

**CITY OF WOBURN
AUGUST 11, 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: None.

PUBLIC HEARINGS:

On the petition by Oclen Realty LLC, an individual owning land to be affected by change or adoption, and Seaver Properties LLC to amend the Zoning Map of the City of Woburn by changing the zoning district for the property located at 98 and 100 Baldwin Avenue, Dexter Avenue and Warren Avenue; referenced on the Assessors Maps at Map 09, Block 13, Lot 01; Map 09, Block 12, Lot 02; Map 09, Block 12, Lot 01; Map 09, Block 11, Lot 02 and Map 09, Block 11, Lot 01; and further described as the entire parcel of land known as 98 and 100 Baldwin Avenue, to the centerlines of Chester Avenue, Dexter Avenue and Monks Street containing approximately 253,214 square feet of land as shown on a plan by Keenan Survey entitled "Proposed Rezoning Plan in Woburn, Massachusetts" dated October 17, 2014 from R-2/OP zoning district to R-3 zoning district. PUBLIC HEARING OPENED. A communication dated August 4, 2015 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Petition of Amend Zoning Map/Oclen Realty LLC/Seaver Properties LLC/Baldwin Avenue/Dexter Avenue/Warren Avenue, Woburn, MA

Dear Mr. Campbell:

On behalf of Seaver Properties LLC, I respectfully request that the City Council public hearing on this matter presently scheduled for August 11, 2015 be continued to the City Council meeting on September 15, 2015. If you need any further information, please contact me. Thank you.

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

On the petition by Comcast of Massachusetts I, Inc. for a grant of right in a way to install two four-inch conduits starting at pole no. 161/65 on New Boston Street a distance of approximately 441 feet and continuing on Presidential Way a distance of approximately 4,431 feet ending at the entrance to number 300 Presidential Way. PUBLIC HEARING OPENED. A communication dated July 30, 2015 was received from Superintendent of Public Works John F. Duran, III, P.E. as follows:

Subject: Comcast Grant of Way Petition for Presidential Way

The DPW staff has thoroughly reviewed the plans for this petition in the office, as well as in the field. My recommendation on this matter is to allow Comcast their Grant of Way for the installation of their conduits and associated manholes from the driveway at 300 Presidential Way to the proposed pole on New Boston Street as shown on the plans prepared by UC Synergetic dated April 1, 2015, last revised on July 8, 2015. I would like to reserve the right to modify the plans in the field, specifically, between manholes 7 and 8, and possibly on New Boston Street as may be dictated by the MWRA, as well as any conduits and manholes that may be required to be repositioned by unforeseen in-situ field conditions. These locations shown are based upon utility mark outs and field investigations with Comcast Representatives and with the DPW personnel.

I recommend that the following conditions be part of this approval:

- As-Built Plans be submitted to Engineering and DPW in appropriate CAD and electronic format.
- Grind and inlay of 2 inches of bituminous concrete for half of the existing roadway to DPW specifications. Cross trenches must be uniformly cut, ground and inlaid with a minimum of 2 inches of approved bituminous concrete at a minimum width of 12 feet.
- Replacement of any disturbed curbing to match existing and concrete panels in full sections as well as any disturbed Handicap ramps restored to full ADA compliance.
- Request for inspections and payment for any overtime related work that will require DPW or Engineering related expenses.

Prior to any work, Comcast personnel should schedule a site visit with the DPW to review this work on the ground after proper mark out of all utilities.

Please feel free to call with any questions or concerns.

On the petition by Philip J. Malonson, Trustee, Step Two Realty Trust, 171 Cambridge Road, Woburn, Massachusetts 01801, Melanson Development Group, Inc., 5 Robertson

Way, Woburn, Massachusetts 01801 and Eileen C. Marsan, 165 Cambridge Road, Woburn, Massachusetts 01801 to amend the Woburn Zoning Map as follows: 1. By changing the zoning district of the land located at Cambridge Road R found on Assessors Map 65-08-13 described as vacant land from B-H to R-3, and 2. By changing the zoning district of the land located at 165 Cambridge Road found on Assessors Map 65-08-18 and 65-08-19 described as single family home and vacant land from R-1 to R-3. PUBLIC HEARING OPENED. A report was received from the Committee on Ordinances as follows: “ought not to pass.”

On the petition by Huong Vong and My Thi Vong, 6 Albany Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.56 Note 15 and 7.3 to allow for a garage larger than 900 square feet and possible extension of a nonconforming use at 6 Albany Street. PUBLIC HEARING OPENED.

On the petition by Rosematwo, LLC, 10 Dorrance Street, Boston, Massachusetts 01219 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, to modify a special permit issued February 27, 2014 to eliminate the handicapped parking spaces at the front of the site at 7 State Street. PUBLIC HEARING OPENED. A communication dated August 5, 2015 was received from Tina P. Cassidy, Director, Woburn Planning Board as follows:

Re: Request for modification to approved special permit plan of record/7 State Street/Rosematwo, LLC and Level Design Group, LLC

Dear Honorable Council:

This office has reviewed the above-referenced request to modify an approved Plan of Record for this property by eliminating the handicapped parking spaces planned for the front of the site and shown on the Plan of Record.

The Planning Department respectfully recommends the Council suspend consideration/discussion of this application until such time as the following fundamental issues are addressed:

1. The applicant should be required to provide the Council with proof that the handicapped parking spaces can be eliminated from the site plan without violating the regulations of the State’s Architectural Access Board (AAB) and without necessitating additional amendments to the site plan.

The City’s Inspectional Services Director believes the applicant is required by State Law to file a recordable affidavit with the State’s Architectural Access Board which provides certain certifications and information relative to the applicant’s claim it

qualifies as a “place of private employment”. The applicant’s representatives do not share that view and have made no such filing with the AAB to date.

Staff recommends the Council require the applicant provide either (a) correspondence from the AAB indicating that a filing with that agency is unnecessary or (b) correspondence from the AAB indicating that it has received an acceptable affidavit from the applicant. This recommendation is underscored by the possibility that the applicant may be required to further modify the site plan if in fact it is a qualified “place of private employment” without accessible parking (i.e. gated parking controlled by “swipe” cards, etc.). If further plan amendments are in fact needed, they too would have to be incorporated into a revised Plan of Record for the Council’s approval.

2. The applicant should be required to provide a plan that shows all changes/amendments needed to the Plan of Record and to request approval of those changes. Staff has found at least one apparent change to the Plan of Record that has not been authorized by the Council.

That is, the HVAC system was constructed on Sonatube-supported concrete pads in the middle of an area shown as being reserved for future parking on the Plan of Record. There may well be other “disconnects” between the plan that was approved and what was constructed.

The Planning Department would be happy to review a revised plan if one is required/provided.

Respectfully, s/Tina P. Cassidy, Director

On the petition by Peter Bergwall and Melissa Tyndall, both of 96 Waltham Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.56, Note 15 to allow replacement of existing garage with a garage over 900 square feet at 96 Waltham Street. PUBLIC HEARING OPENED. A communication dated August 5, 2015 was received from Tina P. Cassidy, Director, Woburn Planning Board as follows:

Re: Special Permit Application for construction of residential garage larger than 900 sq. ft. in size at 956 Waltham Street/Peter Begwall and Melissa Tyndall (Owners and Applicants)

Dear Honorable Council:

This office has reviewed the above-referenced petition which seeks authorization for the construction of a detached garage at this residential property. The applicants plan to raze an existing detached garage and replace it with a new one. The applicants are seeking a

special permit in accordance with Section 5.1.56, Note 15 because the garage will be larger than 900 sq. ft. in size.

The application indicates the garage will have three bays, an office, a bathroom and a workshop.

The Planning Department notes the following issue:

1. Note 15 to Section 5.1.56 limits the height of the garage doors to eight (8) feet, measured from the ground to the top of the door(s). It is not clear from the plans whether the proposed doors exceed that height. If the doors are taller than eight (8) feet, an additional special permit would be needed.

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 “Garage/Office addition to the Peter Bergwall & Melissa Tyndall residence, 96 Waltham Street, Woburn, Massachusetts; architectural working drawings; dated 30 May 2014, revised 14 June 2014, 25 June 2014, 29 August 2014, 19 March 2015, 20 March 2015; Sheets entitled “Front Elevation, Rear Elevation, Side Elevations, Foundation Plan, Main Level Plan, Lower Level Plan (all at a scale of 1/8” = 1’0”); all drawn by north42designs, 190 east bare hill road harvard, Massachusetts; and “Plot Plan 96 Waltham Street, Woburn, Mass. Scale: 1”=40’; dated May 5, 2015; Prepared by Edward J. Farrell, Professional Land Surveyor, 110 Winn Street, Suite 203, Woburn, MA (781)-933-9012.”
2. That the garage doors shall not exceed eight (8) feet in height unless further relief is requested and granted by the City Council;
3. No business activity or home occupation shall be conducted in/from the garage; and
4. There shall be no second electrical meter allowed for the garage, consistent with the Inspectional Services Department’s requirements and policies for detached accessory structures.

Please feel free to contact me if you have any questions about this recommendation.

Respectfully, s/Tina P. Cassidy, Director

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. A communication dated August 5, 2015 was received from Tina P. Cassidy, Director, Woburn Planning Board as follows:

Re: Planning Department recommendation on special permit application for 78-80 Winn Street/Anthony Paone, Jr., Trustee, 78 Winn Street Realty Trust and Ann's Realty Trust

Dear Honorable Council:

The Planning Department has reviewed the above-referenced petition which seeks a special permit in accordance with Section 8 of the Zoning Ordinance to vary the minimum setback requirements for parking spaces. The proposed project would involve razing the existing building at 78 Winn Street and constructing a new two-story commercial building there that would be connected to the existing building at 80 Winn Street to form one building. The two existing lots at #78 and #80 Winn Street would then be combined into one lot.

The Planning Department notes several significant issues with this filing:

1. The Zoning Ordinance does not authorize the Council to grant waivers/deviations from the minimum setback requirements for parking spaces. Although the Council does have authority to grant other parking-related waivers/deviations, it does not possess this one. It appears the requested relief can only be obtained via a variance from the Zoning Board of Appeals, and not via a special permit from the City Council.
2. The maximum allowable driveway width is 28' (Section 8.4.1.3 of the Zoning Ordinance). The proposed driveway is 108' wide.
3. The proposed access to the proposed parking area at the rear of the new building is problematic. Access to the parking must come over the lot's street frontage and not from any other location. The current site plan appears to violate that requirement.

On a related note, the proposed travel aisle is too narrow to allow adequate access by even passenger vehicles, let alone emergency vehicles. The access way would be 12' wide if cars parked in spaces #8 and #29, and would be only about 10' wide at the steps at the back of the existing building).

4. This property is located in a groundwater protection overlay district. A special permit from the City Council will therefore be needed.

There are other issues with this filing:

1. A loading bay is required because the project involves office space of 5,000 sq. ft. or more (Section 8.7.1.1).

2. Where are the required handicapped parking space(s)?
3. The plan should be revised to show snow storage area(s).
4. The title of notes in the upper left corner should be revised to say “Groundwater Protection District”.
5. A site plan should be provided (separate sheet) that does not have the pattern/shading. The patterns/shading make it difficult to read plan details.
6. A key should be added to the current plan explaining what the patterns/shading means.
7. If there is any existing or proposed fencing it should be shown on the plans.
8. The parking notes should be revised to include the square footage of each proposed use (i.e. retail and non-medical office).

Please feel free to contact me directly if you have any questions about this recommendation. This office would be happy to review a revised plan/application.

Respectfully, s/Tina P. Cassidy, Director

On the petition by McCue Garden Center, 198 and 200 Cambridge Road, Woburn, Massachusetts 01801 for special permits pursuant to 1989 Woburn Zoning Ordinances, as amended, Sections 5.1.68b, 5.1.69, 5.1.72, 7.3, 8.3 and 15.6.C.iv to change use from residential to agriculture, horticulture, or floriculture on parcels of 5 acres or less; to expand a non-conforming use; to expand a non-conforming parking area to serve the garden center on a separate lot located not more than 500 feet from the property; and located within the Groundwater Protection Overlay District, at 198 and 200 Cambridge Road. PUBLIC HEARING OPENED. A communication dated August 5, 2015 was received from Tina P. Cassidy, Director, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for McCue Garden Center at 198-200 Cambridge Road

Dear Honorable Council:

The Planning Department has reviewed the request for special permits to allow the applicant to raze a building on an abutting piece of property and redevelop that abutting lot for expanded parking to service 198-200 Cambridge Road. Special permits from the following Sections of the Zoning Ordinance will be required:

- 5.1.68(b) Change the use from residential to agriculture, horticulture, or floriculture on parcels of less than five (5) acres;

- 5.1.69 and 7.3 Extension or alteration of a non-conforming use;
- 5.1.72 Commercial parking garage or parking lot (*Please note Planning staff does not believe the applicant needs this relief. The parking lot would be classified as an accessory use and would not be considered a commercial parking garage or lot.*);
- 5.1.72 and 8.3 Parking area or facility to serve a use on a separate lot and located not more than 500 feet from the use;
- 15.6.C.iv Property is located within a Zone II of the Groundwater Protection Overlay District; and
- 7.3 (Extension or alteration of non-conforming structures or uses) of the Woburn Zoning Ordinance. The property is located in the S-1 zoning district and the requested use is allowed by right.

In addition to the requested special permits, the applicant is seeking waivers from the following sections of the Woburn Zoning Ordinance:

- 8.4.1.2 The applicant requests that the proposed parking stalls are standard parking spaces (9' x 18') rather than the retail (10' x 18');
- 8.4.1.3 The applicant is proposing to reduce the curb cut opening that provides access to 198 & 200 Cambridge Road from approximately 130 ft. to 103 ft. The proposed opening is greater than the required width of 88 ft. (28' width with 30' curb radiuses) for commercial developments of greater than 15,000 s.f.;
- 8.4.1.4 The applicant is proposing to use the existing entrance and exit driveways. The driveways are less than 50 ft apart;
- 8.4.2.1 The existing parking spaces are within 5 ft. of the property lines;
- 8.4.2.1 The existing parking spaces are located within the front yard setback along Cambridge Road; and
- 8.6.2 The proposed sixty (60) space lot does not contain interior landscaping as required due to limited space.

The Planning Department recommends the Council consider imposing the following as conditions of the Special Permit:

1. Unless otherwise authorized, all construction shall conform to the Plan of Record which for this project shall be "City Council Special Permit Parking Lot Expansion; McCue Garden Center 198-200 Cambridge Road Woburn, MA; Plan Done by Griffin Engineering Group, LLC 495 Cabot Street, 2nd Floor Beverly, MA 01915; Consisting of Five Sheets Dated June 1, 2015; Scale: 1" = 20''";
2. All signage must comply in all respects with the provisions of Section 13 (Sign Regulations) of the Woburn Zoning Ordinance. All signage is subject to a separate application and approval process by the Department of Municipal Inspections;

3. Lighting will be arranged and shielded as to prevent glare from the light source onto adjacent streets and properties. The proposed parking lot lighting will be fitted with “shoebox” fixtures, but the four (4) light fixtures slated to be relocated must also be arranged and shielded so as to prevent glare from the light source reaching adjacent streets and properties;
4. The plan shall be revised to include a snow storage area and the plan distributed to the Planning and Inspectional Services Departments;
5. Security lighting shall be provided if the parking lot is to be used at night; and
6. The Special Permit shall be issued to McCue Garden Center only and shall not be transferrable.

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

Respectfully, s/Tina P. Cassidy, Director

A communication dated August 6, 2015 was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 198-200 Cambridge Road – McCues Garden Center – Plans Dated June 2015 – Stormwater Management Plan dated June 2015 – Special Permit Application Dated June 2015

This office has reviewed the plans for the above referenced project and offers the following comments.

The applicant has submitted plans to demolish an existing two family dwelling and created additional parking for the garden center. The additional impervious area will be mitigated by a series of onsite catch basins which connect to an underground infiltration system with an overflow to the municipal drainage system on Cambridge Road. A review of the submitted drainage calculations show that the post development runoff conditions will be reduced from pre development conditions.

The applicant has also submitted calculations that improve stormwater quality on the site as require by DEP.

The plans show that there will be proposed curbing as well as a connection into the drainage system. This would require an access permit from Mass Highway being that Cambridge Road is under state control.

Upon review of the submitted materials, this office takes no exception to the plans and calculations as submitted.

If you have any questions concerning this information, do not hesitate to contact this office.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

PUBLIC SAFETY AND LICENSES:

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

On the petition by Woburn Cab Company for renewal of Taxi Cab License, committee report was received "ought to pass".

NEW PETITIONS:

Petition by Kelley Towncar Inc., 888 Main Street for renewal of Livery License for seven (7) vehicles.

A communication dated August 6, 2015 was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Minor Modification to Special Permit Granted to Avalon Bay Communities Inc. for Lot 2, Inwood Drive, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent Johnson Woods Realty Corporation and UDR Inwood LLC. On April 7, 2005 the City Council granted a Special Permit to Howland Development Inc/Avalon Bay Communities Inc. for the development of 446 apartment units on Lot 2, Inwood Drive which special permit was further amended by the City Council on April 13, 2006, November 9, 2006, March 19, 2007 (allowed as a minor modification), July 13, 2007 (allowed as a minor modification), January 25, 2008 (allowed as a minor modification), and December 13, 2013 (collectively the "Decision"). Enclosed please find thirteen (13) copies of a plan showing the following proposed minor site revision:

Sheet C 17

There is a 3,528 square foot lot of land shown as Lot 2B on the enclosed Sheet C 17 located entirely in the Town of Reading, Massachusetts that is part of Lot 2, Inwood Drive on the site plan of record. UDR Inwood would like to convey Lot 2B to Johnson Woods Realty Corporation, the owner of the abutting land in Reading, Massachusetts.

The proposed revision to the Decision by substituting Page C17 approved in the Decision does not result in any change or modification to the location of the buildings, any of the conditions contained in the Decision and does not put Lot 2 Inwood Drive in noncompliance with the Woburn Zoning Ordinance.

Further, the proposed modification does not result in a substantive amendment which changes the result of the Decision or which grants relief different from that originally granted.

On behalf of my clients, I respectfully request approval by the City Council at its meeting on August 11, 2015 of a minor modification to the Decision by replacing Sheet C17 of the plan referenced in Condition 1 of the original Decision with the Revised Plan. If the City Council finds that this request is not a minor modification I respectfully request that the City Council allow for a late filing of a Special Permit Petition and schedule a public hearing for September 1, 2015.

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

Very truly yours, s/Joseph R. Tarby III

Petition by NSTAR Electric Company dba Eversource Energy for a grant of right in a way to install conduit in Warren Avenue easterly from pole 226/17 approximately 60 feet southeast of Warren Road a distance of about 11 feet.

Petition by 80 Holton Street LLC, 80 Holton Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.42, 5.1.57b and 7.3 to allow for the alteration of the existing nonconforming use and structure for a warehouse and distribution business; overnight parking of commercial vehicles; and to allow for the continuance of the existing area, parking and landscaping requirements, at 80 Holton Street.

Petition by Paw Prints, 167 Merrimac Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.35 to allow for a kennel at 167 Merrimac Street.

Petition by American Capital Energy, Inc., 360 Merrimack Street, Ste 202, Lawrence, Massachusetts 01843 for site plan review pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 12 and 26 to allow a large-scale ground-mounted solar photovoltaic installation located within the Solar Overlay District at 202 Merrimac Street.

COMMUNICATIONS AND REPORTS:

A communication dated July 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. The following figures represent year to date totals for 2015: Number of violations issued 478, Numbers of violations paid 230, Number of violations outstanding 226, Amount collected and submitted to Collectors Office \$26,063.20, Parking fines referred to the Handicap Commission \$8,500.00.

There is a backlog of 1,717 unpaid tickets dating from January 2004 to June 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 July 10, 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 month of June 2015.

A communication dated July 29, 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 month of July 2015.

A communication dated July 27, 2015 with attachments was received from Simmee Silton, Vice President, MassDevelopment Finance Agency, 99 High Street, Boston, Massachusetts 02110 relative to a public hearing on an application by The Protestant Guild for Human Services, Inc. for approval of a revenue bond financing for a project.

A communication dated July 17, 2015 was received from the Coalition for Responsible Retailing, 574 Boston Road, Billerica, Massachusetts 01821 relative to tobacco regulations.

A communication dated April 4, 2015 was received from Attorney Mark J. Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 as follows:

Re: Paw Prints Special Permit – 300 Salem Street

Dear President Haggerty and Aldermen:

Request is made to withdraw this petition without prejudice. Thank you for your attention to this matter.

Very truly yours, s/Mark J. Salvati

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated July 8, 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 appoint Joseph A. Palmissano, 16 Senator Road, to the Woburn Board of Registrars of Voters, with a term to expire June 30, 2018; subject to approval by the City Council.

Mr. Palmissano's appointment fills a vacancy left by longtime registrar, Beulah Burnett, who recently retired from her position.

Respectfully, s/Scott D. Galvin, Mayor

A communication dated July 9, 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 appoint Myles Collins, 19 Squanto Road, to the Woburn Council on Aging, with a three-year term to expire on December 31, 2017; subject to approval by the City Council.

Mr. Palmissano's appointment fills a vacant seat on the Council.

Respectfully, s/Scott D. Galvin, Mayor

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED That the Committee on Special Permits meet with representatives of Dollar Tree located at 425 Washington Street to discuss the issue

continued violations of the conditions of the special permit issued on November 10, 2011.

s/Alderman Mercer-Bruen

ORDERED That the following letter be sent to the Woburn Girl's Softball League, the Recreation Department, Parks Department and a copy to Woburn Police Traffic Safety Officer:

With the increased usage of the fields at Gonsalves Park, including the addition of tournaments that have increased traffic and parking requirements beyond what the surrounding neighborhood can accommodate, several issues have arisen that need to be addressed:

- 1) At 16 South Bedford Road, visitors to the field park in such a manner that the residents cannot exit their driveway safely and are forced into the middle of the road in order to see oncoming traffic. The situation was reviewed by the Woburn Police Traffic Safety Officer and he concurs that it is hazardous. The specific area abutting the driveway has "No Parking" signs and white curbing. The Woburn Police Department places cones in that area, but parking is so severely limited that visitors remove the cones and park there regardless.
- 2) The brush and trees at that corner of the field have grown high and are enmeshed in the fence. They block the visibility of the residents when they enter and exit the driveway, presenting a hazard. Another resident complained of the brush and growth along the entire length of the fence on South Bedford Road. A complaint was filed on SeeClickFix approximately one month ago.
- 3) At that same corner on the field itself, there is currently a children's play area and toddler ride. Teams have taken to warming up and practicing their pitching and hitting there. Balls sail over the fence and into the resident's driveway or onto South Bedford Road, endangering drivers. One particular day the resident was driving into her property and nearly failed to see a young girl who had entered to retrieve a ball.

This happens frequently and this past weekend it expanded to the point where balls flew over along the entire length of the fence adjacent to the residence. Within the span of a few minutes, 10 balls came into the driveway and now reach the front lawn. The residents' primary concern is the safety of her family as well as the players. In addition there is the liability presented to her family who cannot see the players who are retrieving balls when the residents round the corner to enter their driveway.

We understand that the League has taken steps to mitigate the issues presented by the increase in traffic and parking. Based on complaints from residents, there is now no parking on Jaycin Circle. However, it appears that more concrete steps must be taken in order to guarantee the safety of both the residents and the players. Several suggestions might include:

- 1) Placement of permanent concrete barriers under the No Parking signs at the corner near the entrance to the driveway at 16 South Bedford Road. These barriers would prevent visitors from removing them and parking during games.
- 2) Notification to parents and players that No Parking signs are to be respected and citation tickets will be issued.
- 3) The League and Recreation Department should review the parking situation with a view to enlargement of the parking lot and/or allowing auxiliary parking at the Joyce Junior High during tournaments or games when a large number of visitors are expected. Perhaps a shuttle system may be required during those times.
- 4) Clean up of the brush along the entire perimeter of the field and especially where it impedes residents' visibility.
- 5) Addition of a backstop on South Bedford Road where batting and pitching practices are taking place in order to protect the nearby residents, motorists and players. And, no practice allowed anywhere near a residence unless in front of a backstop. Signs should be installed on the field notifying players that no practice is allowed in specific areas. The toddler rides should also be moved to an area that is protected from such activity. Alternately, practice should be held on another area of the field where balls cannot fly into the street or onto private property.

An update on this matter is requested at the City Council's next meeting on September 1, 2015.

s/Alderman DiTucci

ORDERED Be it ordained by the City Council of the City of Woburn that the Mayor be authorized to accept a deed from Winning Farm Trust, Robert W. Murray, Trustee, for no consideration, to a parcel of land located in Woburn, Massachusetts shown as Lot 2 on a plan of land entitled "Approval Not Required Plan, The Village at Winning Farm, off Lexington Street, Middlesex County, Woburn, MA" dated May 8, 2003, prepared by Commonwealth Engineering Inc. and recorded with the Middlesex South District Registry of Deeds (the "Registry") as Plan No. 92 of 2006 (the "ANR Plan").

s/Alderman _____

ORDERED LEONARD STREET: That a stop sign restriction be established southerly on Leonard Street at the intersection with Fowle Street.

ORDERED That pursuant to 1989 Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6 the City Clerk is hereby authorized to dispose of a Canon 2200 copier machine with equipment identification number 11605588 which the City Clerk has determined is of no value to the department and which no other department has expressed an interest in obtaining.

s/Alderman _____

ORDERED That in accordance with Massachusetts General Laws Chapter 54, as amended, the City Clerk is hereby authorized and directed to notify and to warn such of the inhabitants of the Ward One and Ward Seven of the City of Woburn as are qualified to vote in Municipal Elections to assemble at the polling places in their respective wards as designated herein, on TUESDAY, the TWENTY-FIFTH DAY OF AUGUST 2015 from 7:00 a.m. to 8:00 p.m., then and there to cast their votes in the MUNICIPAL PRELIMINARY ELECTION for the candidates for the following offices:

WARD ONE WARD ALDERMAN
WARD SEVEN WARD ALDERMAN

<u>Ward-Precinct</u>	<u>Polling Place Location</u>
1-1	Joyce Middle School Library, 55 Locust Street
1-2	Clapp Elementary School Cafeteria, Hudson Street and Arlington Road
7-1	Reeves Elementary School Gymnasium, 240 Lexington Street
7-2	Reeves Elementary School Gymnasium, 240 Lexington Street

s/Alderman _____

ORDERED

That the following list of Wardens, Clerks, Inspectors and Substitutes be approved for all Elections between September 1, 2015 and August 31, 2016:

Ward	Precinct	Name	Address	Office
1	1	Barbara Fagan	33 Dix Rd. Ext.	Warden
1	1	Sharon Flynn	6 Thornton St.	Clerk
1	1	Diane Ahern	2 Keith Circle	Inspector
1	1	Catherine Walsh	273 Cambridge Road #202	Inspector
1	1	Marie Giangrande	6 Flint Circle	Inspector
1	1	Jean Bergeron	8 Brooks Street	Inspector
1	1	Roberta Bengtson	6 Samoset Road	Inspector
1	1	Loretta Schuck	44 Leonard Street	Inspector
1	1	Claire Regan	8 Howard Court	Inspector
1	1	Florianna Tobin	59 Campbell Street #309	Inspector
1	2	Mary Packard	101 Montvale Avenue	Warden
1	2	Philip A. Hughes	855 Main Street - Unit 8	Clerk
1	2	Betty Parechianian	7 Hope Lane	Inspector
1	2	Dorothy Geary	1 Belmont Street	Inspector
1	2	Margaret Wallace	4 Lakeview Terr	Inspector
1	2	Carol Beckwith	27 Buttaro Road	Inspector
1	2	Sophie Davidson	37 Arlington Rd	Inspector
1	2	Carmelita Alessandroni	29 Grace Road	Inspector
1	2	Hans Christenson	256 Salem Street	Inspector
1	2	Anne Decubellis	1 Library Place #507	Inspector
2	1	Sandra Luther	19 Cummings Ave	Warden
2	1	Roy Luther	19 Cummings Avenue	Clerk
2	1	Carmella Crowell	30 Dix Road Ext	Inspector
2	1	Helen King	21 Warren Ave #226	Inspector
2	1	Frank Starble	11 Page Place	Inspector
2	1	Dianne G. Rich	347 Place Lane	Inspector
2	1	Arthur Cumming Jr.	27 Anna Road	Inspector
2	1	Deborah Jean Finn	1 Village Street	Inspector
2	1	Theresa Smith	25-0 Arlington Rd 4	Inspector
2	1	Connie Pandolph	9 Park Drive	Inspector
2	2	Patricia McCuish	14 Scott Street	Warden
2	2	Judith Nagle	8 Thomas Street	Clerk
2	2	Elizabeth Ober	39 Forest Park Road	Inspector
2	2	Paula Nagle	8 Thomas Street	Inspector
2	2	Janice Pandolph	44 Samoset Road	Inspector
2	2	Jean Mernin	2 Walnut Court	Inspector
2	2	Nancy Farrey Forsyth	9 Sedgewick Pk	Inspector
2	2	Natalie O'Connor	13 Cummings Avenue	Inspector
2	2	Thomas Fuller	178 Montvale Avenue	Inspector
2	2	Paul Cunniff	93 Waltham Street	Inspector

3	1	Linda Olsson	60 Water Street	Warden
3	1	Richard Tobin	44 Green Street	Clerk
3	1	Elizabeth A. Simonds	3 Court Street	Inspector
3	1	Marie Landino	12 Minchin Drive	Inspector
3	1	Marion Dora	2 Kimball Court #406	Inspector
3	1	Marie Price	240 Place Lane	Inspector
3	1	Rosemary Spencer	5 Caulifield Road	Inspector
3	1	Stella Di Girolamo	9 Lee Road	Inspector
3	1	Margaret Feeney	145 Bedford Road	Inspector
3	1	Janet Irwin	37 Waltham Street	Inspector
3	2	Elizabeth Donovan	5 Crescent Road	Warden
3	2	Geraldine Easler	7 Adams Circle	Clerk
3	2	Dianne DiRienzo	24 Carson Road	Inspector
3	2	Helen Sherburne	12 Ward Street	Inspector
3	2	Hilda Abreu	81 Garfield Avenue	Inspector
3	2	Godfredo P. Alaras	7 Bradford Road	Inspector
3	2	Pamela B. Doherty	1 Felton Street	Inspector
3	2	Marilyn Crampton	35 So. Bedford Street	Inspector
3	2	Doris Stanton	18 Nichols Street Ext	Inspector
3	2	Lois Surette	78 Kilby Street	Inspector
4	1	Sarkis Chinian	8 Asbury Avenue	Warden
4	1	Vincent Rivela	16 Jan Street	Clerk
4	1	Francis Mooney	3 Oakwood Lane	Inspector
4	1	Edward Grzyb	26 Carroll Road	Inspector
4	1	Marcia Andrews	238 Winn Street	Inspector
4	1	Mary Alice Grzyb	26 Carroll Road	Inspector
4	1	Robert Coffey	273 Cambridge Rd #307	Inspector
4	1	James Doherty	45 Brentwood Road	Inspector
4	1	Mary Anne Damico	20 Brentwood Road	Inspector
4	1	Gerald Murray	6 Asbury Avenue	Inspector
4	2	Elaine Haggerty	30 Thistle Road	Warden
4	2	Suzy Hicks	213 Cambridge Road	Clerk
4	2	Hazel Lambert	3 Elmwood Terrace	Inspector
4	2	Geraldine Moscaritolo	200 Bedford Road #20E	Inspector
4	2	Jeanne Lingblom	18 Day Circle	Inspector
4	2	Margaret Stack	7 Willow Street	Inspector
4	2	Dawn Richards	33 Nashua Street	Inspector
4	2	Cecelia Rivela	16 Jan Street	Inspector
4	2	Alfred Autenzio	9 Arbor Lane	Inspector
4	2	Ann McGarry	3 Innitou Road	Inspector
5	1	Joyce Marshall	5 Elijah Street	Warden
5	1	Rodney Flynn	6 Thornton St	Clerk
5	1	George Marshall	5 Elijah Street	Inspector
5	1	Mary Ellen Jones	5 Hilltop Circle	Inspector
5	1	Nancy Doyle	7 Flint Circle	Inspector

5	1	Gloria Platon	6 Fieldstone Drive	Inspector
5	1	William Connolly	27 Parker Street	Inspector
5	1	James Thompson	114 Harrison Avenue	Inspector
5	1	Maureen Vallis	4 Clifford Terrace	Inspector
5	1	Peter L Benoit	35 Carroll Road	Inspector
5	2	Helen Hatch	14 Marlboro Road	Warden
5	2	Melinda Drapeau	6 Whispering Hill Road	Clerk
5	2	William Coady	35 Glenwood Avenue	Inspector
5	2	Mary Dickie	1 Linden Circle	Inspector
5	2	Theresa Chotkowski	3 Pond Terrace	Inspector
5	2	Diane Fogarty	117 Washington Street	Inspector
5	2	Shirley Butler	28 Felton Street	Inspector
5	2	Anna Cumming	27 Anna Road	Inspector
5	2	Myles Collins	19 Squanto Road	Inspector
5	2	Florence Keefe	43 Leonard Street	Inspector
6	1	Jean O'Connor	9 Rock Street	Warden
6	1	Linda McLaughlin	269 Cambridge Rd #103	Clerk
6	1	Eleanor Collins	19 Squanto Road	Inspector
6	1	Barbara Ridley	129 Place Lane	Inspector
6	1	Kathleen Bailey	4 Utica Street	Inspector
6	1	Caroline Murphy	3 Akeson Road	Inspector
6	1	Anne Grammer	1 Baldwin Ave	Inspector
6	1	Carolyn Agostino	295 Salem Street #71	Inspector
6	1	Marion Galante	4 O'Neil Road	Inspector
6	1	Ann Mooney	3 Oakwood Lane	Inspector
6	2	Diane Autenzio	23 Milan Avenue	Warden
6	2	Irene Decata	57 Wood Street	Clerk
6	2	Sheila Marshall	26 Boyd Road	Inspector
6	2	Marilyn Ebrecht	40 West Street	Inspector
6	2	John Decata	57 Wood Street	Inspector
6	2	Christine Bellekevicz	17 Jan Street	Inspector
6	2	Patricia Ryan	99 Pearl Street	Inspector
6	2	Rita Stone	63 Merrimac Street	Inspector
6	2	Michelina DeAngelis	255 Lexington Street	Inspector
6	2	Marilyn Smith	16 Nichols Street Ext	Inspector
7	1	Darlene Daddario	3 McDevitt Drive	Warden
7	1	MaryAnn Chorlton	312 Lexington Street	Clerk
7	1	Camille Maccini	3 Pheasant Lane	Inspector
7	1	Dorothy Curran	1 Dix Road	Inspector
7	1	Ellen Magro	9 Rich Road	Inspector
7	1	Florence Tully	5 Hiawatha Road	Inspector
7	1	Ruthann Gridelli	25 Grape Street	Inspector
7	1	James Rooney	38 Carroll Road	Inspector
7	1	Virginia Evans	12 Barbara Circle	Inspector

7	1	Barbara Callahan	32 Van Norden Road	Inspector
7	2	M. Joyce O'Donnell	442 Russell Street	Warden
7	2	Patti Doyle	6 Thomas Street	Clerk
7	2	Margaret Reilly	7 Williams Lane	Inspector
7	2	Carol Murphy	275 Russell Street	Inspector
7	2	Gail Burke	6 Janis Terrace	Inspector
7	2	Phyllis Flight	99 Middle Street	Inspector
7	2	Mary Harrison	48 Lake Ave #BC5	Inspector
7	2	Donna Bullen	27 Robinson Road	Inspector
7	2	Dorothy Livolsi	57 Winter Street	Inspector
7	2	Nancy Matthews	361 Place Lane	Inspector
		Karen Guarente	99 Montvale Avenue #1	Substitute
		Esther A. Henehan	118 Main St	Substitute
		Rosemarie Spinazola	1 Library Pl Apt. 401	Substitute
		Carolyn Youngclaus	2 Park Drive	Substitute
		Anthony Zeoli	15 Independence Drive	Substitute
		Judith Ann Zeoli	15 Independence Drive	Substitute
		Diane Burton	35 Union Street	Substitute
		Paul Farrey	5 Sedgewick Park	Substitute
		Edward Craven	142 Place Lane	Substitute
		Jennie Keough	16 Parliament Lane	Substitute
		Judy Elios	9 Thomas Street	Substitute

I hereby approve the above. s/Scott D. Galvin

s/Alderman _____

ORDERED Be it Ordained by the City Council of the City of Woburn to authorize the Mayor, for purposes of establishing, constructing, operating and maintaining a multi-use rail trail/bicycle path for non-motorized transportation, open space and recreation purposes and for all other purposes for which rail trails are now or hereafter may be used in the Commonwealth, to acquire by purchase, gift, eminent domain or otherwise, fee, easement, leasehold, license and/or other real property interests in, on, over, across, under and along (a) a portion of the property owned by the City of Woburn, being a segment of a former railroad right of way known as the "Stoneham Branch" and more particularly described in a deed dated December 30, 2004 and recorded with the Middlesex South Registry of Deeds in Book 45166, Page 470, as shown on a plan of land entitled "Massachusetts Department of Transportation Highway Division Plan and Profile of Tri-Community Bikeway in the Municipalities of Winchester, Woburn, and Stoneham Middlesex County Preliminary Right of Way Plans" Sheet Nos. 42-45, a copy of which is on file with the City Clerk's office, and as may be amended, and (b) abutting and underlying properties as necessary for clearing title to said railroad

right-of-way, laying out a multi-use rail trail/bicycle path in that right of way and associated easements, and providing access to the rail trail area for construction, maintenance and repair purposes, on such terms and conditions as the Mayor may determine, and further, to authorize the Mayor to take all related actions necessary and to sign all required document to effect this acquisition.

s/Alderman _____

ORDERED That pursuant to Massachusetts General Laws Chapter 148, Section 13, the City Clerk shall schedule a public hearing before the City Council for the purposes of revoking the following Inflammable Licenses for the reasons stated:

- 1. NSTAR Electric Company at Cove Street – not registered;
2. ArQule, Inc. at 19 Presidential Way – not registered;

Further, that the City Clerk shall give notice by certified mail return receipt requested to the license holder to the last known address of license holder and by causing notification of the hearing to be published once in a newspaper of general circulation in the City at least ten (10) days prior to the hearing.

s/Alderman _____

ORDERED 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 23,750 s.f. of land, more or less, located on Locust Street, for agricultural purposes.

s/Alderman _____

ORDERED Be it ordained by the City Council of the City of Woburn that the Mayor be authorized to enter into a Lease Agreement between the City of Woburn and American Capital Energy, LLC for the installation, maintenance and operation of net-metered solar photovoltaic facilities at the Woburn Landfill.

s/Alderman _____

ORDERED Be it Ordained by the City Council of the City of Woburn that in accordance with M.G.L. c.40, §4A, the Mayor shall be authorized to

execute an amendment of the Intermunicipal Agreement between the City of Woburn and the Town of Burlington dated May 4, 1965, with respect to the repair of the so called "Horn Pond Interceptor" portion of the jointly used sewer line.

s/Alderman _____

ORDERED Be it Ordained by the City Council of the City of Woburn that Title II, Administration and Personnel, Article XII, Fire Department, Sections 2-79 and 2-81 be amended by deleting therefrom the term "Assistant Fire Chief" wherever it appears, and replacing same with "Deputy Fire Chief"; and that Article XXVIII, Compensation of Officers and Employees, Section 2-180, Base Salaries, be amended by inserting the following:

Deputy Fire Chief.\$92,099.48

s/Alderman _____

ORDERED Be it Ordained by the City Council of the City of Woburn that Title 12, Section 12-41 of the 1989 Woburn Municipal Code, as amended, be further amended by deleting paragraph 12-41(E) in its entirety and replacing same with the following:

E. All areas under the care and control of the recreation commission are considered to be closed at nine p.m., unless extended by the written consent of the city council through the granting of a special event permit.

s/Alderman DiTucci

Motion made and 2nd to ADJOURN.