

**CITY OF WOBURN
SEPTEMBER 15, 2015 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gaffney
Concannon	Gately
DiTucci	Mercer-Bruen
Drapeau	Raymond
Haggerty	

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

MAYOR'S COMMUNICATIONS: None.

PUBLIC HEARINGS:

On the petition by Oclen Realty LLC, an individual owning land to be affected by change or adoption, and Seaver Properties LLC to amend the Zoning Map of the City of Woburn by changing the zoning district for the property located at 98 and 100 Baldwin Avenue, Dexter Avenue and Warren Avenue; referenced on the Assessors Maps at Map 09, Block 13, Lot 01; Map 09, Block 12, Lot 02; Map 09, Block 12, Lot 01; Map 09, Block 11, Lot 02 and Map 09, Block 11, Lot 01; and further described as the entire parcel of land known as 98 and 100 Baldwin Avenue, to the centerlines of Chester Avenue, Dexter Avenue and Monks Street containing approximately 253,214 square feet of land as shown on a plan by Keenan Survey entitled "Proposed Rezoning Plan in Woburn, Massachusetts" dated October 17, 2014 from R-2/OP zoning district to R-3 zoning district. PUBLIC HEARING OPENED.

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 report was received from the Committee on Special Permits as follows: "ought to pass with the conditions as follows: 1. There will be no overnight boarding of dogs and no weekend stays; 2. The hours of operation will be M-F 10-9, Saturday and Sunday 9-5; 3. All dogs will be supervised, either by owners or trainers; 4. There will be no feeding of dogs; 5. All dogs attending the facility shall provide proof of registration, vaccinations, and have completed a temperament assessment; 6. There shall be a maximum of 25 dogs at any time; 7. There will be no outside potty station and all waste shall be disposed of in sealed containers, picked up daily. The petitioner shall provide to the council a copy of an

agreement for the professional removal of the waste from the premises, inside and out; 8. Staff and owners will be instructed to keep barking to a minimum and any dog that creates a nuisance will be removed from the premises. If complaints of barking are received and determined to be valid, the City Council shall have the right to revoke the special permit; 9. No dogs shall be crated or caged; 10. The special permit shall be specific to "Paw Prints" and shall be non-transferrable; and 11. That the plan of record shall show snow storage area and that the parking lot shall be marked for employees, patrons and handicapped spaces for the business." A communication dated September 10, 2015 was received from Neil Cronin, City Planner/Grant Writer as follows:

Re: Planning Department comments on special permit application to allow a kennel at 167 Merrimac Street (Suite A)

Dear Honorable Council:

The Planning Department has reviewed the application referenced above which seeks 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 (kennel) is allowed by special permit from the City Council.

I offer our apologies for not realizing this matter was slated for discussion by the Council's Committee earlier this week. We suggest the following additional conditions for your consideration as you finalize the special permit decision:

1. All compact car parking spaces must be clearly marked with appropriate signage (we assume these and the other off-site parking spaces have been previously approved as such in accordance with Section 8.3 of the Zoning Ordinance);
2. If the Dumpster is to remain on site it must be screened with a six (6) foot sight impervious fence and the parking re-calculated to ensure the spaces used for the Dumpster are not needed for zoning compliance;
3. Details of the security lighting (whether existing or proposed) should be added to the plan in accordance with Section 8.5.1. of the Zoning Ordinance to ensure there is no undue light or glare shining onto abutting properties;
4. That the project is subject to any regulations and requirements for kennels that the Board of Health may have; and
5. That the decision reference Suite A, which is the space Paw Prints will occupy.

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

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.

On the petition by 80 Holton Street LLC, 80 Holton Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.42, 5.1.57b and 7.3 to allow for the alteration of the existing nonconforming use and structure for a warehouse and distribution business; overnight parking of commercial vehicles; and to allow for the continuance of the existing area, parking and landscaping requirements, at 80 Holton Street. PUBLIC HEARING OPENED. A communication dated September 9, 2015 was received from Tina P. Cassidy, Planning Director as follows:

Re: Planning Department recommendations on special permit applications of 80 Holton Street LLC to allow for warehouse and distribution use, overnight parking of commercial vehicles and continuance of existing area, parking and landscaping requirements

Dear Members of the Council:

The Planning Department has reviewed the above-referenced special permit application which seeks special permits in accordance with Sections 5.1(42), 5.1(57b) and 7.3 of the Zoning Ordinance. The special permits would allow the use of this existing non-conforming building for warehouse and distribution uses, the overnight parking of an unknown number of commercial vehicles on site, and the continuation of existing lot area, parking and landscaping requirements.

The Planning Department makes the following comments on this application:

1. There is a loading bay/door on the front façade of the building and a ramp leading to it. The plans accompanying the application are being redrawn to include them as existing conditions. On a related note, the existence of the aforementioned ramp may interfere with the ability to access the two (2) parking spaces shown along the southerly property line. The applicant may be amending the plan to reorient those spaces such that they are perpendicular to the street rather than parallel to it.
2. The application does not specify the number or type(s) of commercial vehicles for which permission for overnight parking is being sought. The applicant should be required to provide this information and to indicate on the plans where the vehicles will be parked overnight.

Similarly, the applicant should be required to provide the Council with the number of employees expected to be employed on the largest work shift. This information is needed to ensure there will be sufficient on-site parking for all customers, employees

and company vehicles at all times, particularly in light of the request for overnight commercial vehicle parking.

3. The plan does not show any snow storage areas. The plan should be amended to include sufficient snow storage areas or a plan for removal of snow after every storm should be submitted.
4. The ramp should be marked with signage and/or pavement paint to alert motorists and pedestrians of the ramp's location.
5. The applicant should be encouraged to add two (2) or three (3) trees to the front planting beds to augment the low-growing shrubs along the front façade.

Respectfully, s/Tina P. Cassidy, Director

On the petition by Rosematwo, LLC, 10 Dorrance Street, Boston, Massachusetts 01219 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, to modify a special permit issued February 27, 2014 to eliminate the handicapped parking spaces at the front of the site at 7 State Street. PUBLIC HEARING OPENED.

On the petition by Alderman Gately concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 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.

On the Order to determine whether there is cause for revoking the inflammable licenses held by NSTAR Electric Company, Cove Street at the request of licenseholder; by 300 MetroNorth Corporate Center, 200 Presidential Way at the request of licenseholder; ProCoating, Inc, 229 New Boston Street at the request of licenseholder; NSTAR Electric Company, Cove Street due to nonregistration; and ArQule, Inc., 10 Presidential Way due to nonregistration. PUBLIC HEARING OPENED. A communication dated May 4, 2015 was received from Nicole A. Blute, EH&S Manager, ArQule, Inc., 19 Presidential Way, Woburn stating that ArQule, Inc. is in the process of vacating the facility located at 19 Presidential Way and requesting that the inflammable license for the premises be terminated.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

ORDINANCES:

On the communication from the City Solicitor regarding a proposed Order relative to authorizing expenditure of gift accounts funds without City Council approval, committee report was received “ought not to pass”.

NEW PETITIONS:

Petition by Winchester Cooperative Nursery School, 478 Main Street, Winchester, Massachusetts 01890 for a Special Event Permit to allow a preschool event gathering for children and parents at Lions Park at Horn Pond on October 4, 2015.

Petition by Paulo Rosa dba Brazez Auto Appraisal, 70 Mill Street #9m Woburn, Massachusetts 01801 for a new Livery License.

Petition by ACT Leasing, Inc., 215 Salem Street, Woburn, Massachusetts 01801 for renewal of Second Class Motor Vehicle Sales License.

Petition by Speedway LLC for transfer of an Inflammable License from Hess Retail Operations LLC at 306 Montvale Avenue.

A communication dated September 10, 2015 with attachment was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn Massachusetts 01801 as follows:

Re: R.C. Olsen Cadillac, Inc., 201 Cambridge Road, Woburn, Massachusetts

Dear Mr. Campbell:

On October 9, 2014 your office issued a Landowner’s Decision and Notice of Special Permit which was recorded with the Middlesex County South District Registry of Deeds at Book 6400, Page 445 (the “Decision”). The Special Permit is scheduled to expire after one year on October 9, 2015. On behalf of my client I respectfully request that the Special Permit be extended for one additional year to October 9, 2016. For your convenience I have enclosed a copy of the Special Permit Decision for filing with this request. If you need any further information please do not hesitate to contact me.

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

Petition by Allan Danley, Food Truck Builders Group, 2 Draper Street, Unit 1, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to allow overnight parking of commercial vehicles at 2 Draper Street, Unit 1.

Petition by The Bostonian, 20 Brookbridge, Stoneham, Massachusetts 02180 for a special permit pursuant to Section 5.1.57b and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the outside storage and overnight parking of commercial vehicles at 1095R Main Street.

Petition by Lord Hobo Brewing Co., 5 Draper Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 8.2 of the 1985 Woburn Zoning Ordinances, as amended, to allow a reduction in the number of required parking spaces at 5 Draper Street.

Petition by Burns Landscaping & Construction, LLC, 68 Delwood Drive, Tewksbury, Massachusetts 01876 for a special permit pursuant to Sections 5.1.57a, 5.1.57b and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow a modification of a special permit issue April 9, 2015 by amending Condition One to allow for a revised site plan at 1095R Main Street.

COMMUNICATIONS AND REPORTS:

A communication dated September 2, 2015 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Director's Report and the minutes of the Council on Aging meeting for the month of August 2015.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

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 THIRD DAY OF NOVEMBER, 2015 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

QUESTION 1

Shall the City of Woburn accept sections 3 to 7 inclusive of Chapter 44B of the General Laws, as approved by its legislative body, a summary of which appears below?

SUMMARY

Sections 3 to 7 of Chapter 44B of the General Laws of Massachusetts, known as the Community Preservation Act (or CPA), establish a dedicated funding source to enable cities and towns to:

- (1) acquire, create, preserve, and rehabilitate local parks, playgrounds and athletic fields,
- (2) acquire, preserve and restore historic buildings, artifacts and resources,
- (3) acquire, create and preserve open space, which includes land for drinking water protection, parks, recreational uses and conservation areas, and
- (4) acquire, create, and preserve community housing to help meet local housing needs.

In Woburn, the funding source for these community preservation purposes will be a surcharge of one percent (1%) on the annual property tax assessed on real property beginning in Fiscal 2017 (July 1, 2016) and by annual distributions made by the state from a trust fund created by the CPA. If approved, the following will be exempt from the surcharge:

- (1) \$100,000 of the value of each taxable parcel of residential real property;
- (2) \$100,000 of the value of each taxable parcel of class three, commercial property, and class four, industrial property, as defined in Section 2A of Chapter 59; and
- (3) property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in Woburn as defined in Section 2 of the Act.

A taxpayer receiving a regular property tax abatement or exemption will also receive a full or partial reduction in the surcharge.

If the Act is accepted, a Community Preservation Committee will be established by ordinance to study community preservation resources, possibilities and needs and to make annual recommendations to the City Council on spending the funds. In each fiscal year, at least 10% of the funds will be spent or reserved for later spending on each of the CPA's three community preservation purposes: (1) open space, (2) historic resources and (3) affordable housing.

Ward-Precinct Polling Place Location

1-1 Joyce Middle School Library, 55 Locust Street

- 1-2 Clapp Elementary School Cafeteria, Hudson Street and Arlington Road
- 2-1 Shamrock Elementary School Gymnasium, 60 Green Street
- 2-2 Shamrock Elementary School Gymnasium, 60 Green Street
- 3-1 Hurd Elementary School Gymnasium, 75 Bedford Road
- 3-2 Hurd Elementary School Gymnasium, 75 Bedford Road
- 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 _____

ORDERED That the City Council meeting scheduled for November 3, 2015 be and is hereby canceled due to the Municipal Election.

s/Alderman _____

Motion made and 2nd to ADJOURN.