

**CITY OF WOBURN
DECEMBER 1, 2015 – 6:30 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:

ORDERED That the amount of \$2,231,990.63 be and is hereby transferred as so stated from Debt Reserve Acct #648059-596100 \$2,231,990.63 to Debt Principal Acct #01099049-497600 \$1,645,000.00, Debt Interest Acct #01099049-497600 \$586,990.63, Total \$2,231,990.63 – Purpose: Debt Service for High School & White Elementary.

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

s/Alderman _____

ORDERED That the amount of \$288,000.00 be and is hereby appropriated to Veteran's Department for Cash Aid Acct #0154357-577000.

I hereby recommend the above: Scott D. Galvin, Mayor
I hereby approve the above: Lawrence Guiseppe, Veteran's Agent
I have reviewed the above: s/Charles E. Doherty, City Auditor

s/Alderman _____

PUBLIC HEARINGS:

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 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. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: “back for action.” A copy of the Development Impact Statement for Battlemarch Village dated November 19, 2015 prepared by ALAN Engineering, L.L.C., 288 Littleton Road, Suite 31, Westford, Massachusetts 01886, and a revised Site Plan entitled “Site Plan Battlemarch Village, Woburn, Massachusetts” Sheets 1-8 dated September 30, 2015 revised November 19, 2015 prepared by ALAN Engineering, L.L.C., 288 Littleton Road, Suite 31, Westford, Massachusetts was received.

On the petition by Seaver Properties LLC, 215 Lexington Street, Woburn, Massachusetts 01801 for a special permit and site plan approval pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.3a, 5.7.3 and 12.2.2 to allow for forty one (41) residential townhouse units, and a waiver of the required buffer zone of seventy (70) between the R-3 zoned property and O-P zoned property at 98 Baldwin Avenue; 100 Baldwin Avenue, Chester Avenue (09-11-01); Chester Avenue (09-11-02), Dexter & Warren Avenue (09-13-01). PUBLIC HEARING OPENED. A communication was received from the Committee on Special Permits as follows: “back for action with the following working draft of conditions:

1. The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit entitled: “Site Plan Baldwin Avenue, Woburn, Massachusetts” dated October 9, 2015 revised November 9, 2015 prepared by ALAN Engineering, L.L.C., 288 Littleton Road, Suite 31, Westford, Massachusetts (hereinafter the “Site Plan”) although design adjustments and modifications generally associated with: (i) preparing so-called “working drawings” or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan.
2. Prior to the issuance of a building permit, the extension of East Dexter Avenue shall be constructed with underground utilities installed and a binder course to City standards as approved by the Planning Board.

3. All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting any abutting properties.
4. During construction, all vehicles must be parked on Site or access road.
5. During construction, no vehicles shall be parked on Chester Avenue.
6. During construction, all staging and deliveries will occur on Site.
7. Exterior construction activities on the Site shall not be permitted on Sundays.
8. During the Site redevelopment and construction phases, the Petitioner shall maintain all adjoining roadways free and clear of all debris.
9. A five foot (5') wide sidewalk shall be installed along one side of the interior site driveway.
10. To accommodate the sidewalks and facilitate drainage, 4" vertical granite curbing shall be installed along both sides of the interior site driveway.
11. All driveways to individual units must be at least eighteen (18) feet long per Section 8.4.1 of the Zoning Ordinance in order for the driveway space to count toward the parking requirements for zoning purposes. Up to 30% of the parking spaces in driveways may be compact spaces, but any such spaces shall be clearly identified as such by signage and/or pavement markings as required by Section 8.2.3 of the Zoning Ordinance.
12. Lighting fixtures shall be added at approximately 100' intervals along the interior site driveway to provide adequate light for safe pedestrian and vehicular travel.
13. A detail of the lighting fixtures to be used on the site shall be incorporated into the detail sheet to show the method of directing glare downward onto the site and away from abutting properties.
14. All signage must comply in all respects with the provisions of Section 13 of the Woburn Zoning Ordinance. All signage shall be subject to a separate application and approval process by the City of Woburn's Department of Inspectional Services.
15. The applicant must comply with the requirements of Section 11.11 of the Zoning Ordinance (Affordable Housing Requirement) relative to the creation of four (4) affordable housing units.
16. The proposed driveway must meet the Zoning Ordinance (the maximum width of a residential driveway is twenty-four feet [24'] per Section 8.4.3 of the Zoning Ordinance).
17. The plan should identify adequate snow storage areas and the applicant must file a copy of the snow storage plan with the Director of Inspectional Services.
18. Water meters must be installed in each residential unit prior to sign-off by the plumbing inspector on any final inspection.
19. If irrigation is being provided, the proposed Plan of Record must be revised to show the location of the meter box.
20. Prior to commencement of work on site, the developer shall provide be responsible for providing all vendors and contractors with a map of the required preferred truck route to the property.
21. Construction of roadway – to be provided.
22. The mitigation for this proposal shall be:
23. (a) Construction of Dexter Avenue Extension.
(b) Water Main looping to Chester Avenue."

A communication dated November 23, 2015 with attachments 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 Seaver Properties LLC, 98-100 Baldwin Avenue, Woburn, Massachusetts

Dear Mr. Campbell:

Enclosed please find for filing the following:

1. Four (4) copies of the Development Impact Statement dated November 18, 2015 prepared by ALAN Engineering, L.L.C., 288 Littleton Road, Suite 31, Westford, Massachusetts;
2. Redline of Proposed Conditions discussed at the Special Permits Committee Meeting on November 12, 2015 and requested by the Committee Members;
3. Four (4) copies of a revised Site Plan entitled "Site Plan Baldwin Avenue, Woburn, Massachusetts" Sheets 1-8 dated October 9, 2015 revised November 9, 2015; revised November 18, 2015 prepared by ALAN Engineering, L.L. C., 288 Littleton Road, Suite 31, Westford, Massachusetts. The revisions to the site plan include the relocation of the mailbox pedestal and a turnout in front of it to allow traffic to pass.

Please be advised that we have delivered copies of the above to each City Council member. If you have any questions, please do not hesitate to contact me. Thank you.

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

On the 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. 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 the conditions recommended by the Planning Department be adopted, as amended, 2. That Planning Department Condition 10 relative to non-transferability of the special permit be deleted, 3. That Planning Department Condition 2 be amended to read "2. Accessway at the rear of the property shall be kept clear of snow and debris," 4. That Planning Department Condition 5 be amended to read "5. Construction shall only be allowed between the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and between the hours of 7:00 a.m. to 5:00 p.m. Saturday with no construction on federal holidays that fall on those days."

On the petition by Robert C. McSheffrey Revocable Trust, 950 Marble Way, Boca Raton, Florida 33434 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1, Note 15 and 7.3 to allow for a second garage containing approximately 600 square feet on the premises at 5 Manning Street. PUBLIC HEARING OPENED. A communication dated November 25, 2015 was received from Tina P. Cassidy, Director, Woburn Planning Board as follows:

Re: Special Permit Application Second Garage at 5 Manning Street/Robert C. McSheffrey Revocable Trust

Dear Honorable Council:

The Planning Department has completed its review of the above-referenced special permit which seeks permission, in accordance with Note #15 to Section 5.1 and Section 7.3 (Extension or Alteration of Non-conforming uses), to construct a second garage on this lot that has two dwelling units.

Note #15 to Section 5.1 of the Zoning Ordinance states in part:

Any private garage, attached or detached, to be constructed as an accessory use of the residents of the premises in excess of 900 square feet or with a garage bay door in excess of eight feet in height, shall require a special permit per section 11 of the City of Woburn 1985 Zoning Ordinance as amended.

There is an existing 1,350 – 1,400 sq. ft. garage on the property and the Inspectional Services Director has determined that a special permit will therefore be needed to build additional garage space on this site.

The property at 5 Manning Street is partially in the S-1 Zoning District and partially in the R-2 Zoning District. The new garage will be located on the portion of the lot zoned S-1 and will be approximately six hundred (600) square feet in size. The zoning requirements of the S-1 zoning district will therefore apply and will limit the amount of the lot that may be covered by buildings (a maximum of forty [40] percent) and dictate that a minimum of twenty (20) percent of the lot be usable open space and landscaped. No information is provided in the application on either point. The Planning Department recommends the Council require the submission of a plan depicting and calculating both existing and future building ground coverage percentages and landscaped usable open space percentages. The maximum allowed building ground coverage is 40% and the minimum landscaped usable open space requirement is 20%.

Similarly, the Planning Department recommends the City Council require the submission of scaled plans of the garage's façades so that conformance with the maximum height limits for accessory buildings (20') and for garage doors (8') can be determined.

If the Council determines the proposed plan meets all requirements of the Zoning Ordinance, the Planning Department recommends that the City Council consider imposing the following as conditions of approval of this petition:

1. That the title block of the plan accompanying this application be revised to reflect the application (i.e. "Proposed Second Garage at 5 Manning Street", "Proposed Garage at 5 Manning Street", etc.) and that the date of the plan be revised to reflect the revision(s);
2. That the Plans of Record shall be "(fill in title once title block has been revised with new title and date)"; and
3. That the overhead doors on the garage shall not exceed eight (8) feet in height unless further relief is requested and granted.

Respectfully, s/Tina P. Cassidy, Director

On the petition by Amerco/U-Haul of Woburn, 31 Olympia Avenue, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, section 5.1.53 to amend the site plan of record to add a propane station at 31 Olympia Avenue. PUBLIC HEARING OPENED. A communication dated November 25, 2015 was received from Neil Cronin, City Planner as follows:

Re: Planning Department comments on special permit applicaiont for Amerco/U-Haul of Woburn at 31 Olympia Avenue

Dear President Haggerty and Aldermen:

The Planning Department has reviewed the request to modify the Landowner's Decision and Notice of Special Permit dated September 1, 2011 by amending Condition # 1 to allow for a revised site plan.

The purpose of the proposed site plan modification is to install a propane tank on the site for retail sales. The petitioner cited Section 5.1.53 (High Hazard Uses) of the Woburn Zoning Ordinance in requesting this special permit, but it is unclear whether propane in fact constitutes a "high hazard use". It is the Planning Department's understanding that the petitioner is working to definitively determine whether the propane tank's contents are a high hazard use as listed in the International Building Code published by the International Code Council.

If propane is in fact classified as a "high hazard use" the special permit should not be granted. Per Note 8 to Section 5.1 of the Woburn Zoning Ordinance, high hazard uses may not be located within one thousand five hundred (1500) feet of a residential district.

The proposed tank location would violate this provision due to its proximity to a residential zoning district.

If it is determined that propane is not a high hazard use, the application should be revised accordingly and the City Solicitor's opinion sought as to whether the revised application requires a new public hearing notice and attendant public hearing.

If the City Council determines it can grant a modification to the special permit and elects to do so, the Planning Department recommends the City Council impose/revise the following conditions:

1. Unless otherwise authorized, all construction shall conform to the Plan of Record which for this project shall be "Proposed Acquisition 31 Olympia Ave Woburn, MA; Amerco Real Estate Company Construction Department 2727 North Central Avenue Phoenix, Arizona 85004; Dated December 22, 2014 REVISED September 2, 2015 AND September 10, 2015; Scale: 1" = 30'; Drawn By: BLC Checked By: DP; Site Plan 837028 SP3.";
2. Remove Condition #7 of the Council's September 1, 2011 special permit decision which stated "That the Planning Board shall review and approve a landscaping plan and shall retain jurisdiction over the landscaping." because it is the opinion of City Solicitor Ellen Callahan Doucette that the Council, as the special permit granting authority, may not impose conditions upon the grant of a special permit which delegate matters that belong to the Council, to another board;
3. Revise Condition #12 of the Council's September 1, 2011 special permit decision by replacing "City Clerk" with "City Clerk and Building Commissioner's Office." A copy of all approved snow storage plans should be filed with the Building Commissioner, in addition to the City Clerk;
4. All signage must comply in all respects with the provisions of Section 13 of the Woburn Zoning Ordinance. All signage shall be subject to a separate application and approval process by the City of Woburn's Department of Inspectional Services; and
5. All other conditions of the Landowner's Decision and Notice of Special Permit dated September 1, 2011 remain intact and in effect.

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

Respectfully, s/Neil Cronin, City Planner

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. A communication dated November 23, 2015 with attachment was received from Tina P. Cassidy, Planning Board Director as follows:

Re: Recommendation from Planning Board on proposed amendments to the Woburn Zoning Ordinance relative to solar energy

Dear Honorable Council:

The Planning Board convened the public hearing on this zoning proposal at its meeting on September 22, 2015. The hearing was continued several times (to meetings on October 6th, October 27th and November 17th) and was closed on November 17, 2015.

Following the public hearing and subsequent discussion, the Planning Board completed its deliberation of the above-referenced matter and voted unanimously (7-0) to submit the attached as its recommendation for your consideration. Notable changes include the following:

- Deleting solar carports/canopies and all ground-mounted solar systems from the list of allowed uses in the R-1, R-2, R-3 and R-4 zoning districts, though they would be allowed on municipal and school properties. Roof-mounted solar installations would still be allowed in the R-1, R-2, R-3 and R-4 districts;
- Inserting language requiring that solar energy systems be installed only by electricians licensed by the Commonwealth of Massachusetts and providing for revocation of permits if the requirement is not followed;
- Amending the list of Operations and Management Plan requirements to address potential glare and energy concentration issues;
- Requiring security fencing for all medium-scale and large-scale ground mounted solar energy systems; and
- Applying certain proposed abandonment and decommissioning clauses to all solar photovoltaic installations regardless of type or size.

The Planning Board's vote was predicated on the understanding that inclusion of the terms Off-Grid, Passive, and Solar Thermal System as lines 92, 93, and 94 respectively in the proposed Section 5.1, Table of Use Regulations will not result in authorization of solar carports/canopies or any ground-mounted solar photovoltaic installations in the R-1, R-2, R-3 or R-4 zoning districts except as permitted by proposed Section 26.2. If this understanding is incorrect, the Board respectfully requests that the City Council refer the proposal back to it for further consideration and possible additional amendment.

Please feel free to contact me if you have any questions relative to the Board's vote on this matter.

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

Attached thereto was the following (proposed amendments recommended by Planning Board with deletions shown by cross out and additions shown by underline):

Be it ordained by the City Council of the City of Woburn that the 1985 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
	Solar Photovoltaic Systems																	
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		Section 26
89	Ground – Mounted, Small-Scale					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	-	Section 26
91	Ground-Mounted, Large-Scale					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 solar energy facilities and to physical modifications that materially alter the type, configuration, or size of these facilities or related equipment. 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 and shall be installed only by electricians licensed by the Commonwealth of Massachusetts. Failure to use licensed personnel in all aspects of construction and installation of a solar photovoltaic installation shall be grounds for revocation of any approval granted under site plan review and/or any building permit issued.
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.
4. All solar carports/canopies and ground-mounted solar photovoltaic installations shall be screened from view **of abutting properties and streets**, to the extent practicable.
5. Security fencing shall be required around any medium-scale or large-scale ground mounted solar energy systems. Security fencing associated with ground mounted solar photovoltaic installations shall not be subject to the provisions of Section 5.3.2. of this Ordinance.

26.4 Use Regulations

26.4.1 Residential District Uses

(a) Uses Permitted as of Right

- i. Roof-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 – Non-residential Districts

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.

26.5.2 Maximum height - The height limit for all solar carports/canopies and ground-mounted solar photovoltaic installations shall be twenty (20) feet.

26.5.34 All other yard, and space and height requirements of the underlying zoning district shall also apply, except that no ground-mounted solar photovoltaic installations shall not be installed in front yards.

26.5.4 Appurtenant Structures

All appurtenant structures to a ground-mounted solar photovoltaic installation shall be subject to the requirements of this Zoning Ordinance concerning yard, space, height and setback 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, certain Ground Mounted Solar Photovoltaic Installations shall undergo Solar Photovoltaic Installation Site Plan Review by the City Council as provided below and, where applicable, Section 12 of this Ordinance. 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 filed 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 including provisions to prevent reflection of glare and/or concentrated energy onto adjacent structures and properties;
 - (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;

(f) Description of financial surety that satisfies Section 26.11.3; and.

(g) Proof 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 requirement.

26.8 Design Standards

26.8.1 Dimensional and Density Requirements

See Section 26.5 above..

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 City Council during site plan review, 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.

26.9 Safety and Environmental Standards

26.9.1 Emergency Services: The solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the

solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

26.9.2 Land Clearing, Soil Erosion and Habitat Impacts: Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large – scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.

26.10 Monitoring and Maintenance

26.10.1 Solar Photovoltaic Installation Conditions: The solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

26.10.2 Modifications: All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the City Council.

26.11 Abandonment or Decommissioning

26.11.1 Removal Requirements: Any solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section

26.13.2 of this ordinance shall be removed. The owner or operator shall physically remove the installation no more than one hundred and fifty (150) days after the date of discontinued operations. The owner or operator shall notify the Building Commissioner and City Council by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site;
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The City Council may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

26.11.2 Abandonment: Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one (1) year without

the written consent of the City Council. If the owner or operator of a solar photovoltaic installation fails to remove the installation in accordance with the requirements of this Section within one hundred and fifty (150) days of abandonment or the proposed date of decommissioning, the City may enter the property and physically remove the installation.

26.11.3 Financial Surety: Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the City must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the City Council, but in no event to exceed more than one hundred and twenty five (125) percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer, which shall be reviewed and verified by the City Engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

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 November 17, 2015 was received from Jayne Vining, Founder & CEO, the CAS Foundation, 9 Bartlet Street, Suite 335, Andover, Massachusetts 01810 requesting citizens participation time to siting of a registered medical marijuana dispensary.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$5,000.00 from BLS Ambulance Receipts Acct to Medical Attention/Fire Acct, committee report was received “ought to pass.”

NEW PETITIONS:

Petition by Shamrock Running Club, P.O. Box 602, Woburn, Massachusetts 01801 for a special event permit to allow a road race and health walk on January 1, 2016 starting at 147 Main Street.

Petition for renewal of First Class Motor Vehicle Sales License by Northeast Tree, Inc., 62 Holton Street.

Petitions for renewal of Second Class Motor Vehicle Sales Licenses by Anchor Auto Sales, Inc., 3 Breed Avenue; Enterprise Rent-a-Car Company of Boston, Inc., 248 Mishawum Road; Nicolas Saba dba Montvale Service, 289 Salem Street; and Tracy M. Batten dba Tracy’s Auto, 62R Winn Street.

A communication dated November 18, 2015 with attachment was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Seaver Properties LLC, 1071 Main Street, Woburn, MA

Dear Mr. Campbell:

Please be advised that I represent Seaver Properties LLC in connection with a Landowner’s Decision and Notice of Special Permit issued by the City Clerk on January 9, 2014 (the “Special Permit”). I have included herewith a copy of the Special Permit.

On behalf of the Petitioner, I respectfully request that the City Council extend the time period for the Petitioner to exercise its rights under the Special Permit for a two (2) year period to January 9, 2018.

Should you need any further information, please do not hesitate to contact me. Thank you.

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

COMMUNICATIONS AND REPORTS:

A communication dated November 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 October 2015: Number of violations issued 687, Numbers of violations paid 324, Number of violations outstanding 278, Amount collected and submitted to Collectors Office \$39,556.20, Parking fines referred to the Handicap Commission \$10,800.00.

There is a backlog of 1,682 unpaid tickets dating from January 2004 to October 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 November 18, 2015 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Council on Aging Fiscal Year 2015 Annual Reports.

A communication dated November 19, 2015 with attachments was received from Joseph E. Connarton, Executive Director, Public Employee Retirement Administration Commission, 5 Middlesex Avenue, Suite 304, Somerville, Massachusetts 02145 advising that the required Fiscal Year 2017 appropriation for the retirement system is \$6,300,000.00.

A copy of a communication dated November 20, 2015 to Joseph J. D'Ovidio, Manager, The Woburn Armory LLC was received from Brona Simon, State Historic Preservation Officer, Executive Director, Massachusetts Historical Commission, 220 Morrissey Boulevard, Boston, Massachusetts 02125 advising that the information submitted concerning the proposed project at the former Armory Building at 286 Main Street was reviewed and that no further review of the plans is required by the Woburn Historical Commission unless further changes are proposed.

A communication dated November 18, 2015 was received from Attorney Justin Kadich, J. Scott Law PC, 67 Battery March St. LL, Boston, Massachusetts 02210 as follows:

Dear Clerk Campbell and Woburn City Council:

On behalf of my client, Food Truck Builders Group and Allan Danley I respectfully request that the City Council allow us to withdraw our application for a Special Permit for two commercial vehicles at 2 Draper St. Woburn without prejudice. We intend to resubmit our application once an updated survey of 2 Draper St. is completed.

Sincerely yours, Justin Kadich, Esq.

A communication dated November 25, 2015 was received from Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Landowner's Decision and Notice of Special Permit dated July 20, 2015/Madison Woburn Holdings LLC, 369 Washington Street, Woburn, Massachusetts

Dear Bill:

Please be advised this office represents Madison Woburn Holdings LLC relative to the above-referenced matter. Matthew Beaton, Secretary of the Executive Office of Energy and Environmental Affairs has or will be issuing a letter within the next few days indicating that a Notice of Project change will not be required in connection with the mitigation proposed by Madison Holdings LLC for the reduced development at 369 Washington Street, Woburn, Massachusetts.

On behalf of my client I respectfully request a meeting with the City Council to discuss its review as set forth in Condition 23 of the Decision.

Please advise as to when we can meet. Thank you.

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

UNFINISHED BUSINESS OF PRECEDING MEETING:

On the Order to transfer the sum of \$117,757.03 from Mayor Salary Adjustments Acct to various Union Department Head Salary Accts. Motion made and 2nd to take the matter from the table, all in favor, 9-0. Motion made and 2nd to suspend City Council Rule 25, all in favor, 9-0.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That a representative of TransAction Corporate Shuttles, Inc. appear before the Committee on Public Safety and Licenses to discuss renewal of the Common Carrier License.

s/President Haggerty

From the Traffic Commission:

ORDERED MOUNTAIN STREET – Westbound vehicles no right turn at the intersection with Townsend Street between 4:30 p.m. and 6:00 p.m. Monday through Friday.

From the Traffic Commission:

ORDERED MOUNTAIN STREET – Eastbound vehicles no left turn at the intersection with Townsend Street between 4:30 p.m. and 6:00 p.m. Monday through Friday.

From the Traffic Commission:

ORDERED MAIN STREET - Southbound vehicles no right turn at the intersection with Kearsarge Avenue between 7:30 a.m. and 9:00 a.m. Monday through Friday.

From the Traffic Commission:

ORDERED MAIN STREET - Northbound vehicles no left turn at the intersection with Kearsarge Avenue between 7:30 a.m. and 9:00 a.m. Monday through Friday.

ORDERED That the Rules and Orders of the City Council be amended as follows:

- 1. By amending Rule 20 as follows (amended language underlined):

Rule 20. Standing committees

All councillors shall be considered as members of each standing committee. The president of the council shall name those members of each committee, including its chair, who are authorized to vote on matters in the committee. All other members of each committee are not authorized to vote on such matters in the committee. A quorum of the committee shall be determined on the basis of voting members only.

The following standing committees shall consist of five voting Aldermen:
a. Finance; b. Infrastructure and Public Lands; c. Ordinances, Charter and Rules; d. Public Safety and License; e. Special Permits.

The following standing committees shall consist of three voting Aldermen: a. Audits and Accounts; b. Personnel.

The President shall appoint two members of the Council to the Zoning Ordinance Review Committee and three members to the Commerce Way Overlay District Concept Plan Review Committee.

The Committee on Liaison shall consist of all nine Aldermen with the President serving as chairman.

Appointments shall be made to all Committees by the President as soon after the organization of the City Council as possible.

A quorum of any committee shall consist of a majority of its voting members.

The President shall appoint one Alderman as Liaison to the following boards and commissions as soon after the organization of the City Council as possible: Conservation Commission; Council on Aging; Golf & Ski Authority; Handicapped Commission; Historical Commission; Recreation Commission; School Building Committee; School Committee; Woburn Housing Authority; Woburn Public Library; Woburn Redevelopment Authority.

(amended 1/17/2012)

2. By amending Rule 20a as follows (amended language underlined):

Rule 20a. Applications for licenses

All applications for licenses to be granted by the City Council shall be referred to the Committee on Public Safety and License.

3. By amending Rule 21 as follows (amended language underlined):

Rule 21. Committee Chair

The member of the City Council first named on every committee shall be its chairman, and, in case of his the chairman's absence, the other voting members in the order in which they are named shall call meetings of the committee and act as chairman.

4. By adding a new Rule 38 as follows:

Rule 38. Use of Handheld Electronic Devices

Electronic devices, including cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber

or any city council hearing location, and any person violating this rule shall be asked to leave the chamber by the City Clerk. Some devices interfere with the council audio system.

5. By adding a new Rule 39 as follows:

Rule 39. Council Accolades and Remembrances

The council, or any committee thereof, shall have the honor of recognizing persons, groups, and events of significant importance to the City of Woburn. Any councilor wishing to honor such individuals or groups at the start of a council meeting shall notify the Council President in writing by four o'clock PM - one business day before the meeting. Councilors may honor individuals up to six (6) times per year. Two accolades will be allowed per meeting and each accolade should not exceed five minutes. Said notification shall include the names of the individuals or groups and the reason they are being honored. The council president, at the request of any councilor, shall ask the council to recognize and acknowledge a special guest or group of guests seated in the Council Chamber.

Directly before the conclusion of a scheduled council meeting, councilors may request that the council adjourn in memory of persons with importance to the City of Woburn. Any councilor wishing to do so shall notify the council president in writing by 9:00AM the morning of the meeting. The councilor shall provide the name, with correct spelling and pronunciation where appropriate. The council president shall read the names of the councilor making the request and the people to be recognized.

6. By adding a new Rule 40 as follows:

Rule 40. Power to Summons

Pursuant to Chapter 233, Section 8 of the General Laws, the City Council has the authority to summons witnesses to attend and testify and to produce books and papers at a hearing before the City Council. An Order for Summons shall be filed by the Chair of the City Council Committee invoking the summons power or shall be filed by the Sponsor of the docket invoking the summons power. An Order for Summons shall state the reason for issuing the summons and the subject matter jurisdiction. Such order shall be taken up for consideration at the next City Council meeting or subsequent City Council meetings where the Council President shall bring the matter before the City Council for consideration. The Chair of the City Council Committee shall sign the summons requiring a person to appear before the committee to be examined in reference to any matter

within the scope of the inquiry being conducted by such committee.

s/President Haggerty

Motion made and 2nd to ADJOURN.