

**CITY OF WOBURN  
JANUARY 5, 2016 – 7:00 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
Campbell	Higgins
Concannon	Mercer-Bruen
Gaffney	Tedesco
Haggerty	

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

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**MAYOR’S COMMUNICATIONS:** None.

**PUBLIC HEARINGS:**

On the petition by Musto Jewelers, Inc., 186 Cambridge Road #9, Woburn, Massachusetts 01801 for a Secondhand Dealers and Secondhand Collectors License. PUBLIC HEARING OPENED.

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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 December 8, 2015 was received from Ellen Callahan Doucette, City Solicitor as follows:

Re: Special Permit Petition – Section 5.1.53 High Hazard Uses

This memorandum shall serve as a response to the City Council’s question whether the 1985 Woburn Zoning Ordinances (“WZO”), as amended, permits the sale of propane. A copy of the Council’s request is attached hereto for context. The simple answer is no, the sale of propane is not permitted by the WZO.

To explain, Section 5.1.53 of the WZO regulates “High Hazard Use(s) listed in the International Building Code [“IBC”] as published by the International Code Council”. [It is not good practice to adopt a zoning ordinance which cites to definitions contained in extraneous material such as state or federal regulations, codes, etc. When those regulations or codes are amended, as the IBC has been 3 times since Section 5.1.53 was amended in 2008, what essentially happens is that the WZO is also amended but without

complying with the procedural requirements of c.40A, §5.] Section 307 High-Hazard Group H of the IBC applies to the “manufacturing, processing, generation or storage of materials that constitute a physical or health hazard in quantities in excess of those allowed...”. (emphasis supplied) Section 307.1 is a Table identifying each such High Hazard Use and the amounts which trigger application of the IBC. Neither section references the sale of the High Hazard Uses identified.

Where the sale of propane is not a use authorized by the IBC, as incorporated into the WZO, it is prohibited by application of Section 1.2 of the WZO which states that, “[n]o use of land or use of buildings or structures not specified in this zoning ordinance shall be permitted.” Further, my response remains unchanged in the event that the petitioner’s proposed storage is less than the amounts identified in Section 307.1 for the same reason; if a use is not specified in the WZO, it is not permitted.

Please don’t hesitate to contact me if there are any further questions regarding this matter.

Sincerely, s/Ellen Callahan Doucette

A communication dated December 21, 2015 was received from Building Commissioner Thomas C. Quinn Jr. as follows:

Re: 31 Olympia Avenue AMERCO/U-Haul Special Permit

With regard to the Woburn City Councils inquiry on the definition of propane, I offer the following as the meaning given in Webster’s Dictionary, latest Edition.

: a heavy flammable gaseous alkane C<sub>3</sub>H<sub>8</sub> found in crude petroleum and natural gas and is used especially as fuel and in chemical synthesis.

It should be noted that the Woburn Zoning Ordinances section 2 does not have a definition of propane and allows for the use of Webster’s Dictionary.

I would also advise that it would be my view based on the International Building Code 307.1 that the quantity of propane that the applicant wishes to store on site would be considered a High Hazard Use, this would not be allowed pursuant to the WZO section 5.1 table of use regulations line 53 (note 8) as the location is within 1500 feet of a residential district.

As always if I can be of any additional assistance do not hesitate to contact me.

A communication dated December 24, 2015 was received from Kevin Kirby, Owner’s Representative, U-Haul Company of Boston, 31 Olympia Avenue, Woburn, Massachusetts 01801 as follows:

Dear Mr. Campbell:

I Kevin Kirby owners Representative for Amerco R.E./U-Haul of Woburn petitioner, request to withdraw our petition for modification site plan of record presently in front of the board for propane, in its entirety without prejudice.

Sincerely, Kevin Kirby, Owners Representative

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On the petition by International Stone, Inc., 15 Normac Road, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 11 and 5.1.42 to allow warehouse use at 3-15 Normac Road. PUBLIC HEARING OPENED. A communication dated December 31, 2015 was received from Neil Cronin, City Planner/Grant Writer as follows:

Re: Special Permit application for a wholesale establishment, warehouse, and distribution center at 3-15 Normac Road/International Stone Inc.

Dear Honorable Council:

The Planning Department has reviewed the above-referenced petition which seeks a special permit in accordance with Sections 5.1.42 of the Woburn Zoning Ordinance to allow for a wholesale establishment, warehouse, and distribution center which is in an I-P zoning district.

The petitioner operates a granite business and would use this location for warehouse purposes only. International Stone does share the building with another tenant, but that use is warehouse as well. Per the Assessors' database, the building totals 36,000 square feet. The parking requirements for a warehouse in an Industrial-Park (I-P) District are "...not less than 1 per 800 square feet". Thus, the building is compliant with the parking requirements since there are 56 spaces on site and only 45 required by zoning (36,000/800).

The Planning Department was not able to find the plan of record from a prior special permit for the site. The petitioner's attorney has informed the Planning Department that no changes have been made to the site and none are proposed. The Planning Department recommends the petitioner be required to update the plan submitted with the application to include the location of the dumpster, snow storage areas, parking spaces, loading bays, and any exterior lighting either on the building or on the site itself.

If the Council decides to grant the special permit, the Planning Department recommends the Council impose the following conditions:

1. The snow storage plan be filed with the Inspectional Services Department;
2. The dumpster be enclosed with a 6' sight impervious fence;

3. Loading activities shall be limited to 7:00 a.m. to 7:00 p.m., Monday to Friday; 8:00 a.m. to 1:00 p.m. on Saturdays and not at all on Sunday;
4. All signage must comply in all respects with the provisions of Section 13 of the Woburn Zoning Ordinance. All signage is subject to a separate application and approval process by the Department of Municipal Inspections; AND
5. The Special Permit be issued to International Stone Inc. only and shall not be transferrable.

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

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

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On the petition by President Haggerty to further amend the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. By deleting from Section 11.11 Affordable Housing Requirement Paragraph 4 and Paragraph 6; and 2. By renumbering the remaining paragraphs 1 through 5 accordingly. PUBLIC HEARING OPENED.

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:** None.

**NEW PETITIONS:**

Petition by NSTAR Electric Company dba Eversource Energy for a grant of right in a way to install conduit in New Boston Street easterly from pole 161/21 approximately 162 feet north of Roessler Road a distance of about 16 feet.

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Petition by Boys & Girls Club of Woburn, Charles Gardner Lane, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.75 to allow a carnival from May 10, 2015 to May 15, 2015 at 25 Middlesex Canal Park.

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Enterprise Fleet Management Inc. 248 Mishawum Road, Woburn, Massachusetts 01801 for a Second Class Motor Vehicle Sales License at 248 Mishawum Road.

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**COMMUNICATIONS AND REPORTS:**

A communication dated December 22, 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 November 2015: Number of violations issued 719, Numbers of violations paid 337, Number of violations outstanding 297, Amount collected and submitted to Collectors Office \$42,232.00, Parking fines referred to the Handicap Commission \$11,400.00.

There is a backlog of 1,679 unpaid tickets dating from January 2004 to November 2015. A 21 day late notice is sent to vehicle owners who have not paid the fine. After 28 days, if the fine still has not been paid, that information is forwarded to the Registry of Motor Vehicles for administrative action.

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

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A communication dated December 22, 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 months of November 2015 and December 2015.

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A copy of a communication dated December 15, 2015 to Katherine Lacy, AICP, 40B Specialist, MassHousing, 1 Beacon Street, Boston, Massachusetts 02108 from Mayor Scott D. Galvin with attachments was received relative to a proposed M.G.L. Ch. 40B project on Mill Street.

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A copy of a communication dated December 4, 2015 to Mayor Scott D. Galvin from Marilyn Hilliard, Risk Analysis Branch Chief, Mitigation Division, FEMA Region 1, U.S. Department of Homeland Security, 99 High Street, 6<sup>th</sup> Floor, Boston, Massachusetts 02110-2320 was received relative to FEMA's Risk Mapping, Assessment, and Planning (Risk MAP) program for the Charles Watershed.

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A copy of a communication dated December 14, 2015 was received from the Surface Transportation Board relative to New England Transrail, LLC in Wilmington and Woburn.

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A copy of a communication dated December 23, 2015 to Surface Transportation Board was received from Daniel R. Deutsch, Deutsch/Williams, One Design Center Place, Suite

500, Boston, Massachusetts 02210 relative to a request to extend time for comments in response to EPA's filing.

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A communication dated December 23, 2015 was received from Patrik Jonsson, Chief Executive Officer, Mass Organic Therapy, Inc., 161 Wareham Street, Middleboro, Massachusetts 02346 relative to locating a medical marijuana dispensary in Woburn.

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

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**APPOINTMENTS AND ELECTIONS:**

A communication dated December 17, 2015 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint the following individuals, with 3-year terms to expire Dec. 31, 2018, to the Woburn Council on Aging; subject to approval by the City Council: Margaret Casey, 23 Wade Avenue, Woburn, Mass.; Mary Foley, 13 Franklin Street, Woburn, Mass.; Eleanor Collins, 19 Squanto Road, Woburn, Mass.; and John DeCata, 57 Wood Street, Woburn, Mass.

Respectfully, s/Scott D. Galvin, Mayor

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**MOTIONS, ORDERS AND RESOLUTIONS:**

**ORDERED** Whereas, the City Council unanimously voted to authorize the Mayor to enter into a License Agreement between the City of Woburn and Paul Paris for the use of 23,750 s.f. of land, more or less, with frontage on Locust Street (the "Locust Street Property") for agricultural purposes;

Whereas, on May 28, 2015 the Title to approximately 2.11 acres of land from the Surrey Realty Trust was conveyed to the City of Woburn (the "Surrey Property");

Whereas, Mr. Paris has historically used, with permission, the Surrey Property adjacent to his home and the Locust Street Property for growing plants solely for agricultural purposes in connection with Paris Farm;

Whereas, the use of the Surrey Property property is a significant and integral part of the operation of Paris Farm;

Whereas, the use of the Surrey Property was not before the City Council when it voted to authorize the Mayor to enter into a License Agreement between the City of Woburn and Paul Paris for the use of the Locust Street Property for agricultural purposes;

Whereas, the agricultural use of the Surrey Property is low impact, provides benefits to the community and is, upon information and belief, the sole remaining farm in operation in the City of Woburn;

Whereas, the agricultural use of the Surrey Property is critical to the success of Mr. Paris' agricultural / farming operation and Paris Farm;

Be it ordained by the City Council of the City of Woburn that the Mayor be authorized to enter into a License Agreement between the City of Woburn and Paul Paris for the use of the Surrey Property as set forth in the Deed from Robert W. Murray, Trustee of Surrey Realty Trust dated May 28, 2015 to the City of Woburn as recorded at the Middlesex County Registry of Deeds at Book 65676, Page 345, for agricultural purposes.

s/Alderman Anderson

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