

**CITY OF WOBURN  
OCTOBER 6, 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:**

A communication dated October 1, 2015 with attachments was received from His Honor the Mayor Scott D. Galvin as follows:

I am pleased to announce that the City recently negotiated an easement agreement with the Woburn Housing Authority that will allow for the creation of a new, much needed 100 space parking lot behind the Woburn Public Library.

The new municipal lot will provide ample parking for the library and also create an additional source of much needed downtown parking. I would like to thank the members of the Woburn Housing Authority and executive director Robert McNabb for their cooperation and support during these negotiations.

I would ask that you approve the order allowing the mayor to accept the easement agreement for the city of Woburn this evening. If you prefer the matter be sent to committee, I would be happy to attend and answer any questions.

Sincerely, 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 on behalf of the City of Woburn to execute a Release of the Open Space Easement set forth in the deed from the City of Woburn to the Woburn Housing Authority recorded with the Middlesex South Registry of Deeds in Book 14422, Page 540; and that the Mayor be authorized on behalf of the City of Woburn to enter into and/or accept an Access and

Parking Easement Agreement and Grant of Temporary Construction Easement from the Woburn Housing Authority.

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

\*\*\*\*\*

ORDERED That the sum of \$125,000.00 be and is hereby appropriated as so stated from BLS Ambulance Receipts Acct #31359-590000 \$125,000.00 to Fire Ambulance Salary Acct #0122051-511500 \$125,000.00

I hereby recommend the above: s/Scott D. Galvin, Mayor  
I hereby approve the above: s/Timothy Ring, Chief Fire Department  
I have reviewed the above: s/Charles E. Doherty, City Auditor

---

**PUBLIC HEARINGS:**

On the 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. PUBLIC HEARING OPENED. A communication dated September 10, 2015 was received from Superintendent of Public Works John Duran as follows:

Subject: NStar Petitions-30 Wyman Street

Pursuant to the request from NStar Electric for the Grant of Way for the installation of underground conduit and pole relocation to service the proposed subdivision for the Melanson/Gately LLC Development at 30 Wyman Street to allow for the installation of underground power.

The plan depicts the proposed relocation of pole 242/10 on Wyman Street and associated overhead lines approximately 31 feet easterly towards pole 242/9. This pole relocation is necessitated by the proposed entrance into the subdivision and to install underground power per the Planning Board Decision. The pole appears to be positioned properly as long as the overhead wires do not sag lower than the existing wires. The pole must also be positioned to allow handicap access adjacent to the pole in the new sidewalk configuration. This pole should be clearly marked and reviewed with the DPW, the developers and with NStar personnel to ensure proper placement.

The location of the proposed underground conduit from the new pole should be located under the new sidewalk and within the new right of way and onto private property. I recommend that the proposed conduit be accurately marked in the field for site review.

Please feel free to contact me with any questions, concerns or recommendations on this matter.

\*\*\*\*\*

On the 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. PUBLIC HEARING OPENED. A communication dated September 10, 2015 was received from Superintendent of Public Works John Duran as follows:

Subject: NStar Petitions-30 Wyman Street

Pursuant to the request from NStar Electric for the Grant of Way for the installation of underground conduit and pole relocation to service the proposed subdivision for the Melanson/Gately LLC Development at 30 Wyman Street to allow for the installation of underground power.

The plan depicts the proposed relocation of pole 242/10 on Wyman Street and associated overhead lines approximately 31 feet easterly towards pole 242/9. This pole relocation is necessitated by the proposed entrance into the subdivision and to install underground power per the Planning Board Decision. The pole appears to be positioned properly as long as the overhead wires do not sag lower than the existing wires. The pole must also be positioned to allow handicap access adjacent to the pole in the new sidewalk configuration. This pole should be clearly marked and reviewed with the DPW, the developers and with NStar personnel to ensure proper placement.

The location of the proposed underground conduit from the new pole should be located under the new sidewalk and within the new right of way and onto private property. I recommend that the proposed conduit be accurately marked in the field for site review.

Please feel free to contact me with any questions, concerns or recommendations on this matter.

\*\*\*\*\*

On the 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. PUBLIC HEARING OPENED. A communication dated September 10, 2015 was received from Superintendent of Public Works John Duran as follows:

Subject: NStar Electric Company d/b/a Eversource Energy- Wood Street

Pursuant to the request from Eversource for the installation of approximately 50 feet of conduit from pole 84/15 to the subdivision, I recommend that the City Council allow this petition subject to the following conditions. Damaged bituminous concrete sidewalk must be immediately replaced to the City of Woburn DPW specifications and be ADA compliant. No work appears to be proposed in the newly paved section of Wood Street. If any disturbance does occur, the applicant shall be responsible for curb to curb restoration

for a minimum of a 100 foot section and potentially further based upon review and evaluation by the DPW Superintendent after the completion of the work.

Please feel free to call with any questions or concerns.

\*\*\*\*\*

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 Alderman Raymond to amend the 1985 Woburn Zoning Ordinances, as amended, by deleting Section 26 Solar Overlay District, amending Section 2 Definitions, and inserting a new Section 26 entitled Solar Photovoltaic Installations as set forth in the petition. PUBLIC HEARING OPENED.

\*\*\*\*\*

On the petition by Anthony K. Paone, Jr., Trustee of the 78 Winn Street Realty Trust and Ann's Realty Trust, 16 Eastman Lane, Palm Coast, Florida 32164 for a special permit pursuant to Section 8 of the 1985 Woburn Zoning Ordinances, as amended, for the minimum setback requirements for parking spaces 1-18 and 26-29 as shown on the site plan filed herewith at 78 Winn Street and 80 Winn Street. PUBLIC HEARING OPENED.

\*\*\*\*\*

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 Dish, 195 Wildwood Avenue, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57b to allow parking of twelve (10) commercial vans overnight at 195 Wildwood Avenue. PUBLIC HEARING OPENED. A communication dated October 1, 2015 was received from Neil Cronin, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department recommendations on special permit application of Dish for overnight commercial parking at 195 Wildwood Avenue

Dear Members of the Council:

The Planning Department has reviewed the above-referenced special permit application filed in accordance with Section 5.1(57b) which seeks permission to park twelve (12) commercial work vans on the site overnight.

The building at 195 Wildwood Avenue currently has two tenants: New England Industrial Truck and Dish. The number of employees on the largest shift for New England Industrial truck is 20, while the largest shift for Dish consists of 15 employees. There are 95 proposed parking spaces on site, and 94 required by the use calculations in the ordinance. However, after speaking with the Building Commissioner, it has been determined there are insufficient spaces for the twelve (12) additional vans. The Building Commissioner interprets the ordinance to require a site to support the additional vehicles parked overnight. Therefore, this property needs an additional eleven (11) spaces (or a total of 106) in order to comply with zoning.

After reviewing the site plan, the Planning Department notes the following 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.");
- It is unclear if the entrance to the site from Salem Street can support a fire truck in the case of an emergency if the vans are parked as shown on the plan;
- The eight spaces for the overnight vehicles are not striped and must be per Section 8.5(5) of the Woburn Zoning Ordinance; and
- Four (4) of the eight (8) vans to be parked overnight are shown on the plan to be located in compact spaces.

If the Council decides to grant the special permit, 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 shows the striped eight (8) spaces to be used for overnight parking,. Once the plans have been revised to meet zoning, 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. All compact and handicap spaces must be marked with appropriate signage;
4. The petitioner’s engineer update the plan with a turning radius for a 40’ semi-truck at the entrance on Salem street into the loading bays, and measure the distance of the aisle between the two rows of overnight vans to ensure a proper turning radius;
5. The dumpster not be located in a parking space and be screened with a 6’ sight impervious fence;
6. The vans to be parked overnight be parked at least 4’ from the stairs for proper egress;
7. Deliveries not be allowed during the hours the vans are parked onsite; and
8. The Special Permit be issued to Dish only and shall not be transferrable.

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

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

\*\*\*\*\*

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 33-35 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.

---

**CITIZEN’S PARTICIPATION:**

A communication dated September 14, 2015 was received from Penny Maciejka-Hoene and Bernd Hoene, both of 51 North Warren Street, Woburn, Massachusetts 01801 requesting citizen’s participation time to address issues at Library Field Park.

\*\*\*\*\*

A communication dated September 23, 2015 was received from Peter Belsito, CEO, Alternative Science & Wellness, Inc., 60 Central Street, Topsfield, Massachusetts 01983

requesting citizen's participation time to address the City Council regarding the laws and regulations of medical marijuana.

\*\*\*\*\*

A communication dated October 1, 2015 was received from Rob Verdi, 10 Churchill Road, Woburn, Massachusetts 01801 requesting citizen's participation time to discuss the establishment of a body art studio in the city.

---

**COMMITTEE REPORTS:**

**ORDINANCES:**

On the Order to approve the expenditure of gifts, donations and contributions received in support of the City's 375<sup>th</sup> Anniversary Celebrations and the Substance Abuse Task Force Coordinator, committee report was received "ought to pass" for 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 \_\_\_\_\_

\*\*\*\*\*

**PUBLIC SAFETY AND LICENSES:**

On the petition by Gevorg Melikyan dba Milano Jewelry for a new License to Purchase and Sell Second-Hand and Personal Articles of Value and Collectibles, committee report was received "back for action pending receipt of a report from the Woburn Police Department."

\*\*\*\*\*

**LIAISON:**

On the communication from the Mayor relative to the erection of an "Angel of Hope" memorial in the city, committee report was received "to approve the location of the memorial at Horn Pond".

---

**NEW PETITIONS:**

Petition by Festival on the Common, P.O. Box 211, Woburn, Massachusetts 01801 for a Special Event Permit to allow a festival in the area of Woburn Common on November 28, 2015.

\*\*\*\*\*

Petitions for renewal of First Class Motor Vehicle Sales Licenses by: C.N. Wood Company, Inc., 200 Merrimac Street; Woburn Foreign Motors, Inc., 394 Washington Street; and Woodco Machinery, Inc., 22 North Maple Street.

\*\*\*\*\*

Petitions for renewal of Second Class Motor Vehicle Sales Licenses by: Robert McSheffrey dba Bob McSheffrey Auto Sales, 880 Main Street; Capelo's Auto Service, Inc. dba J.C. Auto Sales, 84-86 Winn Street; Oliver M. McDermottroe dba McDermottroe Auto Sales, 229 Lexington Street; McSheffrey Auto Sales, Inc., 878 Main Street; Ollies Service Center, 310 Main Street; Adamo Rufo dba Route 16 Auto Broker, 280 Salem Street; Southside Associates, Inc. dba Burke's Garage, 71 Main Street; David Dellarocco dba Woburn Auto Sales, 5 Crescent Avenue, #4; Woburn Gas & Service, Inc., 545 Main Street; and Wassim (Sam) Nicolas dba Woburn Square Mobil, 23 Pleasant Street.

\*\*\*\*\*

Petition by TransAction Corporate Shuttles, Inc., 5 Wheeling Avenue for renewal of Common Carrier License with increase in vehicles from 43 to 70.

\*\*\*\*\*

Petition by Sam S. Avakian dba SA Livery Services, 3 Carmen Terrace for a new Livery License.

\*\*\*\*\*

A communication dated September 23, 2015 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Minor Modification to Special Permit Granted to Minast LLC for Lot 1, Presidential Way, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent Minast LLC. On July 9, 2015 the City Council granted a Special Permit to Minast LLC for the construction of a new building containing approximately 46,858 square feet of gross floor area for: (1) warehouse and distribution use; and (2) office use (the "Decision").

On May 28, 2015, the Petitioner filed a revised set of plans with your office that were presented to the City Council at its public hearing on June 16, 2015 and accepted as part of the permanent record. The plans presented to the City Council on June 16, 2015 were the plans voted on by the City Council in granting the Special Permit. Through inadvertence (except for the revision date to the overall site layout) we did not include the revision dates for the complete set of plans. We have confirmed with your office that said plans were filed and presented to the City Council. However, through inadvertence or mistake, the revision dates for all of the plan pages were not set forth in the list of conditions proposed by the Petitioner. Therefore, we are asking for approval of a modified Condition 1 as a minor modification to correct the mistake.

The proposed revision to the Decision is to correct a mistake in that the revision dates to the revised plan filed with the City Clerk's office on May 28, 2015 and presented to the City Council at its public hearing on June 16, 2015 were not all listed in the list of conditions proposed by the Petitioner. By correcting Condition 1 in the Decision it does not result in any change or modification to the location of the buildings or any of the conditions contained in the decision.

On behalf of my clients, I respectfully request approval by the City Council at its meeting on October 6, 2015 of a minor modification to the Decision by replacing Condition 1 of the original Decision with the following Condition:

1. "Unless otherwise authorized, all construction shall conform to the Plan of Record which for this project shall be "Presidential Way Development Woburn, MA; Client: Minast LLC, 11 Presidential Way, Woburn, MA 01801; Prepared by: WorldTech Engineering, 300 Tradecenter Suite 5580, Woburn, MA 01801; Sheet No. T-01 (Title Sheet and Index) dated 2-25-15 not to scale; Sheet No. EX-1 (Existing Conditions Survey) dated 2-26-15, at a scale not noted; Sheet SP-1 (Overall Site Layout Plan) dated May 12, 2015, revised 3-27-15, revised 5-20-15 and 5-28-15 at a scale of 1"=40'; Sheet GD-1 (Site Grading and Drainage Plan, Sheet 1 of 2) dated May 12, 2015 revised May 20, 2015 and May 28, 2015 at a scale of 1"=40'; Sheet GD-2 (Site Grading and Drainage Plan, Sheet 2 of 2) dated May 12, 2015 revised May 20, 2015 and May 28, 2015 at a scale of 1"=40'; Sheet U-1 (Proposed Utility Plan) dated May 12, 2015 revised May 28, 2015 at a scale of 1"=40'; and Sheet L-1 (Overall Site Landscape Plan) dated May 12, 2015, revised 3-27-15 revised May 20, 2015 and May 28, 2015 at a scale of 1"=40'."

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

Very truly yours, s/Joseph R. Tarby III

\*\*\*\*\*

Petition by NSTAR Electric Company and Verizon New England Inc. for a grant of right in a way to relocate joint occupancy pole 260/2 on the northwest side of Munroe Avenue approximately 165 feet northeast of Pine Street approximately 12 feet northeast.

\*\*\*\*\*

Petition by New Cingular Wireless PCS, LLC (AT&T), c/o Centerline Communications, 95 Ryan Drive, Suite 1, Raynham, Massachusetts 02767 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.80b to allow AT&T antenna modification to the existing site on the roof at 397 Main Street.

\*\*\*\*\*

Petition by Hugo Moraes, 1 Middlesex Canal Park, Woburn, Massachusetts 01801 for special permits pursuant to 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Section 5.1.5 to allow for seven (7) residential dwelling units above the first story of a full service restaurant; 2. Section 5.1.28 (Note 16) to allow for hours beyond 11:00 p.m. at a full service restaurant; 3. Section 7.3 finding to allow for reconstruction, extension, or structural change to a non-conforming structure; 4. Section 8.3 substitution for required parking in a B-D District to be a municipal lot within 500 feet of uses to be served; and 5. Section 11.6.11 to allow for dwelling unit parking at a municipal parking lot within 500 feet of the locus, all at 434 Main Street.

\*\*\*\*\*

Petition by Melanson Development Group, Inc., 5 Robertson Way, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.3c, 11.3.12, 11.11, 12.3.2, 18 and other applicable sections to allow construction of eighteen (18) residential townhouse units at 165 Cambridge Road.

---

**COMMUNICATIONS AND REPORTS:**

A communication dated September 17, 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 August 2015: Number of violations issued 595, Numbers of violations paid 291, Number of violations outstanding 223, Amount collected and submitted to Collectors Office \$33,817.60, Parking fines referred to the Handicap Commission \$10,300.00.

There is a backlog of 1,698 unpaid tickets dating from January 2004 to August 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

\*\*\*\*\*

A communication dated October 1, 2015 was received from Building Commissioner Thomas C. Quinn, Jr. as follows:

Re; Woburn Municipal Code Title 15 Article VIII 15-42

Dear Members of the City Council:

With regard to the above referenced section of the Woburn Municipal Code, I submit the following quarterly nuisance report for the period of July 1, 2015 – September 30, 2015.

142 Main Street (Matter with City Council)

20 Garfield Avenue no response from owners agent, matter being looked into by City Solicitor.

124 Dragon Court hearing held July 29, 2015 owner given to September 30, 2015 to comply, October 1, 2015 summons issued to property owner from court for noncompliance, will update when additional information is available.

6 East Dexter Avenue matter with District Attorney's office next hearing scheduled for November 4, 2015, will update when additional information is available.

31 High Street Owner still cleaning exterior grounds.

Issues resolved:

399 Washington Street  
369 Washington Street  
425 Washington Street

As always if there are any questions or concerns do not hesitate to contact me.

s/Thomas C. Quinn Jr., Building Commissioner, City of Woburn

\*\*\*\*\*

A copy of a communication dated September 11, 2015 was received from Town of Winchester, Massachusetts Engineering Department advising of a request to the Executive Office of Energy and Environmental Affairs for an extension of the comment

period relative to the Tri-Community Bikeway Environmental Notification Form and approval by the Massachusetts Environmental Policy Act (MEPA) Office to extend the time to September 29, 2015.

\*\*\*\*\*

A communication dated August 2015 was received from United State Environmental Protection Agency relative to Wells G&H Superfund Site, Operable Unit 1.

\*\*\*\*\*

A communication dated August 2015 was received from United State Environmental Protection Agency relative to Industri-plex Superfund Site, Operable Unit 2.

---

**UNFINISHED BUSINESS OF PRECEDING MEETING:** None.

---

**APPOINTMENTS AND ELECTIONS:** None.

---

**MOTIONS, ORDERS AND RESOLUTIONS:**

From Traffic Commission:

**ORDERED** ERIE STREET – No parking both sides from the intersection with Central Street to the intersection with Washington Street.

\*\*\*\*\*

**ORDERED** Be it Ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinances, as amended, be further amended as follows:

1. By deleting Section 5.7 in its entirety and replacing same with the following:

5.7 Buffer Requirements

1. Along each boundary of a Mixed Use or Business district other than Business Interstate which adjoins any Residential district in the City of Woburn there shall be a buffer zone of twenty (20) feet in addition to the minimum side and rear yard setbacks.
2. Along each boundary of an Industrial (I), Office Park (OP), or Business Interstate (BI) district which adjoins any Residential district in the City of Woburn there shall be a buffer zone of seventy (70) feet in addition to the minimum side and rear yard setbacks.

3. If the buffer zone requirement in Section 5.7.1 or 5.7.2 above is triggered by a rezoning of Industrial (I), Office Park (OP), or Business Interstate (BI) to Residential (R-1, R-2, R-3 or R-4) that occurs after (insert date), the burden of providing the buffer zone shall be imposed on the property rezoned. The City Council may waive or vary the imposed buffer zone requirement by special permit if it determines that:
  1. Existing or proposed alternative screening devices such as fences, evergreen plantings and earthen berms will provide a reasonable buffer between incompatible land uses;
  2. Waiving or varying the buffer zone requirement will not substantially impact the comfort, privacy, quiet enjoyment and standard of living of residents in the property rezoned; and
  3. The nature or circumstances of the particular lot, project or neighborhood justifies a different buffer requirement, including but not limited to topography, soils, or other site conditions which make the planting or maintenance of the buffer impractical.

Alternative screening devices authorized under this Section shall not be subject to the provisions of Sections 5.3.2, 5.3.4, or 5.7.7., except that the City Council shall insure that any plantings required by this Section do not interfere with or encroach upon sight lines or violate other provisions of the Woburn Municipal Code, Woburn Zoning Code or the Woburn Land Subdivision Rules and Regulations.

4. The buffer zones required by this section 5.7 shall, except to the extent provided in Section 5.7.3 or 5.7.5, extend from the zoning district boundary line into the mixed use, Business, Industrial or Office Park district, whichever the case may be.
5. If the boundary line between an "I" or "OP" district and an "R" district falls within or along a Road (as defined below) which is located either in the "R" district or in both the "R" district and the "I" or "OP" districts, that portion of any such Road in the "R" district from the centerline of the Road to the zoning district boundary line shall be included to meet this seventy (70) foot buffer zone requirement. For purposes of this Section 5.7, Road means any road, street, highway or other public way or way devoted to public use including the untraveled portion of any layout for any such road, street, highway or other way, but shall not include a "paper" street.

6. The buffer zone may be used for the following purposes:
  1. To calculate the Minimum Usable Open Space percentages required in Section 6.1;
  2. For driveways, useable open space, walkways and landscaped areas;
  3. Overnight parking of passenger vehicles, except that no portion of the buffer area within fifty (50) feet of the boundary line of a Residential district may be used for such purposes.
7. The buffer zone shall contain a screen of evergreen plantings along the full extent of its border with the residential district and at least ten (10) feet from such border. In the case of a buffer along a Road, the plantings must be at least ten (10) feet from the edge of the Road. Such evergreen plantings shall be not less than three (3) feet in width and six (6) feet in height at the time of occupancy of such lot, and shall thereafter be maintained by the owner or occupants so as to maintain a dense screen year round. Other alternative screening devices may be permitted by Special Permit where topography, soils, or other conditions make the planting or maintenance of such a hedge impracticable.
2. By deleting Note 8 in Section 6.1 Footnotes to 6.1 Table of Dimensional Regulations in its entirety and replacing same with the following:
  8. Structures located in Office Park (OP), Industrial Park (IP), Industrial Park Two (IP-2), and Business Interstate (BI) zoning districts, which are within seven hundred (700) linear feet of Residential-One (R-1), Residential-Two (R-2) and Residential-Three (R-3) zoning district boundary lines in the City of Woburn, shall have a maximum height of thirty-five (35) feet and/or three (3) stories. Any variation from the foregoing height/story limitation shall require the issuance of a special permit by the City Council. Where there is a rezoning subsequent to [insert date] that creates one or a combination of R-1, R-2, R-3 or R-4 zoning districts, then the seven hundred (700) foot linear distance shall be measured from the location of the residential zoning district boundary line as it existed on [insert date].

s/Alderman Raymond and Alderman Anderson

---

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