

**CITY OF WOBURN  
DECEMBER 20, 2016 – 6:30 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:**

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

I hereby recommend that 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 \_\_\_\_\_

---

**PUBLIC HEARINGS:**

On the petition by Woburn Toyota, 394R Washington Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.71 to allow for a commercial parking lot at 15 Commonwealth Avenue. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits “ought to pass, with the conditions as follows:

1. That the number of vehicles shall be limited to 150 in accordance with the Plan entitled “Site Parking Plan” 15 Commonwealth Avenue, Woburn, MA” Dated November 10, 2016 prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA.
2. That the hours of operation shall be Monday through Saturday between 9:00 a.m. – 8:00 p.m. and Sundays 11:00 a.m. – 5:00 p.m.

3. That the special permit shall be terminated six (6) months after the occupancy permit issues for the building(s) to be constructed at 394 Washington Street and 394R Washington Street under special permits issued August 11, 2015.
4. That the petitioner shall file a snow storage plan with the City of Woburn Building Department.
5. That no vehicles shall be transported to or from the site by a car carrier.
6. That the Petitioner shall not use Dragon Court to and from the site. The Petitioner shall only use Commerce Way to Commonwealth Avenue to and from the site.”

\*\*\*\*\*

On the petition by EHDK Realty, LLC, P.O. Box 920097, Needham, Massachusetts 02492 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.5 to allow construction relating to residential use above commercial structure and Section 12 Site Plan Review for garden apartments on second floor of commercial structure and as a result of comprising more than 15,000 square feet of gross floor area at 455-471 Main Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits “ought to pass, with the conditions as follows:

1. The Petitioner shall construct and improve the Site as substantially described on the Plan of Record which for this project shall be the plan entitled “455 Main St, Woburn, MA” Sheets A2.2, A1.1, A1.2, A1.3, A1.4, A2.0 and A2.1 dated November 10, 2016 (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. All dumpsters shall be kept inside the building in the area shown on the site plan as “Trash Room” and be in compliance with the Woburn Zoning Ordinances. No dumpsters or trash receptacles shall be kept outside of the building.
3. Hours of construction shall be Monday through Saturday 7:00 a.m. to 5:00 p.m.;
4. The Petitioner shall file a snow storage plan with the Inspectional Services Department.
5. The areas shown on the site plan as ‘Den’ in the 1-bedroom units shall not be used for any reason as a bedroom.
6. The petitioner shall replace all concrete sidewalks, and reset granite curbing where necessary, along the entirety of the property including on Main Street, Union Street and Campbell Street.
7. There shall be separate water meters for the commercial and residential uses and shall be subject to the approval of the Superintendent of the Department of Public Works.
8. The parking spaces shall be striped and identified.

9. All signs shall be similar in design and be approved by the Sign Review Board.
10. The petitioner shall install two decorative light posts, the same or similar to those on Main Street, the length of the property line on both Campbell and Union Streets. The lights shall be installed in the area of the first curb cut of the driveway to the corner of Union Street and Campbell Street respectively.
11. No antennas or satellite dishes shall be installed on roofs.
12. Trees shall be planted on Union Street and Campbell Street.”

\*\*\*\*\*

On the petition by Reading Vending LLC, 8 Presidential Way, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 42 and 57B for the operation of a wholesale establishment, warehouse and distribution center and overnight parking of up to eleven commercial motor vehicles, vans and delivery trucks for a vending machine supply business at 8 Presidential Way. PUBLIC HEARING OPENED. A communication dated December 15, 2016 was received from Dan Orr, City Planner/Grant Writer as follows:

Re: Planning Department comments on special permit application for Reading Vending LLC (8 Presidential Way)

Dear Council:

The Planning Department has reviewed the application seeking permission for the operation of a warehouse and distribution center associated with a wholesale establishment and for overnight parking of up to eleven (11) commercial motor vehicles, vans and delivery trucks at 8 Presidential Way pursuant to Sections 5.1.42 and 5.1.57b of the Woburn Zoning Ordinance (WZO). The property is located in the IP-2 (Industrial Park Two) zoning district and the overnight parking of commercial vehicles is allowed by City Council special permit. The application does not provide enough information about the proposed tenancy to determine whether or not the warehouse and distribution center can be allowed by special permit. Warehouses and distribution centers can only be permitted if they are associated with the operation of a wholesale establishment. Planning staff recommends the Council obtain additional information to determine whether in fact this use can be permitted on this site.

Including this application, the facility at 8 Presidential Way would be occupied by two tenants. The petitioner proposes to use approximately 5,500 square feet of the existing first floor space for office and general warehouse uses associated with a vending machine supply business. The existing tenant, Porter & Chester, would continue to occupy 99,154 of the remaining floor area for office/trade school and storage/warehousing on the first and second floors.

The applicant is also seeking a special permit to allow the overnight parking of up to eleven (11) commercial vehicles. Although the designated parking area for these vehicles (in addition to parking spaces for drivers' personal vehicles) is depicted on the engineer-certified plot plan, the application provides no information as to the dimensions

of these vehicles. It is therefore not clear whether the vehicles that would be parked overnight would actually fit in the parking spaces shown on the plan. On a related note, the travel lane of the designated commercial vehicle parking area is only 20' wide, and a minimum of 24' in width is essential for safe two-way travel.

The plot plan included in the application indicates there is a grand total of three-hundred twenty (320) parking spaces onsite and that two-hundred seventy-six (276) spaces are required for the warehouse/storage, office, and overnight parking needs of both tenants, per the WZO and as shown below:

#### Reading Vending

- 4,475 sq. ft. of warehouse (1 space /800 sq. ft.) requires **6 spaces**
- 1,025 sq. ft. of office (1 space/350 sq. ft.) requires **3 spaces**
- 11 commercial vehicles (parked overnight) requires **11 spaces**
- 11 commercial vehicle drivers' personal vehicles requires **11 spaces**

#### Porter & Chester

- 24,000 sq. ft. of warehouse (1 space/800 sq. ft.) requires **30 spaces**
- 75,154 sq. ft. of office (1 space/350 sq. ft.) requires **215 spaces**

The overall number of spaces provided onsite exceeds the zoning requirement by forty-four (44) spaces. Planning staff note that this calculation deviates from the plot plan, as that assumes an overlap in the number of spaces required for commercial vehicles and drivers' personal vehicles with those required for warehouse/storage and office space. However, these represent separate parking requirements. Also, per advisement by the Building Commissioner, the applicant should provide the number of employees working during the largest shift for each tenant. This will ensure that the greatest demand for parking is still sufficient based on the number of spaces provided.

If the City Council determines that the proposed tenancy is in fact a "wholesale establishment" and not simply a warehouse and distribution center (which would not be allowed), the Planning Department recommends the Council consider imposing the following as conditions of any Special Permit:

1. All vehicles that will be parked on site overnight must be registered in the City of Woburn;
2. That the area designated for overnight parking must be lined so that the proposed commercial vehicles actually fit into the parking spaces marked on the ground;
3. That the designated commercial vehicle parking area be redesigned to provide a minimum travel lane width of 24' for two way traffic;
4. That the proposed Plan of Record be revised to show the location of a refuse area (including appropriate screening) and the loading bays required by Section 8.7 of the Zoning Ordinance;
5. That the proposed Plan of Record be revised to show the location(s) of sufficient areas for snow storage and that a copy of the plan showing the snow storage areas be filed with the Director of Inspectional Services;

6. The Special Permit shall be issued only to Reading Vending LLC and shall not be transferrable; and
7. The Plan of Record shall be, "Plot Plan of Land, 8 Presidential Way, Woburn, MA; Prepared by Medford Engineering & Survey, Angelo B. Veneziano Associates, 15 Hall Street, Medford, MA 02155; Scale: 1"=40'; Date: September 16, 2016, Revised 9/23/2016, 9/28/2016, and \_\_\_\_\_."

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

Sincerely, s/Dan Orr, City Planner/Grant Writer

\*\*\*\*\*

On the petition by 124 Lexington Street Realty Trust, John Marotto, Trustee, 122 Lexington Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, to allow for work in a floodplain under Section 9 and construction of a single family home in the groundwater protection district under Section 15 at 124 Lexington Street. PUBLIC HEARING OPENED. A communication dated December 15, 2016 was received from Dan Orr, City Planner/Grant Writer as follows:

Re: Planning Department comments on special permit applications for 124 & 130 Lexington Street (\*\*joint letter\*\*)

Dear Council:

The Planning Department has reviewed the above-referenced petitions submitted by 124 Lexington Street Realty Trust and 130 Lexington Street Realty Trust, which collectively request approval for construction of two single-family homes on properties within a Floodway and Flood Plain District and a Groundwater Protection District (Sections 9 and 15, respectively, of the Woburn Zoning Ordinances [WZO]). The properties are in the Residential-One (R-1) zoning district and while the proposed houses would conform to rear and side setback requirements, front setback dimensions are not indicated on the engineer-certified plot plan. The proposed construction is within Conservation Commission jurisdiction.

There are several concerns raised by the application:

1. The plans filed with the Council differ from those approved by the Conservation Commission. At least one change has been made; the parcel slated to be given to the City's Conservation Commission will instead remain in private ownership and a Conservation Restriction imposed on it. Other changes may have been made. The Council should ensure that the plans it reviews/approves mirror those of the Conservation Commission.
2. Both proposed residences are located in a floodplain district and are therefore subject to Section 9 of the WZO. In accordance with Section 9.3, only 20% of the area of the floodplain on any lot may be included in the calculation of a lot's area. The Council

should determine whether either lot will in fact meet this restriction. If they do not, it is unclear how or whether this requirement could be waived or varied. No Council authorization is provided in Note 1 to Section 5.1 Table of Use Regulations. In addition, this restriction, and the two that follow in paragraphs 3 and 4 below, may be Federal Emergency Management Agency (FEMA)-mandated restrictions. If so, waiving them may jeopardize the City's standing with respect to compliance with FEMA requirements.

3. Neither lot appears to meet 25-ft. minimum elevation distance required by Section 9.6.2.2. Proposed work at #130 Lexington Street also appears to violate this provision.
4. The work at #130 Lexington St. would appear to violate Section. 9.6.2.4 with respect to the driveway for that property.
5. Section 9.6.2.8 requires the proponent to include multiple certifications from a registered engineer or architect. Planning staff did not see these certifications in either application.
6. With respect to the Groundwater Protection District (Section 15 of the WZO), Planning Department recommends the Council requires the insertion of deed restrictions for all lots and the deed provisions should list the prohibitive and restricted uses listed in 15.6.b and 15.6.c.
7. If the Council votes to approve either of these applications, Planning staff recommend incorporating Condition #106 of the Conservation Commission's Order of Conditions, which states, "No filling of the compensatory flood storage area is allowed at any time. This condition shall remain in effect in perpetuity and shall not expire with the issuance of a Certificate of Compliance/Final Release."

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

Respectfully, s/Dan Orr, City Planner/Grant Writer

\*\*\*\*\*

On the petition by 124 Lexington Street Realty Trust, John Marotto, Trustee, 122 Lexington Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, to allow for work in a floodplain under Section 9 and construction of a single family home in the groundwater protection district under Section 15 at 130 Lexington Street. PUBLIC HEARING OPENED. A communication dated December 15, 2016 was received from Dan Orr, City Planner/Grant Writer as follows:

Re: Planning Department comments on special permit applications for 124 & 130 Lexington Street (\*\*joint letter\*\*)

Dear Council:

The Planning Department has reviewed the above-referenced petitions submitted by 124 Lexington Street Realty Trust and 130 Lexington Street Realty Trust, which collectively request approval for construction of two single-family homes on properties within a

Floodway and Flood Plain District and a Groundwater Protection District (Sections 9 and 15, respectively, of the Woburn Zoning Ordinances [WZO]). The properties are in the Residential-One (R-1) zoning district and while the proposed houses would conform to rear and side setback requirements, front setback dimensions are not indicated on the engineer-certified plot plan. The proposed construction is within Conservation Commission jurisdiction.

There are several concerns raised by the application:

1. The plans filed with the Council differ from those approved by the Conservation Commission. At least one change has been made; the parcel slated to be given to the City's Conservation Commission will instead remain in private ownership and a Conservation Restriction imposed on it. Other changes may have been made. The Council should ensure that the plans it reviews/approves mirror those of the Conservation Commission.
2. Both proposed residences are located in a floodplain district and are therefore subject to Section 9 of the WZO. In accordance with Section 9.3, only 20% of the area of the floodplain on any lot may be included in the calculation of a lot's area. The Council should determine whether either lot will in fact meet this restriction. If they do not, it is unclear how or whether this requirement could be waived or varied. No Council authorization is provided in Note 1 to Section 5.1 Table of Use Regulations. In addition, this restriction, and the two that follow in paragraphs 3 and 4 below, may be Federal Emergency Management Agency (FEMA)-mandated restrictions. If so, waiving them may jeopardize the City's standing with respect to compliance with FEMA requirements.
3. Neither lot appears to meet 25-ft. minimum elevation distance required by Section 9.6.2.2. Proposed work at #130 Lexington Street also appears to violate this provision.
4. The work at #130 Lexington St. would appear to violate Section. 9.6.2.4 with respect to the driveway for that property.
5. Section 9.6.2.8 requires the proponent to include multiple certifications from a registered engineer or architect. Planning staff did not see these certifications in either application.
6. With respect to the Groundwater Protection District (Section 15 of the WZO), Planning Department recommends the Council requires the insertion of deed restrictions for all lots and the deed provisions should list the prohibitive and restricted uses listed in 15.6.b and 15.6.c.
7. If the Council votes to approve either of these applications, Planning staff recommend incorporating Condition #106 of the Conservation Commission's Order of Conditions, which states, "No filling of the compensatory flood storage area is allowed at any time. This condition shall remain in effect in perpetuity and shall not expire with the issuance of a Certificate of Compliance/Final Release."

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

Respectfully, s/Dan Orr, City Planner/Grant Writer

---

**CITIZEN'S PARTICIPATION:** None.

---

**COMMITTEE REPORTS:**

**PUBLIC SAFETY AND LICENSES:**

On the petitions for renewal of Second Class Motor Vehicles Sales Licenses by Anchor Auto Sales, Inc.; Francis Garbino dba Tom's Auto Body; and Nicolas Saba dba Montvale Service, committee report was received "ought to pass".

\*\*\*\*\*

On the petition by Abdelaziz Ilaj dba Woburn Motor Sports for transfer and renewal of Second Class Motor Vehicle Sales License, 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 for a road race and health walk on January 1, 2017 beginning and ending at Irish American Club, 147 Main Street.

\*\*\*\*\*

Petitions by David Pruyne for approval of an exemption under M.G.L. Ch. 268A, §20(b) to allow the provision of snowplow services to the city.

\*\*\*\*\*

Petition by M&L Transit Systems, Inc., 60 Olympia Avenue for renewal of First Class Motor Vehicle Sales.

\*\*\*\*\*

Petitions for renewal of Second Class Motor Vehicle Sales Licenses by Cambridge Road Auto Service, Inc. dba Woburn Plaza Shell, 293 Cambridge Road; Enterprise Fleet Management, Inc., 248 Mishawum Road; Joseph P. Mahoney Company, Inc., 293 Salem Street; and Murray's Enterprises, Inc. dba Murray's Auto & Truck Sales, 88 Winn Street.

\*\*\*\*\*

A communication dated December 15, 2016 with attachments was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Reaffirmation of approval for request for minor modification of Special Permit Decision, 4 Montvale Avenue Realty Trust, 4 Montvale Avenue, Woburn, MA

Dear Mr. Campbell:

On August 11, 2016 I filed the enclosed request and Site Plan with your office requesting that the City Council, at its meeting on August 16, 2016 approve a minor modification to the Landowner's Decision and Notice of Special Permit that had been appealed and settled in the Middlesex County Superior Court. The request for minor modification involved the settlement by the Petitioner with the abutter which resulted in the Petitioner acquiring an additional 96 square feet of property that will remain as open space with a new door for egress from the first floor. After reviewing the request which does not result in any change or modification to the location of the building nor does it change any of the conditions contained in the Decision, the City Council voted unanimously 9-0 to allow for the minor modification. See copy of August 16, 2016 City Council Journal enclosed with this request.

Subsequent to the action by the City Council on the minor modification, an issue was raised as to whether or not the original Special Permit should have officially been issued prior to the minor modification request. The original Landowner's Decision and Notice of Special Permit was issued yesterday after receipt by your office of the original Clerk's Certificate from the Middlesex County Superior Court certifying the abutter's appeal was dismissed. After reviewing this issue I am requesting that the City Council vote again on the Request for Minor Modification so that procedurally we are correct.

Therefore, on behalf of my client, I respectfully request approval by the City Council at its meeting on December 20, 2016 of a minor modification to the Decision by replacing the plan referenced in Condition 5 with the revised plan included herewith. The proposed revision to the Decision by substituting the plan showing the additional 96 square foot lot which was part of the settlement with the abutter on the appeal of the original Special Permit Decision does not result in any change or modification to the location of the building nor does it change any of the conditions contained in the Decision.

Thank you for your consideration.

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

\*\*\*\*\*

A communication dated December 15, 2016 with attachments was received from Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 as follows:

Re: 129 Pearl Street

Dear President Haggerty and Council Members:

Request is made to modify a special permit issued to Dominic and Adrienne Orgettas, dated August 11, 2016 allowing for a garage over 900 square feet at 129 Pearl Street. This request is made to reference a new plan of record as attached hereto. There is no change in the garage itself, but the Woburn Conservation Commission requested the building to be moved approximately 7 feet further back from the wetland area. Therefore, we request to amend the special permit decision to reference the plan dated October 3, 2016 rather than the December 17, 2015 plan.

Thank you for your attention to this matter and please call with any questions.

Very truly yours, s/Mark J. Salvati

\*\*\*\*\*

Petition by Red Robin International, Inc., 369 Washington Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.64 to operate tabletop Ziosk devices at 369 Washington Street.

---

**COMMUNICATIONS AND REPORTS:**

A communication dated November 30, 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 November 2016.

\*\*\*\*\*

A communication dated December 6, 2016 with attachments was received from City Solicitor Ellen Callahan Doucette relative to The Regulation and Taxation of Marijuana Act.

\*\*\*\*\*

A communication dated December 15, 2016 was received from the Commerce Way Corridor Overlay District Committee as follows:

Re: Commerce Way Corridor Overlay District – 120 Commerce Way

The Commerce Way Corridor Overlay District Committee ("the CWCOD Committee") has completed review of the Concept Plan Review Application submitted by Cabot, Cabot & Forbes, LLC relative to 120 Commerce Way. The CWCOD Committee voted to forward a communication to the Woburn City Council and the Woburn Planning Board advising that the CWCOD Committee acted favorably on the petition, that the petitioner has met the necessary Concept Plan Submission Criteria set forth in 1985 Woburn Zoning Ordinances, as amended, Section 23.3.6, that during meetings held on November 16, 2016 and November 30, 2016 the CWCOD Committee discussed the necessary Minimum Concept Plan Review Criteria under 1985 Woburn Zoning Ordinances, as amended, Section 23.3.5, and that any further review in conjunction with a subsequent

petition for a special permit take into consideration the bike path, pedestrian safety improvements, road reflectors and building materials.

Commerce Way Corridor Overly District Committee,  
By its Clerk, s/William C. Campbell, City Clerk

\*\*\*\*\*

A communication dated December 9, 2016 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Petition to amend Zoning Map, Sports Management Services, Inc., Garfield, Avenue, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent Sports Management Services, Inc. in connection with the above-referenced petition. On behalf of mu client I respectfully request that the public hearing scheduled before the City Council for January 3, 2017 be continued to the City Council meeting scheduled for February 7, 2017. We have filed a request with the Planning Board to continue its hearing from December 13, 2016 to its meeting scheduled for January 17, 2017. If you have any questions please feel free to contact me. Thank you.

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

\_\_\_\_\_

**UNFINISHED BUSINESS OF PRECEDING MEETING:**

On the petition by Velozo Enterprises, Inc. dba Rogers Radiator for renewal of Second Class Motor Vehicles Sales License.

\_\_\_\_\_

**APPOINTMENTS AND ELECTIONS:** None.

\_\_\_\_\_

**MOTIONS, ORDERS AND RESOLUTIONS:**

ORDERED Be it ordained by the City Council of the City of Woburn that the 1989 Woburn Municipal Code, as amended, be further amended by deleting from Section 3-19 Schedule of fees for licenses and permits the following: "Skating Rinks \$100.00 annually".

s/President Haggerty

\_\_\_\_\_

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