are within five (5) feet of the property line and therefore violate zoning setback requirements. The spaces will have to be eliminated or relocated unless a variance is obtained. If the spaces are relocated, a minimum aisle width of at least twenty-four feet (24') should be maintained in the parking lot aisle for two way traffic.

The Planning Department notes the following plan deficiencies:

- The plan does not show any areas for snow storage;
- The plan does not include details about the location and type of security lighting for the parking lot (Section 8.5.1. of the Zoning Ordinance requires securing lighting for all parking facilities "...which are used at night."); and
- The plan does not show any handicapped accessible parking spaces being provided on the property.

The Planning Department recommends requiring the applicant to revise the plan to address the setback, handicapped accessible parking, snow storage and security lighting issues noted above. Planning staff would be happy to review the revised plan and offer final comments on the completed application.

If the Council decides to grant one or both of the special permits (in whole or in part) without referral back to the Planning Department, I recommend the Council impose the following conditions:

1. An updated plan of record shall be submitted that identifies adequate snow storage area(s), provides an appropriate level of detail on the security lighting, and depicts parking that meets the zoning setback requirements. Once the plans have been revised they should be cited in the blank space in the following condition of approval:

"Unless otherwise authorized, all construction shall conform to the Plan of Record which for this project shall be "\_\_\_\_\_";

2. All vehicles that will be parked on site overnight must be registered in the City of Woburn;
3. There shall be no exterior washing of vehicles or equipment on site and no interior washing of vehicles or equipment unless an oil-water separator is installed in the building; and
4. The Special Permit is issued specifically to (Boston Solar) (Two Men and a Truck) only and shall not be transferrable.

Respectfully, s/Tina P. Cassidy, Director

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On the petition by The Boston Solar Company LLC, 55 Sixth Road, Suite 1, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to allow for the overnight parking of commercial vehicles at 42 Sixth Road a/k/a 55 Sixth Road. PUBLIC HEARING OPENED. A communication dated August 27, 2015 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 The Boston Solar Company LLC, 42 Sixth Road a/k/a 55 Sixth Road, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for September 1, 2015 be continued to the City Council meeting on September 15, 2015. If you need any further information, please contact me. Thank you.

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

A communication dated August 24, 2015 was received from Planning Director Tina Cassidy as follows:

Re: Planning Department comments on special permit applications for overnight commercial vehicle storage at 42 Sixth Road/Boston Solar (Suite #1) and Two Men and a Truck (Suite #6)

Dear Honorable Council:

The Planning Department has reviewed the two applications referenced above which seek authorization for the overnight parking of commercial motor vehicles at 42 Sixth Road pursuant to Section 5.1.(57b) of the Woburn Zoning Ordinance. The property is located in an I-P zoning district and the requested use (overnight parking) is allowed by special permit from the City Council.

The applications do not specify the number and types of vehicles that would be stored on site overnight if the special permit is granted. After a discussion with the petitioner's attorney, it was determined that Boston Solar is seeking permission to park fifteen (15) "small service trucks" on the property overnight. Two Men and a Truck may be seeking permission to park as many as six (6) trucks on site, but that number was not confirmed.

There are a total of 119 parking spaces on the property that are available to the building's tenants and customers. (Note that the twenty [20] parking spaces along the western

property line are for the exclusive use of an abutting property owner and so are not included in the total). 112 parking spaces are required by zoning, given the type and floor area of uses in the building. As a result then, there are seven (7) “excess” parking spaces on site.

The Building Commissioner requires applicants to demonstrate that there is sufficient parking on site to accommodate employees, customers and any commercial vehicles that will be stored on the property for employees’ use during the business day. These two applications seek authorization for a total of approximately twenty one (21) commercial vehicles, which is three times the number of “excess” spaces available on site to house them. Additionally, no information has been provided with respect to the number of employees working at the various businesses on site to demonstrate that there is sufficient additional parking to support the requested special permits.

With respect to the plan accompanying the application, the Planning Department notes a setback violation on the plan. The fifteen (15) new parking spaces proposed along the southern property line are within five (5) feet of the property line and therefore violate zoning setback requirements. The spaces will have to be eliminated or relocated unless a variance is obtained. If the spaces are relocated, a minimum aisle width of at least twenty-four feet (24’) should be maintained in the parking lot aisle for two way traffic.

The Planning Department notes the following plan deficiencies:

- The plan does not show any areas for snow storage;
- The plan does not include details about the location and type of security lighting for the parking lot (Section 8.5.1. of the Zoning Ordinance requires securing lighting for all parking facilities “...which are used at night.”); and
- The plan does not show any handicapped accessible parking spaces being provided on the property.

The Planning Department recommends requiring the applicant to revise the plan to address the setback, handicapped accessible parking, snow storage and security lighting issues noted above. Planning staff would be happy to review the revised plan and offer final comments on the completed application.

If the Council decides to grant one or both of the special permits (in whole or in part) without referral back to the Planning Department, I recommend the Council impose the following conditions:

5. An updated plan of record shall be submitted that identifies adequate snow storage area(s), provides an appropriate level of detail on the security lighting, and depicts parking that meets the zoning setback requirements. Once the plans have been revised they should be cited in the blank space in the following condition of approval:

“Unless otherwise authorized, all construction shall conform to the Plan of Record which for this project shall be “\_\_\_\_\_”;

6. All vehicles that will be parked on site overnight must be registered in the City of Woburn;
7. There shall be no exterior washing of vehicles or equipment on site and no interior washing of vehicles or equipment unless an oil-water separator is installed in the building; and
8. The Special Permit is issued specifically to (Boston Solar) (Two Men and a Truck) only and shall not be transferrable.

Respectfully, s/Tina P. Cassidy, Director

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On the petition by NSTAR Electric Company dba Eversource Energy for a grant of right in a way to install conduit in Warren Avenue easterly from pole 226/17 approximately 60 feet southeast of Warren Road a distance of about 11 feet. PUBLIC HEARING OPENED. A communication dated August 19, 2015 was received from Superintendent of Public Works John Duran as follows:

Subject: NStar Electric Company d/b/a Eversource Energy- 70 Warren Ave

Pursuant to the request from Eversource for the installation of approximately 11 feet of conduit from pole 226/17, I recommend that the City Council allow this petition subject to the following conditions. Curbing and/or concrete sidewalk panels that are damaged must be replaced in full panels to the City of Woburn DPW specifications and be ADA compliant.

Please feel free to call with any questions or concerns.

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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 20 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.

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On the petition by American Capital Energy, Inc., 360 Merrimack Street, Ste 202, Lawrence, Massachusetts 01843 for site plan review pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 12 and 26 to allow a large-scale ground-mounted solar photovoltaic installation located within the Solar Overlay District at 202 Merrimac Street. PUBLIC HEARING OPENED.

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On the petition by Huong Vong and My Thi Vong, 6 Albany Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.56 Note 15 and 7.3 to allow for a garage larger than 900 square feet and possible extension of a nonconforming use at 6 Albany Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: “ought to pass, with the conditions as follows: 1. That there shall be no storage of chemicals associated with the business; 2. That any commercial vehicles shall enter and exit through Montvale Avenue, 3. That the commercial vehicles associated with the business shall be limited to two (2), 4. That both commercial vehicles must be registered in the City of Woburn, 5. That the special permit shall be issued to Huong Vong and My Thi Vong and shall not be transferrable.”

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On the petition by Woburn Lodging LLC, 315 Mishawum Road, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.69, 7.3 and 13.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the alteration of the existing nonconforming freestanding sign at 315 Mishawum Road. PUBLIC HEARING OPENED. A communication dated August 24, 2015 was received from Planning Director Tina Cassidy as follows:

Re: Planning Department comments on special permit application for alteration of an existing free-standing sign at 315 Mishawum Road/Woburn Lodging LLC

Dear Honorable Council:

The Planning Department has reviewed the above-referenced application which seeks permission to alter an existing free-standing sign 315 Mishawum Road. Special permits pursuant to Sections 5.1.69 (extension or alteration of a non-conforming use), 7.3 (extension or alteration of non-conforming use) and 13.5 (non-conforming signs) of the Woburn Zoning Ordinance are being requested for this B-I (Business Interstate) zoned property.

From sources other than the application, the Planning Department has learned that this sign was erected without a building permit and in apparent violation of the zoning ordinance that was in effect at the time it was constructed. If this information is accurate, the sign is *not* a non-conforming sign as the application indicates but rather a non-complying sign. The distinction is significant. The Council is clearly authorized by both State Law and the Woburn Zoning Ordinance to grant relief for a non-conforming sign. If however the sign is a non-complying structure, it enjoys no special treatment under State Law and there is no apparent provision in the Woburn Zoning Ordinance that would allow the Council to grant the special permits being sought.

Given the importance of this point I strongly recommend the City Council seek the guidance of the City Solicitor and Building Commissioner on this matter.

Respectfully, s/Tina P. Cassidy, Director

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On the petition by Paw Prints, 167 Merrimac Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.35 to allow for a kennel at 167 Merrimac Street. PUBLIC HEARING OPENED. A communication dated August 27, 2015 was received from Neil Cronin, City Planner/Grant Writer as follows:

Re: Planning Department comments on special permit application for Paw Prints at 167 Merrimac Street

Dear President Haggerty and Aldermen:

The Planning Department has received the request to allow a kennel pursuant to Section 5.1.35 of the Woburn Zoning Ordinance. The property is located in an I-P zoning district and the requested use is allowed by City Council special permit. Based on the application, the petitioner will be operating a “dog gym” and play area for dog owners to bring their pets at an hourly fee.

Based on the provided application, the Planning Department is unable to make a recommendation at this time. The submitted site plan is illegible, and there are no details regarding the daily operation of the facility. The Planning Department is willing to review and provide a recommendation if a new site plan and more information is submitted.

The Planning Department would like to review the below information before making a recommendation:

- A snow storage plan
- How many employees will be on site (office and instructors)?
- Are training sessions going to be offered? If so, what is the schedule and size of the sessions?

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

Sincerely, s/Neil Cronin, City Planner/Grant Writer

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**CITIZEN’S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**PUBLIC SAFETY AND LICENSES:**

On the petition by Kelley Towncar Inc. for a renewal of a Livery License, committee report was received “ought to pass”.

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**INFRASTRUCTURE AND PUBLIC LANDS:**

On the Order to authorize the Mayor to enter into a Lease Agreement with American Capital Energy, LLC for a solar facility at the Woburn Landfill, committee report was received “ought to pass”.

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On the Order to authorize the Mayor to execute and amendment of the Intermunicipal Agreement with the Town of Burlington relative to the Horn Pond Interceptor, committee report was received “ought to pass”.

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**PERSONNEL:**

On the appointment of Myles Collins as a Member of the Woburn Council on Aging, committee report was received “ought to pass”.

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On the appointment of Joseph A. Palmisano, Jr. as a Member of the Woburn Board of Registrars of Voters, committee report was received “ought to pass”.

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**ORDINANCES:**

On the Order to amend the 1989 Woburn Municipal Code, as amended, Sections 2-79, 2-81 and 2-180 relative to Deputy Fire Chief, committee report was received “ought to pass”.

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**NEW PETITIONS:**

Petition by Woburn Friends of Hospice Care, 100 Sylvan Road and Woburn Irish American Club, 147 Main Street for a special event permit to allow a road race in the Horn Pond area on September 27, 2015.

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Petition by Gevorg Melikyan dba Milano Jewelry, 11 Bartlett Avenue, Belmont, Massachusetts 02478 for a new License to Purchase and Sell Second-Hand and Personal Articles of Value and Collectibles at 494B Main Street.

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Petition by NSTAR Electric Company for a grant of right in a way to install conduit in Wyman Street from new pole 242/10 approximately 282 feet east of Park Drive a distance of about 21 feet and conduit in Wyman Street from pole 242/8 approximately 447 feet east of Park Drive a distance of about 50 feet.

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Petition by NSTAR Electric Company and Verizon New England, Inc. for a grant of right in a way to relocate joint occupancy pole 242/10 approximately 31 feet east towards pole 242/9 southerly side of Wyman Street approximately 282 feet east of Park Drive.

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Petition by NSTAR Electric Company dba Eversource Energy for a grant of right in a way to install conduit in Wood Street northerly from pole 84/15 approximately 845 feet south of Salem Street a distance of about 50 feet.

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Petition by Dish, 195 Wildwood Avenue, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.71 to allow parking of twelve (10) commercial vans overnight at 195 Wildwood Avenue.

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**COMMUNICATIONS AND REPORTS:**

A communication dated August 21, 2015 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 Jan. 2015 to July 2015: Number of violations issued 566, Numbers of violations paid 270, Number of violations outstanding 223, Amount collected and submitted to Collectors Office \$31,063.80, Parking fines referred to the Handicap Commission \$9,900.00.

There is a backlog of 1,707 unpaid tickets dating from January 2004 to July 2015. 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

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A communication dated August 27, 2015 with attachment was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Expenditure of Gift Accounts – M.G.L. c.44, §53A

Fairly recently, the Mayor received monetary donations from local groups and businesses for the support of events associated with the City's 375<sup>th</sup> Anniversary Celebrations (Settlement and the Incorporation). In addition, Rick Jolly has inquired about fundraising in support of the Substance Abuse Task Force's public education efforts. To the creation and management of such special purpose gift account(s), M.G.L. c.44, §53A provides in pertinent part that;

[a]n officer or department of any city..., may accept grants or gifts of funds from the federal government and from a charitable foundation, a private corporation, or an individual, or from the commonwealth, a county or municipality or an agency thereof,... and in the case of any other grant or gift may expend such funds for the purposes of such grant or gift...with the approval of the mayor and city council, ...any amounts so received by an officer or department of a city, town, or district shall be deposited with the treasurer of such city or town or district and held as a separate account as may be expended as aforesaid by such officer or department receiving the grant or gift without further appropriation... (emphasis supplied)

Though no approval is needed to accept gifts of funds and an appropriation of funds is not necessary, the expenditure of funds from gift accounts requires the approval of the Mayor and City Council, notwithstanding that expenditures must be processed in accordance with the warrant approval process set out in M.G.L. c.41, §§52 and 56, and are reviewed by the City Council's Committee on Audits and Accounts.

At the Mayor's request I am submitting herewith an Order for the City Council's consideration. The Order authorizes the expenditure of funds for both the 375<sup>th</sup> Anniversary Celebrations and the Substance Abuse Task Force for a "not to exceed" amount which is presented as an alternative to sending multiple requests of various sizes to the City Council each time gift funds are expended. The submission of this Order is based upon information from the DOR's Division of Local Services indicating that this method has been used in other communities as a means of avoiding multiple approval requests.

I am available to discuss at the City Council's convenience. Thank you for your attention to this matter and please do not hesitate to contact me if you have any questions regarding the above.

Sincerely, s/Ellen Callahan Doucette

Attached thereto was the following Order:

**ORDERED** Be it Ordained by the City Council of the City of Woburn, that approval is hereby given pursuant to M.G.L. c.44, §53A for the expenditure of gifts,

donations and contributions of cash received by the Mayor in support of the City's 375<sup>th</sup> Anniversary Celebrations in an amount not to exceed \$50,000.00;

That approval is hereby given pursuant to M.G.L. c.44, §§53A for the expenditure of gifts, donations and contributions of cash received by the Substance Abuse Task Force Coordinator in furtherance of the City's mission to prevent drug abuse and provide support, treatment, access and education to the public in an amount not to exceed \$5,000.00; and

Expenditures in excess of the above stated amounts shall require additional City Council approval.

s/Alderman \_\_\_\_\_

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A communication dated August 24, 2015 was received from Rory Lindstrom, Recreation Director as follows:

Re: Gonsalves Park

We are in receipt of a letter addressed to the Recreation Commission, dated August 13<sup>th</sup>, 2015, which I have placed on file for action at their next scheduled meeting on Thursday September 10<sup>th</sup>.

We have been informed by several residents located on Jaycin Circle that there were parking concerns at Gonsalves Field during the first week of August. We have been informed that the Traffic Commission and the Police Department are dealing with these concerns.

The Recreation Commission will be addressing recreation issues regarding Gonsalves Park at our next meeting and we will be able to provide you with an update thereafter.

We will not be in attendance at the Sept 1<sup>st</sup> meeting.

You are more than welcome you to attend our meeting on September 10<sup>th</sup> to further discuss any of these issues. If you have any questions in the meantime please feel free to call me at (781) 897-5805.

Thank you, s/Rory Lindstrom, Recreation Director

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**UNFINISHED BUSINESS OF PRECEDING MEETING:**

On the Order relative to traffic and parking issues in and around Gonsalves Park.



- 4-1 Wyman Elementary School Auditorium,  
Main Street and Eaton Avenue
- 4-2 White Elementary School, 36 Bow Street
- 5-1 Goodyear Elementary School Gymnasium  
41 Central Street
- 5-2 Goodyear Elementary School Gymnasium  
41 Central Street
- 6-1 Altavesta Elementary School Gymnasium,  
990 Main Street
- 6-2 Altavesta Elementary School Gymnasium,  
990 Main Street
- 7-1 Reeves Elementary School Gymnasium,  
240 Lexington Street
- 7-2 Reeves Elementary School Gymnasium,  
240 Lexington Street

s/Alderman \_\_\_\_\_

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ORDERED WHEREAS, there presently exists a structure or structures located in the City of Woburn, Massachusetts known and numbered as 33-35 Garfield Avenue; and

WHEREAS, the said building or buildings and the property is generally not being properly maintained;

NOW, THEREFORE, BE IT ORDERED be 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 Gately

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ORDERED Be it ordained by the City Council of the City of Woburn that the City-owned parcel of land at “Main & High Streets”, as shown on the attached map and identified on City of Woburn Assessors Maps as Map 51, Block 27, Lot 15, is hereby declared suitable for disposition in accordance with the provisions and requirements of M.G.L. Chapter 30B Section 16.

s/Alderman Gately

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ORDERED That the Committee on Special Permits meet with representatives of MassDOT regarding the review of traffic improvements relating to the special permits issued Madison Woburn Holdings LLC and Woburn Foreign Motors, both on Washington Street

s/Alderman Gately

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RESOLVED Whereas, there have been consistent complaints about trash being picked up before 7:00 a.m., specifically in Industrial Areas that abut residential property, that the City Council in collaboration with the Building Department and Board of Health, send a letter to all of the Trash Collectors currently known to be doing business in the city including, but not limited to: Charles George Hauling; Waste Management; Russell; Got Junk; Outlining our city ordinances regarding approved times for pick-up and that violation of the ordinance will result in fines.

s/Alderman Mercer-Bruen

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RESOLVED That the appropriate city departments send notification to Ride Style Limo to cease operations at # 11 Lynn Street as they are currently operating illegally, without a license from the city of Woburn

s/Alderman Mercer-Bruen

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Motion made and 2<sup>nd</sup> to ADJOURN.