

**CITY OF WOBURN
FEBRUARY 2, 2016 – 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
Campbell	Higgins
Concannon	Mercer-Bruen
Gaffney	Tedesco
Haggerty	

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

MAYOR'S COMMUNICATIONS: None.

PUBLIC HEARINGS:

On the petition by 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. A communication dated January 27, 2016 was received from Tina P. Cassidy, Planning Director, Woburn Planning Board as follows:

Re: Recommendation from Planning Board on proposed changes to Section 11.11 of the Woburn Zoning Ordinance entitled "Affordable Housing Requirement"

Dear Mr. Campbell;

At its meeting on January 26, 2016 members of the Planning Board held a public hearing on the proposed amendment and voted unanimously to send the matter to the Zoning Ordinance Review Committee (ZORC) for further discussion. The ZORC meeting is expected to take place within the next 7-10 days and I will keep you updated on progress.

Respectfully, s/Tina P. Cassidy

On the 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, 2016 to May 15, 2016 at 25 Middlesex Canal Park. PUBLIC HEARING OPENED. A communication dated

December 22, 2015 was received from Tina P. Cassidy, Planning Director, Woburn Planning Board as follows:

Re: Boys and Girls Club of Woburn, Inc. – To conduct a six-day fundraising carnival from May 10th – May 15th, 2016 at the National Amusement Showcase Cinemas site at 25 Middlesex Canal Park

Dear Members of the City Council:

The Planning Department has reviewed the above-referenced application that requires a Special Permit from the City Council in accordance with Section 5.1.75 of the Woburn Zoning Ordinance.

The Planning Department recommends the Special Permit be granted SUBJECT TO the condition that the applicant comply with the requirements of Note 14 to Section 5.1.75, Table of Use Regulations of the 1985 Zoning Ordinance as amended. Note 14 limits the hours of operation on Sundays and other days and sets certain applicable insurance and minimum notification requirements.

Please feel free to contact me if you have any questions or concerns regarding this recommendation.

Respectfully, s/Tina P. Cassidy

On the petition by Enterprise Fleet Management Inc. 248 Mishawum Road, Woburn, Massachusetts 01801 for a Second Class Motor Vehicle Sales License at 248 Mishawum Road. PUBLIC HEARING OPENED.

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$203,000.00 from BLS/Ambulance Receipts Acct to Fire/Overtime Acct, Fire/Ambulance Salary Acct and Fire/Medical Attention Acct, committee report was received “ought to pass”.

SPECIAL PERMITS:

On the Order relative to the special permit issued on May 28, 2015 to John P. Flaherty and Kathryn A. Flaherty, petitioners and landowners to allow for conversion of a house

of worship at 100 Washington Street, committee report was received “That Condition 29 of the special permit be amended to read ‘That there shall be no balconies on the rear or side of building’.”

NEW PETITIONS:

A communication dated January 27, 2016 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: A.L. Prime Energy, 1 Hill Street, Woburn, MA

Dear Mr. Campbell:

Please be advised that I represent A.L. Prime Energy in connection with the Landowner’s Decision and Notice of Special Permit issued by the City Clerk on August 2, 2012 as extended by the Permit Extension Act of 2012 to August 2, 2016 (the “Special Permit”). The Petitioner is evaluating plans to make modifications to its site plan which could result in a smaller building being constructed on the property at 1 Hill Street. As a result, the Petitioner may need additional time beyond August 2, 2016.

Therefore, on behalf of the Petitioner, I respectfully request that the City Council further extend the time period for the Petitioner to exercise its rights under the Special Permit for an additional two(2) year period to August 2, 2018.

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

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

Petition by James L. McKeown Boys & Girls Club of Woburn, Charles Gardner Lane, Woburn for a for a Special Event Permit to allow a 5K road race and health walk beginning at Library Field on May 1, 2016.

A communication dated January 8, 2016 was received from Caitlin Freed, Compliance Analyst, Eclipse, a division of Environmental Compliance Services, Inc., 588 Silver Street, Agawam, Massachusetts 01001 requesting a transfer of the Inflammable License from Cumberland Farms, Inc. to Blue Hills Fuels, LLC for the property located at 328 Montvale Avenue.

Petition by NSTAR Electric Company dba Eversource Energy for a grant of right in a way to install conduit in Washington Street as follows: 1. At and northeasterly from

Dewey Avenue at pole 228/88 a distance of about 10 feet, and 2. At and northeasterly from Olympia Avenue at pole 228/91 a distance of about 17 feet.

Petition by Uno Restaurants of Woburn Inc. dba Uno Chicago Grill, 100 Charles Park Road, West Roxbury, Massachusetts 02132 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1 Note 22 to allow for forty-five (45) ziosk machines at 300 Mishawum Road.

Petition by Leidos, Inc./Robert Siegel, 2 Draper Street, Unit 3, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, as to allow parking of commercial vehicles overnight at 2 Draper Street Unit 3.

Petition by Michael Craven, 18 Alpha Road, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.69 to allow extension of alteration of a non-conforming use with an addition to a building which is a non-conforming use in zoning district as allowed by Section 7.3 at Waltham Street (Rear) parcel ID 78-08-19.

COMMUNICATIONS AND REPORTS:

A communication dated January 26, 2016 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Director's Report and the minutes of the Council on Aging meeting for the month of January 2016.

A communication dated January 14, 2016 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 December 2015: Number of violations issued 795, Numbers of violations paid 380, Number of violations outstanding 299, Amount collected and submitted to Collectors Office \$45,143.40, Parking fines referred to the Handicap Commission \$12,300.00.

There is a backlog of 1,670 unpaid tickets dating from January 2004 to December 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 January 22, 2016 with attachments was received from Attorney David I. Bass, 300 TradeCenter, Suite 7000, Woburn, Massachusetts 01801-7419 as follows:

Re: Verizon Wireless Pole Attachments, Woburn, MA – Eversource Utility Pole #20 near 7 Micro Drive, Eversource Utility Pole #5 near 1 Dewey Avenue, Eversource Utility Pole #235-17 near 57 Willow Street

Dear Mr. President and Members of the City Council:

Cellco Partnership d/b/a Verizon Wireless (“Verizon”) proposes to attach a single “small cell” antenna to each of the above three (3) referenced utility poles located in the public right-of-way. The Telecommunications Act of 1996, as amended, requires FCC-licensed wireless carriers – including Verizon – to provide substantially seamless service coverage to all of their customers. Currently, Verizon has gaps in coverage and related capacity constraints in the vicinities of the three identified utility poles that it will substantially address by installing the proposed antennas. This letter is to provide you with information about the proposed pole attachments and to request a meeting to discuss them with you in person.

Based on our discussions with Woburn Zoning Administrator Tom Quinn, attachments to utility poles located in the public right-of-way are not subject to zoning requirements. Verizon agrees, because the state legislature has given the Massachusetts Department of Telecommunications and Energy (“DTE”) jurisdiction over pole attachments. See M.G.L. c. 166, §25(A) and 220 CMR 45. Specifically, Section 25(A) gives DTE “authority to regulate the ... terms and conditions applicable to attachments, and... upon its own motion or upon petition of any utility or licensee [to] determine and enforce reasonable ... terms and conditions of use of poles or of communication ducts or conduits of a utility for attachments of a licensee in any case in which the utility and licensee fail to agree.”

Mr. Quinn nonetheless suggested that the City Council consider Verizon’s proposals to determine whether Verizon needs any municipal approvals to install the requested pole attachments and, if so, what process and time frame are required for it to obtain such approvals. Please let me know when such we can meet as Mr. Quinn has suggested.

Thank you in advance for your consideration.

Very truly yours, s/David I. Bass

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That the Regular Meeting of the City Council scheduled for March 1, 2016 be canceled due to the Presidential Primary Election.

s/President Haggerty

From the Traffic Commission with attachment:

ORDERED That the 2016 Woburn Traffic Code be adopted in the form annexed hereto.

Motion made and 2nd to ADJOURN.