

**CITY OF WOBURN
MAY 17, 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:

Presentation of the Fiscal Year 2017 Municipal Budget.

ORDERED That the sum of \$725,000.00 be and is hereby appropriated from BLS/Ambulance Receipts Acct #31359-595000 \$725,000.00 to Fire Salary Acct #0122051-511000 \$635,000.00, Fire Ambulance Salary Acct #0122051-511500 \$50,000.00, Fire/Overtime Acct #0122051-513100 \$25,000.00, Ambulance Maintenance Acct #0122054-544300 \$15,000.00, Total \$725,000.00

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

s/Alderman _____

ORDERED That the sum of \$23,500.00 be and is hereby transferred as so stated from Inspectional Services Salary Acct #0125151-511000 \$23,500.00 to Mayor Capital Outlay, Color Copier Scanner Acct #0112158-586528 \$10,500.00, File Cabinets Acct #0112158-586648 \$3,389.70, Desktop Computers/Software Acct #0112158-586527 \$4,638.88, Building Code Books Acct #0112158-586672 \$4,971.42, Total \$23,500.00

I hereby recommend the above. s/Scott D. Galvin, Mayor
I hereby approve the above: s/Thomas C. Quinn, Jr.,
Building Commissioner

I have reviewed the above: s/Charles E. Doherty, City Auditor

s/Alderman _____

ORDERED That the sum of \$2,135,000.00 be and is hereby transferred as so stated from Unreserved Fund Balance Acct #01-356000 \$2,135,000.00 to Various Capital Projects (see attached breakdown) \$2,135,000.00: Council on Aging, Handicap Van \$45,000.00; City Council, AC/Repairs City Council Chambers and Committee Room \$35,000.00; DPW, 2 Dump Trucks \$380,000.00, Vehicle 3/4 Ton Pickup \$45,000.00; Engineering, Complete Street Software \$75,000.00; Parks/Rec, Gonsalves Park Upgrade Parking Lot \$32,000.00, 72” Reel Cut Mower \$38,000.00; School Dept., Replace Roof at Joyce Middle School \$1,100,000.00; Fire Dept., SUV Vehicle \$40,000.00, Roof Station One, Doors, Windows, & Lights \$50,000.00; Police Dept., Ballistic Vests \$30,000.00, Locker and Cell Block Upgrade \$20,000.00, 4 Cruisers \$160,000.00; City Hall, Repave parking lot \$85,000.00, Total \$2,135,000.00

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

s/Alderman _____

PUBLIC HEARINGS:

On the petition by NSTAR Electric Company dba Eversource Energy for a grant of right in a way to install approximately 1563 feet of conduit in Presidential Way easterly from MH30183 (new MH) approximately 498 feet east of Woburn Street and to install three new manholes MH30183, MH30184 and MH30185. PUBLIC HEARING OPENED.

On the petition by Shell Tech Works, 281 Albany Street, Cambridge, Massachusetts 02139 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.41 to install a 20 foot high 8 foot by 8 foot data collections structure on secure footings and equipment shelter to store computers for data collection at 2 Gill Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: “ought to pass, as amended with the conditions as follows: 1. That the plan of record be the plan entitled ‘Plot Plan, 2 Gill Street, Woburn, Mass.’ prepared by Edward J. Farrell, Professional Land Surveyor, dated December 21, 2015, revised January 19, 2016, revised May 9, 2016 received in Committee on Special Permits May 9, 2016, and 2. That all equipment shall be removed from the site on or before December 31, 2019.”

On the petition by Allan Danley, Food Truck Builders Group, 2 Draper Street, Unit 1, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57B to allow overnight parking of two (2) commercial vehicles at 2 Draper Street. PUBLIC HEARING OPENED.

On the petition by Mahavir Realty Trust, 42 Stillman Road, Lynnfield, Massachusetts 01940 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.7.6, 7.3 and 13.5 to allow for the alteration of the existing nonconforming structure to provide for 1. Office building containing approximately 1,200 square feet more or less; 2. Alterations to the petitioner's nonconforming signage, and 3. Exception to landscaping and area requirements to provide for alternative screening devices, at 546 Main Street. PUBLIC HEARING OPENED. A communication dated May 11, 2016 was received from Dan Orr, Planner, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for 546 Main Street/Mahavir Realty Trust

Dear Honorable Council:

The Planning Department has reviewed the above-referenced petition submitted for property at 546 Main Street, which petition seeks approval to allow for the alteration of an existing non-conforming structure to provide for (1) an office building containing approximately 1,200 square feet more or less; (2) alterations to the Petitioner's nonconforming signage; and (3) exception to landscaping and area requirements to provide for alternative screening devices. The property is classified as being in a Mixed-Use (S-1) Zoning District.

Generally speaking, the information provided with this application is limited so the Department is unable to provide a thorough recommendation. Some thoughts and questions are outlined below.

A modification to a pre-existing non-conforming use requires a Special Permit per Section 7.3 of the Woburn Zoning Ordinances, as amended. The Petitioner is requesting a finding from the City Council that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. However, the application does not explain the nature of the proposed change/extension/alteration of the building or use.

The application notes that the proposed use will be office space. The City Council should confirm whether the office space will be a medical office. If the proposed use *is not* a medical office, there are sufficient spaces on site to meet the requirements of zoning. If the proposed use *is* a medical office, the number of employees should be limited to three. A "medical office" use requires four (4) spaces for every office plus one (1) space for every three (3) employees, and the proposed site plan shows five (5) spaces.

Additionally, if the building will be used for medical offices, site plan review in accordance with Section 12 of the Zoning Ordinance is also required.

The tenant has proposed an area for snow storage, although a trash storage area and stormwater infiltration (if any) is not depicted on the plot plan.

The non-conforming aspects of the plan (i.e., lot area, lot coverage, open space, side setback and rear setback) apparently will remain the same; the Department recommends the lot coverage and open space calculations be included on the plan.

Information regarding the intended alterations to the building's signage (e.g., change in sign height, location, dimensions, etc.) has not been submitted with the Petitioner's application, which precludes Planning staff's ability to comment on that aspect of the application.

With regard to the request for an exception to Section 5.7.6 (Buffer Requirements), the ordinance seems to apply only in cases where a Mixed-Use or Business district adjoins a Residential district. Planning staff reviewed the zoning designation of all adjacent properties and found none. As a result, Planning staff recommends the Council verify with the Director of Municipal Inspections that the buffer requirements of Section 5.7.6 will in fact apply to this property.

Additional questions include the following:

- What is the nature of the 9' wide easement, and is it appropriate to have landscaping within it?
- What exterior lighting will be provided and how will it be shielded from abutting properties and public ways?
- Does this property meet the loading requirements specified in the Zoning Ordinance and if not, is it "grandfathered"?
- Would the owner be willing to reduce the number of curb cuts to this property? There are three (3), and at least two (2) are non-conforming with respect to minimum distances between driveways.

If the City Council ultimately grants the Special Permit, the Planning Department recommends the Council consider imposing at least the following as conditions of approval:

- The Plan of Record for this petition shall be "Plot Plan for 546 Main Street, Woburn, MA; Prepared by Edward J. Farrell, Professional Land Surveyor, 110 Winn Street, Suite 203, Woburn, MA. (781) 933-9012; dated March 21, 2016; and

- The Special Permit be issued to Mahavir Realty Trust only and shall not be transferrable.

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

Respectfully, s/Dan Orr, Planner

On the petition by Christopher Keane, 3 Hope Lane, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.56 to allow enlargement of garage to 1,056 square feet with doors not exceeding eight feet in height at 3 Hope Lane. PUBLIC HEARING OPENED. A communication dated May 10, 2016 was received from Dan Orr, Planner, Woburn Planning Board as follows:

Re: Special Permit application for construction of residential garage to exceed 900 sq. ft. in size at 3 Hope Lane/Christopher Keane (owner and applicant)

Dear Honorable Council:

This office has reviewed the above-referenced petition which seeks authorization for the construction of a 2-bay attached garage at this residential property. The applicants are seeking a Special Permit in accordance with Section 5.1.56, Note 15, because the newly-constructed attached garage will be larger than 900 sq. ft. in size (1,056 sq. ft.). However, the garage doors will not exceed 8-feet in height.

The Planning Department recommends that the City Council consider imposing the following as conditions of approval of this petition:

1. That the Plans of Record shall be ‘The Keane Residence, 3 Hope Lane, Woburn, Mass., Garage Addition; Scale: as noted; dated March 10, 2016; Prepared by PEDDA, Inc. Consulting Engineers, Pembroke, MA 02359 (781)-335-1880;’ AND
2. No business activity or home occupation shall be conducted in/from the garage.

If members of the City Council have any questions or concerns regarding this recommendation, please feel free to contact me.

Respectfully, s/Dan Orr, Planner

On the petition by Bulbs and Lamps Corp., 75 Stockwell Drive, Avon, Massachusetts 02322 for special permits pursuant to Sections 7.3 of the 1985 Woburn Zoning Ordinances, as amended, and modification of a special permit issued January 12, 2011 to allow for: 1. A retail store in Unit 2 consisting of approximately 21,971 square feet of net floor area, and 2. To provide for 232 parking spaces, at 335 Washington Street. PUBLIC

HEARING OPENED. A communication dated May 12, 2016 was received from Dan Orr, Planner, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for 335 Washington Street/Bulbs and Lamps Corp.

Dear Honorable Council:

The Planning Department has reviewed the above-referenced petition submitted by Bulb and Lamps Corp., which requests approval of a modification to a previous Special Permit that allowed for the alteration of the pre-existing non-conforming use and structure (shopping center). The shopping center contains approximately 53,379 square feet of gross floor area and the applicant is currently seeking approval for tenancy of Unit #2.

A previous special permit was issued by the Council in 2011 because the shopping center is a pre-existing non-conforming use. The earlier special permit allowed for (1) a 7,000 sq. ft. automotive parts store in Unit #3, (2) the overnight parking of no more than four (4) commercial vehicles in association with the automotive parts store, and (3) providing 221 parking spaces on site. The pending special permit application seeks approval of (1) a retail store in Unit #2 consisting of approximately 21,971 square feet of net floor area and (2) to provide 232 parking spaces on site, all as shown on the plan filed with the Petition. The property is in the Office Park (O-P) zoning district.

Based on the square footage allocated to commercial and warehouse space, a total of 223 parkings spaces are required. Accounting for the four (4) commercial vehicles previously authorized, the total number of required parking spaces is actually 227. The number of parking spaces to be provided on-site (232) exceeds that number. However, the applicant's attorney was not able to verify whether the proposed tenant for Unit #2 is also seeking permission to park commercial vehicles on-site as part of the pending request. The Council should determine the answer to that question and if overnight parking for more commercial vehicles is being requested, that should be incorporated into the request and the parking calculations refigured.

The Planning Department learned from the applicant's attorney that the tenant will conform to the same of the hours of operation (Monday through Saturday from 8:00 am to 9:00 pm and Sunday from 9:00 am to 6:00 pm) that were previously imposed on the tenant of Unit #3. In addition, stormwater infiltration, snow storage, trash storage (to fit within the same fenced enclosure) and the non-conforming features of the site (landscaped usable open space and floor-to-area ratio [FAR]) will also remain the same.

If the City Council grants the Special Permit, the Planning Department recommends the City Council consider imposing the following as conditions:

- That the parking calculation on the plan be revised to incorporate (a) the four (4) additional parking spaces needed for Unit #3's authorized commercial vehicles, and (b) any spaces that may be needed for commercial vehicles associated with Unit #2;

- The Plan of Record for this petition shall be “Site Plans Prepared for Avenue Management, LLC, 237 Lexington Street, Woburn, Massachusetts 01801; Prepared by Dana F. Perkins, Inc. Consulting Engineers & Land Surveyors, 1049 East Street, Tewksbury, MA 01876; Sheet 1, Dated April 11, 2016; Project No. 50765 2016-EX”;
- The Special Permit be issued to Bulbs and Lamps Corp. only and shall not be transferrable; AND
- That all other conditions of the January 12, 2011 Special Permit decision shall remain in full force and effect unless modified by this decision. However, the Department is not recommending re-imposition of Condition #3 of the January 12, 2011 decision regarding the Planning Board’s jurisdiction over landscaping, per 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.

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

Respectfully, s/Dan Orr, Planner

On the petition to amend the 1985 Woburn Zoning Ordinances, as amended, by adding a new Section 27 entitled Technology and Business Mixed Use Overlay District (TBOD), by amending Section 6.1 Table of Dimensional Regulations, by adding the definition for Adult Day Care to Section 2 Definitions, and by amending the definitions for Research and Testing Laboratory and Biomedical Facility in Section 2 Definitions as set forth in the Journal of the March 15, 2016 Regular Meeting of the City Council. PUBLIC HEARING OPENED. A communication dated May 11, 2016 was received from Tina P. Cassidy, Planning Director, Woburn Planning Board as follows:

Re: Proposed zoning amendment to adopt a new zoning overlay district Section 27, entitled “Technology and Business Mixed-Use Overlay District (TBOD) and related amendments”/Alderman Anderson

Dear Mr. Campbell:

At a meeting of the Planning Board held on Tuesday, May 10, 2016 members of the Planning Board voted (5-0-0) to continue the public hearing and discussion on the aforementioned zoning amendment to the Board’s meeting on Tuesday, May 24, 2016.

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

Respectfully, s/Tina P. Cassidy, Planning Director

A report was received from the Committee on Special Permits as follows: "ought to pass."

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$3,000.00 from Library/Telephone Acct to Library/Heat Acct, committee report was received "ought to pass."

PUBLIC SAFETY AND LICENSES:

On the petition by Mourad Djar dba ABCE Taxi of Woburn for renewal of a Taxi Cab License, committee report was received "ought to pass".

LIAISON:

On the Order to initiate the process to aggregate electricity load of the residents and businesses in the City and for other related services, committee report was received "ought to pass".

ORDINANCES:

On the Order to amend the 1989 Woburn Municipal Code, as amended, by deleting Section 8-7 Fire Prevention Code and Section 15-10 Automatic sprinklers and alarm systems Regulations, committee report was received "ought to pass".

On the Order to authorize the Mayor to acquire an interest land along the former railroad right of way known as the "Stoneham Branch" and abutting properties for establishing a rail trail, committee report was received "ought to pass".

LIAISON:

On the Woburn Housing Production Plan, committee report was received "Ought to pass, with the following amendments:

1. On page 74, to change the words “Allow multi-family” under “Regulatory Framework” to “Consider allowing multi-family”;
2. On page 74, to change the words “Re-use of Clapp School and the Wyman School may be good sites” under “Are there specific opportunities available to advance these housing goals” to “Re-use of the Wyman School may be a good site”;
3. On page 82, to change the words “Increase affordable unit” under “Action Plan” to “Consider increasing affordable unit”;
4. On page 82, to change the words “Ensure that all housing” under “Action Plan” to “Consider revising the existing Affordable Housing provision to ensure”;
5. On page 82, to change the words “Incentivize on-site production” under “Action Plan” to “Consider incentivizing on-site production”;
6. On page 83 in the first full paragraph above “Action Plan”, to add after the words “long term goal for the City” the words “; however, it has been discussed in-depth at least twice in recent years and determined to be unnecessary given current zoning rules that permit most additions and State regulations that allow more than one kitchen.”;
7. On page 83 in the first full paragraph above “Action Plan”, to strike the third sentence and insert in its place the following “ADUs provide options to provide supportive living arrangements for people with special needs and the elderly, and may provide a more affordable housing option for households with lower incomes.”;
8. On page 83, after the word “Identify” and before the words “appropriate zoning districts” under “Action Plan” add the word “potentially”;
9. On page 84, to change the words “Amend Section 2 Definitions” under “Action Plan” to “Consider amending Section 2 Definitions”; and
10. On page 88, to change the words “Ensure local preference” under “Action Plan” to “Consider adopting local preference”.

ORDERED That the Woburn Housing Production Plan prepared for the City of Woburn by the Metropolitan Area Planning Council with amendments through May 19, 2016 be and is hereby adopted.

s/Alderman _____

NEW PETITIONS:

Petition by Kelley Towncar, Inc. for renewal of Livery License for seven (7) vehicles.

Petition by Woburn Cab Co. Inc. for renewal of Taxi Cab License for eight (8) vehicles.

Petition by NSTAR Electric Company dba Eversource Energy for a grant of right in a way to install conduit a distance of approximately 25 feet on Dragon Court at Sutton Place southeasterly from pole 74/9.

Petition by NSTAR Electric Company dba Eversource Energy for a grant of right in a way to install conduit a distance of approximately 30 feet on Dragon Court at Sutton Place northerly from pole 74/5.

Petition by Houng Vong and My Thi Vong, 6 Albany Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1 Note 15 to amend a prior special permit issued September 24, 2015 to allow for an oversized garage to reference a revised set of plans showing the height of the garage to be 2.3 feet higher than previously approved at 6 Albany Street.

Petition by Lannan Family, LLC, 831 Rogers Street, Lowell, Massachusetts 01852 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.45, 5.1.72, 8.3 and 15.6.C.iv to allow change in use from residential to sales of automobiles and trucks, to expand parking area to serve car dealership on separate lot located not more than 500 feet from property, and property is located within Zone II of the Groundwater Protection Overlay District with the lot currently having and proposed to have more than 15% of the lot covered by impervious surfaces, at 12 Harrison Avenue.

Petition by F.W. Webb Company, 50 Everberg Road, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.42, 5.1.57b, 7.3, 8.25 and 12.2.4 to allow for modification of special permits issued February 10, 2005 as follows: 1. To allow for an approximately 20,523 square foot addition to existing warehouse building; 2. To allow for accessory parking of commercial vehicles; 3. To allow for reduction in required parking spaces from 135 to 92, and 4. Site plan approval to allow for increase in gross floor area for proposed addition, at 50 Everberg Road.

COMMUNICATIONS AND REPORTS:

A communication dated May 3, 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 March 2016: Number of violations issued 242, Numbers of violations paid 136, Number of violations outstanding 158, Amount collected and submitted to Collectors Office \$12,572.20, Parking fines referred to the Handicap Commission \$5,200.00.

There is a backlog of 1,667 unpaid tickets dating from January 2004 to March 2016. 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 May 11, 2016 was received from Veterans Agent Larry Guiseppe as follows:

Mr. Campbell:

I would like to request that the City Council entertain a motion to allow the Woburn Veterans Officer to name the southwest corner of the Montvale Avenue/Central Street as Atlantic Gelatin (Gelly) Square. It would involve a post and sign of the size and shape of our existing signs.

History: Atlantic Gelatin had a stone memorial with plaque attached for those employees that went off to fight in WWII, four of which were "Killed in Action". Through correspondence with Kraft Food I was able to have the stone donated to Woburn after the facility closure. We removed the stone last month and have placed it at Montvale and Central. We would like to do a rededication in June and want to name the area after the Gelly.

Larry Guiseppe, Veterans Agent

ORDERED That the square at the southwest corner at the intersection of Montvale Avenue and Central Street be and is hereby renamed "Atlantic Gelatin (Gelly) Square" in memory of those residents and employees of Atlantic Gelatin who served their country in time of war and made the supreme sacrifice in World War II.

s/Alderman _____

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS: None.

Motion made and 2nd to ADJOURN.