

**CITY OF WOBURN
DECEMBER 4, 2007 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Denaro	Gately
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Galvin	Raymond
Doherty	

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

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$500.00 be and is hereby transferred as so stated from Treasurer Lock Box Fees Acct #0113852-539001 \$500.00 to Treasurer – Prof. Development Acct #0113857-571000 \$500.00.

I hereby approve the above. s/Thomas L. McLaughlin, Mayor
I have reviewed the above. s/Gerald W. Surette, City Auditor
I recommend the above. s/Donald N. Jensen, Treasurer

ORDERED That the amount of \$625,000.00 be and is hereby appropriated to Mayor Acct #0112151-511019 \$625,000.00 purpose: negotiations.

I hereby approve the above: s/Thomas L. McLaughlin, Mayor
I have reviewed the above: s/Gerald W. Surette, City Auditor

PUBLIC HEARINGS:

On the petition by Alderman Dwyer and Alderman Galvin concerning the building or buildings located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 10 Lowell Street, Woburn, Massachusetts for the purposes of determining whether said building or buildings are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. PUBLIC HEARING OPENED. A communication dated October 3, 2007 was received from Joseph T. Garbino, Grant Writer, as follows:

Re: 10 Lowell Street

Let me start by informing you that there are no grants available to assist the landowner in improving the property at 10 Lowell Street, Woburn, MA. I have researched the grant opportunities available in this case and found there are none. I conferred with the WRA Director, Don Borchelt and he concurs with my finding.

The only suggestions I have to help assist the landowner in improving the property is a Mass Housing low interest loan which I believe is now 5 percent. See attached documentation for qualifications and procedures.

A home equity loan is also another alternative to borrowing funds to improve the property that can be obtained through local banks or mortgage companies.

A reverse mortgage is available to acquire funds to improve the property and also should be addressed by the property owner. Of course, there has to be no present mortgage on the property to acquire a reverse mortgage and the property would have to be sold to pay the loan off when the property owner passes on.

The last alternative I can think of, which is a good will effort, is to get volunteers to do the needed repairs to improve the property. Volunteers through the property owner's church or just the solicitation of volunteers by the city Alderman.

I hope some of these suggestions help the property owner and answer your questions about assisting in obtaining a grant to assist the landowner in improving the property.

On the petition by A.L. Prime Energy, 319B Salem Street, Wakefield, Massachusetts 01880 for a special permit pursuant to Sections 5.1.46a, 5.1.46b and 5.1.22a of the 1985 Woburn Zoning Ordinances, as amended, to allow for a self service gasoline station and convenience store with hours in excess of 7:00 a.m. to 10:00 p.m. at 1 Hill Street. PUBLIC HEARING OPENED. A communication dated November 29, 2007 was received from Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of A.L. Prime Energy, 1 Hill Street, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the public hearing on this matter be continued to the City Council meeting scheduled for December 18, 2007 in order to provide the City of Woburn's traffic consultant, VHB, additional time to complete its peer review of my client's Traffic Impact Study. If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

A communication dated November 26, 2007 with attachment was received from Attorney Joseph Tarby as follows:

Re: Petition of A.L. Prime Energy, 1 Hill Street, Woburn, Massachusetts

Dear Mr. Campbell:

Enclosed please find eight (8) copies of the revised Site Improvement Plan which have been revised consistent with comments received from VHB in its peer review dated November 1, 2007. Also, I am enclosing a copy of the Truck Turning Plan as requested by VHB. Please note that I delivered copies of both plans to the Planning Board and Jay Corey. If you need any further information please do not hesitate to contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

A communication dated November 19, 2007 was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 1 Hill Street AL Prime Gas Station & Convenience Store Special Permit – Special Permit Application Dated September 24, 2007, Plans Dated September 20, 2007 – Traffic Study September 2007 – Development Impact Statement Dated October 16, 2007 – Drainage Report Dated October 17, 2007 – Previous Memo Dated October 22, 2007 – Site Improvement Plan Dated November 16, 2007 – Turning Radius Plan Not Dated

The applicant has submitted a special permit application for a gas station with a convenience store. The submitted plans show the proposed site configuration, grading and utilities. The comments below are based on a review of the subject matter and a meeting with the applicant and his attorney on October 17, 2007

Water

The office building and convenience store will be serviced by a proposed 6" water line. This connection will need to be cut in to the existing main with the appropriate shutoff's to isolate the main.

Sewer

The sewer service for the office building and convenience store is being serviced by a proposed 6" PVC sewer line that connects to an existing 6" clay main on Montvale Avenue. The applicant will need an easement over the Commonwealth of Massachusetts property. The applicant has indicated that they are working with Mass Highway to obtain this easement.

Drainage

The site utility plan shows the onsite drainage will be mitigated by a new catch basin and drain manhole on the southerly side of the property which runs along Hill Street. These structures connect into an existing 12" RCP drain pipe which discharges into a resource area on the southwesterly side of Hill Street behind the McDonalds' building.

Additionally there is an underground infiltration system to collect the office building and gas pump canopy roof drainage. This area will discharge into the underground infiltration system. The submitted drainage calculations demonstrate that the site runoff would be equal or will be reduced from predevelopment conditions. The report also state that there was no perc test performed and that a 15 minutes per inch exfiltration rate was used. A perc test will need to be conducted to validate that design.

All proposed catch basis have been designed with deep sumps and hoods which will comply with stormwater management requirements.

Traffic

A peer review was conducted by Vanesse Hangen Brustlin (VHB) for the potential traffic impacts. There are several issues that need to be addressed by the applicant's engineer. These issues should be forwarded to VHB for review.

We are in receipt of a plan showing a vehicle turning through the site. There needs to be certification on the plan that states that this meets the minimum turning radius.

There are several items from our previous memo dated October 22, 2007 that need to be addressed. This office will complete its review when the additional information has been submitted.

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

On the petition by Renaissance Development Corp., 35 Sockanosset Cross Road, P.O. Box 8819, Cranston, Rhode Island 02920-0819 for an Inflammable License to allow the storage of flammable fluids as follows: 1. 30 gallons of gasoline aboveground in two motor vehicles, and 2. 30,000 gallons underground in three (3) 10,000 gallon tanks, at 1 Hill Street. PUBLIC HEARING OPENED. A communication dated November 7, 2007 with attachments was received from Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Inflammable License – Nassar Buisier d/b/a Woburn Prime, 1 Hill Street, Woburn, Massachusetts

Dear Bill:

Enclosed please find the green certified mail receipts in connection with the public hearing scheduled for December 4, 2007 as required under M.G.L. Chapter 148, Section 13. Please call if you have any questions. Thank you.

Very truly yours, s/Joseph R. Tarby III

A communication dated December 4, 2007 was received from Attorney Joseph Tarby as follows:

Re: Petition of Renaissance Development Corp. for Inflammable License – 1 Hill Street, Woburn, Massachusetts

Dear Mr. Campbell:

Due to the fact that the Public Hearing on the related Petition of A.L. Prime Energy will be further continued, I respectfully request that the Inflammable License Application be further continued to the same date of December 18, 2007. Thank you.

Very truly yours, s/Joseph R. Tarby III

On the petition by Woburn Armory LLC, 286 Main Street aka 300 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.69 and Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for change, extension and alteration of the Woburn Armory building to allow twenty-five (25) residential dwelling units at 286 Main Street aka 320 Main Street. PUBLIC HEARING OPENED. A communication dated December 3, 2007 was received from Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Petition of Woburn Armory LLC, 320 Main Street, Woburn, Massachusetts

Dear President Doherty:

Please be advised that I represent Woburn Armory LLC of 175 Summer Street, Somerville, MA 02143. Pursuant to Section 11.11.6 of the 1985 City of Woburn Zoning Ordinance as amended, my client respectfully requests a waiver from the requirement of providing three units of affordable housing as a result of the hardship involved with renovating a structure of historical value, i.e. the Woburn Armory. My client respectfully requests that the affordable housing requirement be reduced from three units to one unit.

If you have any questions, please feel free to contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

A communication dated December 4, 2007 was received from Attorney Joseph R. Tarby, III as follows:

Re: Petition of Woburn Armory LLC/ Special Permit – 286 Main Street a/k/a 320 Main Street, Woburn, Massachusetts

Dear Mr. Campbell:

On behalf of my client I respectfully request that the above-referenced Petition be given leave to withdraw without prejudice. If you need any further information please contact me. Thank you.

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

On the petition by Woburn Armory LLC, c/o John D'Ovidio, 175 Summer Street, Somerville, Massachusetts 02143 for an Inflammable License to store 615 gallons of gasoline underground in 41 cars with fifteen (15) gallons of gasoline each in parking level of residential condominium building at 286 Main Street a/k/a 320 Main Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "back for action." A communication dated November 7, 2007 was received from Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Inflammable License – Woburn Armory LLC, 286 Main Street a/k/a 320 Main Street, Woburn, Massachusetts

Dear Bill:

Enclosed please find the green certified mail receipts in conjunction with the public hearing scheduled for November 19, 2007 as required under M.G.L. Chapter 148, Section 13. Please call if you have any questions. Thank you.

Very truly yours, s/Joseph R. Tarby III

A communication dated December 4, 2007 was received from Attorney Joseph R. Tarby, III as follows:

Re: Petition of Woburn Armory LLC/ Inflammable License Application – 286 Main Street a/k/a 320 Main Street, Woburn, Massachusetts

Dear Mr. Campbell:

On behalf of my client I respectfully request that the Inflammable License Application be given leave to withdraw without prejudice. If you need any further information please contact me. Thank you.

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

On the petition by Michael Tyminski, 14 Otis Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow earth removal or filling to level off yard at 14 Otis Street. PUBLIC HEARING OPENED. A copy of a communication dated November 21, 2007 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 14 Otis Street – Fill Special Permit – Special Permit Application Dated October 26, 2007 – Revised Site Plan Dated September 17, 2007

This office has reviewed the revised site plan for the above referenced location and offers the following comments.

The revised plan shows a 1 to 1 side slope with rip rap stone for destabilization. The grades have been designed so that runoff from the proposed work will be directed onto the subject property.

The plans shows a splash pad on the existing drainage outlet from Otis Street. The applicant should have a maintenance plan in place to ensure that runoff from this outlet flows unobstructed.

This office takes no exception to the revised plan as submitted.

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

On the petition by Amy Ryan and Scott Ryan, 15 Samoset Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.5 of the 1985 Woburn Zoning Ordinances, as amended, to fill in backyard to bring to level grade at 15 Samoset Road. PUBLIC HEARING OPENED. A copy of a communication dated November 21, 2007 to Edmund Tarallo, Planning Director from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 15 Samoset Road – Fill Special Permit – Special Permit Application Dated July 25, 2007 – Site Plan Dated October 16, 2007

This office has reviewed the revised site plan for the above referenced location and offers the following comments.

The applicant is proposing to fill to level the back yard and install a retaining wall at the right side of the house. The submitted plans show proposed grading and details of the riprap slope for the rear yard and retaining wall by the driveway. There is no existing grading plan accompanying this submission.

The applicant should also indicate the amount of fill that is required for this project.

The fill in the rear of the property appears to be within 150 feet of the wetlands and would be subject to Chapter 131 or the wetlands ordinance. A notice of intent would need to be filed with the conservation commission for their approval.

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

On the petition by Alderman Galvin to amend the 1985 Woburn Zoning Ordinances as follows: “Be it ordained by the City Council of the City of Woburn that Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, be further amended by adding a new second sentence to Paragraph 2 as follows: “This paragraph shall not apply to single family structures in the R-1, R-2, R-3, R-4, and S-1 zoning districts or two family structures in the R-2, R-3, R-4, and S-1 zoning districts built prior to April 24, 1985.” PUBLIC HEARING OPENED. A communication dated December 3, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Alderman Galvin – to amend Section 7.3 by adding a new second sentence to paragraph two as follows: “This paragraph shall not apply to single family structures in the R-1, R-2, R-3, R-4, and S-1 zoning districts or two family structures in the R-2, R-3, R-4, and S-1 zoning districts built prior to April 24, 1985.”

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on November 27, 2007, the Board voted to forward a favorable recommendation to the City Council regarding the proposed amendment to Section 7.3 proposed by Alderman Galvin because it removes a rigid standard for the single and two family homeowners that maybe difficult to achieve, by no longer requiring a petitioner to prove that the pre-existing non-conforming structure or use was validly and legally established. Petitioners have had difficulty in providing the proof required by the current Section to the Board of Appeals based on city records for structures over twenty years old.

If you have any questions or concerns regarding this matter, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

On the petition by Harout Avakian to further amend the 1985 Woburn Zoning Ordinances, as amended, as follows: that Section 7.1 of the 1985 Woburn Zoning Ordinance, as amended, be further amended by adding a new paragraph to the end of this Section as follows: “A residential structure used as a residence and conforming to the zoning district in which it lies, that is protected by the ten (10) year statute of limitations

under Massachusetts General Laws Chapter 40A, Section 7 shall be considered for the purposes of this Section 7.1 a legal non-conforming structure.” PUBLIC HEARING OPENED.

On the petition by Allied Building Products Corp., 15 East Union Avenue, East Rutherford, New Jersey 07073 for special permits pursuant to Section 5.1.42, 5.1.43 and 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to allow for a wholesale establishment, warehouse and distribution center, outside storage of new or used building materials and equipment and the accessory parking of commercial motor vehicles at 41 Atlantic Avenue. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: “ought to pass with the conditions as follows: 1. That the Planning Board’s recommendations be made conditions of the special permit as amended on condition #3 by adding the words “and dumpster” after “The outside storage areas”, 2. That the special permit is not transferable, 3. That the special permit is to be reviewed in one year, and 4. Petitioner will develop a snow management plan.” A communication dated December 3, 3007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Allied Building Products Corp. – 41 Atlantic Avenue – To allow for a Wholesale Establishment, Warehouse, and Distribution Center; Outside Storage of new and old building materials and equipment; and the Accessory Parking of Commercial Motor Vehicles pursuant to Sections 5.1.42, 5.1.43, and 5.1.57b

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on November 27, 2007, the Board voted to send a favorable recommendation to the City Council on the Special Permit application of Allied Building Products Corp., regarding the property at 41 Atlantic Avenue because the proposal complies with the conditions outlined in Section 11.5 of the Woburn Zoning Ordinance. The favorable recommendation is based on the following conditions:

1. The Plan of Record shall be the plan entitled “41 Atlantic Avenue, Woburn, MA.” prepared by Allen & Major Associates Inc., 100 Commerce Way, Woburn, MA dated September 25, 2007 as revised October 18, 2007 (the “Plan”).
2. All building materials stored outside the building on the premises shall be stored only in the areas shown on the Plan as “Proposed Material Storage Area” (the “Outside Storage Areas”).
3. The Outside Storage Areas shall be completely enclosed by means of a solid fence or wall not less than eight (8) feet in height, with the exception of entrances and exits.
4. That no more than four (4) commercial vehicles shall be parked at the premises and all registered vehicles to be parked on the premises overnight shall be registered in the City of Woburn.
5. The Planning Board shall review and approve a landscaping plan and shall retain jurisdiction over landscaping.

6. The Petitioner shall post signs within its customer pick up areas and loading areas requesting both its customers and delivery companies to obey the rules of the road if traveling on City of Woburn streets.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

On the petition by Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless and NSTAR Electric Company, 400 Friberg Parkway, Westborough, Massachusetts 01581 for a special permit pursuant to Section 5.1.80b, Section 11 and Section 5.6 of the 1985 Woburn Zoning Ordinances, as amended, to install three flushed mounted antennas at a center line of 73 feet on a 75 foot replacement of the existing 65 foot utility pole with 12 feet by 30 feet equipment shelter and diesel emergency back up generator inside a fenced telecommunications compound with the antennas relocated at a height of 63 feet on the replacement pole, and to install a single omni-directional whip antenna on the companion 65 foot utility pole on the H frame power stanchion at Waltham Street Rear-Power Easement. PUBLIC HEARING OPENED. A communication dated December 3, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Bell Atlantic – Waltham St. – To erect a 75’ utility pole with antennas and equipment shelter pursuant to Section 5.1.80b, 5.6, and 11

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on November 27, 2007, the Board voted to send a favorable recommendation to the City Council subject to the assurances provided in the application for the Special Permit dated 10/25/07 and in accordance with the Plans in Exhibit 5 revised 10/25/07.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

A copy of a communication dated November 21, 2007 was to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: Waltham Street Verizon Wireless Special Permit – Special Permit Application
Dated October 29, 2007 – Plans Dated October 25, 2007

The applicant has submitted a special permit application for a proposed equipment shelter and wireless communications on a utility pole at the above referenced location and this office offers the following comments.

The site plan shows a proposed equipment cabinet, proposed utility pole and electrical lines. The equipment shelter shows fencing and plantings for screenings.

The design is similar to a previously approved shelter adjacent from this one on the same lot. This office takes no exception to the plans as submitted.

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

A communication dated December 3, 2007 from Attorney Daniel D. Klasnick, Duval & Associates LLC, 10 Cedar Street, Suite 17, Woburn, Massachusetts 01801 as follows:

Re: Application for Special Permit – Applicant: Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless – Co-Applicant: NSTAR Electric Company

Dear Council Members:

On October 29, 2007, Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless and NSTAR Electric Company (“Applicants”) filed an Application for Special Permit to install and operate a Wireless Communications Link: Building Mounted Wireless Communications Link on an H frame power stanchion within the easement on the property off of Waltham Street, Woburn, Massachusetts (“Application”).

The Applicants’ Application for a special permit currently appears on the December 4, 2007 City Council agenda. Because of the continuing review of site issues and the preparation of supplemental application materials will not be completed by the December 4th Hearing, the Applicant formally requests a continuance of its Application until the next regular meeting on December 18, 2007.

In the event that the City Council has any questions concerning this request for a continuance or requires any additional information, please contact me. Thank you.

Very truly yours, Duval & Associates LLC by s/Daniel E. Klasnick, Attorney at Law

On the petition by CFRI/CQ Woburn LLC c/o Campanelli Companies, One Campanelli Drive, Braintree, MA 02185 for a special permit pursuant to Section 5.1 (30b) of the 1985 Woburn Zoning Ordinances, as amended, to allow for additional office space of approximately 135,000 square feet with the total office space of approximately 171,700 square feet at 8 Presidential Way. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: “ought to pass with the conditions as follows: 1. That the Planning Board’s recommendations be made conditions of the

special permit, and 2. that the mitigation funds be deposited into the Ward Five Infrastructure improvements.” A communication dated December 3, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: CFRI/CQ Woburn LLC – 8 Presidential Way – To allow for additional office space of approximately 135,000 S.F. for a new total of 171,700 S.F. pursuant to Section 5.1.30b

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on November 27, 2007, the Board voted to send a favorable recommendation to the City Council in accordance with the revised Layout Plan Sheet 3 and Utility Plan Sheet 5 entitled “CFRI/CQ Woburn LLC, 8 Presidential Way, Woburn, Massachusetts” prepared by Kelly Engineering Group dated 10/12/07 revised 11/21/07 and Sheets 1, 2, 4 and 6 dated 10/12/07 subject to the following conditions:

1. That the recommendations included in the GPI traffic report, subject to any necessary Traffic Commission approvals, shall be provided by the petitioner.
2. That the recommendations of the engineering department shall be complied with.
3. That the Planning Board shall approve the landscaping plan and shall retain jurisdiction over the landscaping.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

A copy of a communication dated November 21, 2007 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 8 Presidential Way Expansion Special Permit – Special Permit Application
Dated October 15, 2007 – Plans Dated October 12, 2007 – Traffic Study Dated
October 2007 – Development Impact Statement – Drainage Report Dated
October 11, 2007

The applicant has submitted a special permit application for the expansion of the existing facility and a change in use from Manufacturing and office space to first class office space. The applicant has submitted the above referenced materials and this office offers the following comments.

Water

The site is serviced by an existing water main and the only change is the addition of a new fire hydrant. This office takes no exception to the water connection as shown.

Sewer

There is no new sewer connections proposed for this project. The new addition will generate an additional 7,090 gallons per day of sewer flow which is subject to a sewer I/I fee which the applicants engineer has calculated. This office takes no exception to the sewer as shown.

Drainage

The submitted drainage computations and plan show that there will be modifications to the original onsite drainage to mitigate the additional impervious pavement and addition. The addition roof runoff will be mitigated through a underground infiltration system with an over flow to the existing detention pond. There are proposed catch basins and new drain lines to accommodate the additional pavement. The applicants engineer demonstrated that the drainage design meets storm quality management standards for TSS removal and that there is a reduction in post development runoff from predevelopment conditions. This office takes no exception to the drainage calculations submitted.

Traffic

The submitted traffic report outlines the existing and proposed conditions and the amount of traffic that will increase due to the change in use. There are several recommendations and conclusions that are outlined in the report. One is to install a W18-3 warning sign be installed on Presidential Way south of the site to warn that there are vehicles turning ahead. This new sign and or any improvements being made to signal timing will need the approval of the traffic commission.

Miscellaneous

This project is subject to Section 18 of the Woburn Mitigation Ordinance. The report does not include in the total project cost, therefore this office cannot calculate the mitigation percentage accordance with section 18. A total cost breakdown should be submitted to this office for review.

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

A copy of a communication dated November 27, 2007 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 8 Presidential Way Expansion Special Permit – Special Permit Application
Dated October 15, 2007 – Plans Dated October 12, 2007 – Traffic Study Dated
October 2007 – Development Impact Statement – Drainage Report Dated
October 11, 2007 – Project Cost Summary Dated November 26, 2007 Received
November 27, 2007 – Previous Memo Dated November 21, 2007

This office has reviewed the total project cost estimate for the above referenced project and takes no exception to the estimate as submitted. The mitigation fee will be allocated for Commerce Way infrastructure improvements.

All other items from our previous memo dated November 21, 2007 have been addressed.

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

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

POLICE AND LICENSES:

On the following petitions for renewal of First Class Motor Vehicle Sales Licenses by C.N. Wood Company, Inc.; Lannan Chevrolet, Inc.; R.C. Olsen Cadillac, Inc.; Woodco Machinery, Inc.; and Woburn Foreign Motors; committee reports were received "ought to pass."

On the following petitions for renewal of Second Class Motor Vehicle Sales Licenses by Capelo's Auto Service, Inc.; Enterprise Rent-a-Car Company of Boston, Inc.; Francis Garbino dba Tom's Auto Body; J.C. Auto Sales; Larade's Collision Repair Center, Inc.; McSheffrey Auto Sales, Inc.; New Boston Auto Exchange; Donald J. Socorelis dba Woburn Glass Co.; Velozo Enterprises, Inc. dba Rogers Radiator; and Woburn Gas & Service, Inc.; committee reports were received "ought to pass."

On the petition for renewal of Third Class Motor Vehicle Sales License by Woburn Truck and Auto, Inc., committee report was received "ought to pass."

On the petition for a new Taxi Cab License by Mohamad S. Moharam, committee report was received "ought to be denied."

On the petition for a new Taxi Cab License by Ahmad Abbas, committee report was received "ought to be denied."

NEW PETITIONS:

Petitions for renewal of Second Class Motor Vehicle Sales Licenses by Tracy M. Batten dba Tracy's Auto Sales, 62R Winn Street; Richard Cail dba Winn Street Motor Sales, 104 Winn Street; EC Inc. dba Xpress Fuel, 505 Main Street; William R. Garvey dba

Garvey's Auto Repair, 289 Salem Street; Joseph P. Mahoney Co., Inc., 293 Salem Street; Olive McDermottroe and Bridget McDermottroe dba McDermottroe, 229 Lexington Street; Robert McSheffrey dba Bob McSheffrey Auto Sales, 306 Montvale Avenue; Wassim (Sam) Nicolas dba Woburn Square Mobil, 23 Pleasant Street; Kenneth L. O'Connor dba City Line Motors, 30 Rear Torrice Drive; Ollies Service Center, 310 Main Street; O'Rourke's Service Station, Inc., 183 Cambridge Road; Jeffrey Pollock dba Exclusive Automobiles, 7 Independence Drive; and Southside Associates, Inc. dba Burke's Garage.

Petition by Lowe's Companies, Inc., 15 Mishawum Road, Woburn, Massachusetts 01801 for special permits pursuant to Section 5.1.45, 5.1.57a and 5.1.57b to allow for the rental of moving trucks; accessory storage or parking of storage containers, storage trailers or commercial trailers; and the accessory storage or parking of commercial motor vehicles at 15 Mishawum Road.

Petition by Draper Realty LLC, 201 Chadwick Drive, Bradford, Massachusetts 01835 for a special permit pursuant to Section 5.1.57a of the 1985 Woburn Zoning Ordinances, as amended, to allow for the accessory storage or parking of two storage/commercial trailers on the property located at 31 Draper Street.

Petition by Draper Realty LLC, 201 Chadwick Drive, Bradford, Massachusetts 01835 for a special permit pursuant to Section 5.1.57a of the 1985 Woburn Zoning Ordinances, as amended, to allow for the accessory storage or parking of two storage/commercial trailers on the property located at 27 Draper Street.

COMMUNICATIONS AND REPORTS:

A communication dated November 28, 2007 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the November meeting of the Council on Aging and the Director's report for the month of November.

A communication dated November 15, 2007 was received from Attorney Lauren F. Goldberg and Attorney Shirin Everett, Kopelman and Paige, P.C., relative to Community Preservation Act Funds – The Implications of Seideman v. Newton.

A communication dated November 28, 2007 with attachment was received from Donald J. Borchelt, Executive Director, Woburn Redevelopment Authority relative to the monthly meeting package of the Woburn Redevelopment Authority for November 27, 2007.

A communication dated November 19, 2007 was received from Representative Edward J. Markey, Congress of the United States, House of Representatives, Washington, D.C.

20515-2107 inviting the aldermen to an information session on the New England Community Energy Challenge on December 10, 2007 at 9:30 a.m. at Medford City Hall, Council Chambers to learn about ways to increase the communities energy efficiency and usage from renewable sources.

A communication was received from the Town of Winchester Planning Board concerning a public hearing to be held on Thursday, December 6, 2007 at 8:00 p.m. in the Winchester Room at Winchester Town Hall, 71 Mt. Vernon Street, Winchester on the Area Comprehensive Plan for the Winchester Hospital Expansion at 620 Washington Street.

A communication was received from the Town of Winchester Planning Board concerning a public hearing to be held on Thursday, December 20, 2007 at 8:00 p.m. in the Winchester Room at Winchester Town Hall, 71 Mt. Vernon Street, Winchester on the Area Comprehensive Plan for the Winchester Hospital Expansion at 620 Washington Street.

A communication dated October 2007 was received from the United States Environmental Protection Agency entitled "W.R. Grace (Acton Plant) Superfund Site, Action & Concord, Massachusetts, Community Update".

A communication dated November 26, 2007 was received from Attorney John D. McElhiney, McElhiney and Matson, 607 Main Street, Woburn as follows:

Re: Special Permit – pION, Inc. – 5 Constitution Way, Woburn, MA

Dear Members of the Council:

You had approved a Special Permit for the above entity at your meeting on October 16, 2007. Unfortunately, the application mistakenly misstated the name of the legal entity (trust) which owns the property, varying the name of the trust slightly. Your decision thus lists the owner as "Robert W. Murray, Trustee of Constitution Four Trust," whereas the correct name is "Robert W. Murray, Trustee of Constitution Park Trust Four."

In order to record the Decision at the Registry of Deeds, I will need the Decision to reflect the proper legal name. I am requesting that you vote to amend the Decision to properly reflect the owner's name as "Robert W. Murray, Trustee of Constitution Park Four Trust."

Thank you for your anticipated cooperation in this matter.

Sincerely, s/John D. McElhiney

A communication dated November 26, 2007 with attachments was received from Attorney Mark J. Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 as follows:

Re: Moreno Drive Subdivision

Dear President Doherty and Council Members:

Request is made for an Assent regarding the approval of plan for the subdivision of the property owned by Moreno Drive LLC at 170 Russell Street. The subdivision plan has been approved and signed by the Woburn Planning Board and submitted to the Land Court for registration. However, because a small area of Russell Street was abandoned after the relocation of the Street by the County, the owners of the abutting property claimed ownership and an assent to the approval has been requested by the Land Court. Please be advised that the City's legal counsel has reviewed the plan and the petition for approval and has forward a recommendation that the City assent to the plan.

Thank you for your cooperation and please call with any questions.

Very truly yours, s/Mark J. Salvati

A communication dated November 12, 2007 with attachment was received from John DeAngelis, Lisa DeAngelis, Paul DeAngelis and Bi-Mei DeAngelis requesting authorization to purchase or rent property from the city of Woburn to allow the creation of parking spaces to serve their three-family residence located at 7R Center Street.

A communication dated November 26, 2007 with attachment was received from David J. Carroll, Hopkinton Area Manager, Tennessee Gas Pipeline Company, 54 Wilson Street, Hopkinton, Massachusetts 01748 relative to the Tennessee Gas Pipeline Emergency Personnel List whom to notify in case of an emergency.

A petition with twenty-eight pages was received indicating that the signatories were Woburn Public School Employees and asking that the City Council accept Section 19 of M.G.L. Chapter 32B coalition bargaining for health insurance and to immediately begin putting together RFP's (request for proposals) to get bids on quality health insurance.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated December 3, 2007 was received from President Charles Doherty as follows:

Re: Michael Raymond – Committee Assignments

Please be advised that Alderman Michael Raymond is hereby appointed to the following committees of the Woburn City Council: Accounts/Audit; Open Space and Recreation; Police/License; Hazardous Waste/Recycling; Interstate-93 Interchange/Industri-Plex Committee; Public Safety; Historical Commission Liaison; Water; Conservation Commission Liaison

These appointments fill the committee vacancies resulting from the resignation of former Alderman John Ciriello.

s/Charles Doherty, President

A communication dated November 29, 2007 was received from Mayor Thomas L. McLaughlin as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Steven Jeune, a student member of the Woburn Memorial High School's Gay-Straight Alliance, as a Member of the Human Rights Commission as required in the City of Woburn Municipal Code Title 2-236. Please be advised that the term will expire on August 31, 2008. The effective date of this appointment will be the date of confirmation by the City Council.

If you have any questions, please feel free to contact me.

Sincerely, s/Thomas L. McLaughlin, Mayor

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Be it Ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinances, as amended, be further amended as follows:

1. By adding to Section 2 Definitions in the appropriate alphabetical order a new definition for "Restaurant, Formula Fast Food" as follows:

"Any building, room, space or portion thereof where food or beverage is sold for consumption on-site or off-premises within a short period of time, orders are made at either a walk-up window or counter, payment for food or beverage is made prior to consumption, and the packaging

of food is done in disposable containers, or is not a “Restaurant, full-service”. A fast food restaurant may provide “accessory” related retail sales items and delivery service.

“Formula Fast Food Restaurant maintains either by contractual or other arrangement, established or recognized business practice or membership affiliation, any of the following: 1. Business name common to a similar business located elsewhere, 2. Standardized menus, ingredients, food preparation, uniforms, or other standardized features common to restaurant located elsewhere, 3. Interior and exterior décor and/or signage common to a similar business located elsewhere, and 4. Use of trademark or logo common to a similar business located elsewhere.”

2. By amending line 5.1.29 by striking all current designations and inserting in their place an “X” under the B-N, B-H, B-I, I-P, IP-2, I-G, O-P and OP-93 zoning districts meaning that the use is allowed by right, a “P” under the B-D zoning district meaning that a special permit is required and a “-“ under the R-1, R-2, R-3, R-4, S-1, S-2 and O-S zoning districts meaning that the use is not allowed, and by inserting a reference to “Note 16; Section 18.3.4” under the column “Notes; other sections” and inserting a reference to “Section 12” under the column “Site Plan Requirements”.
3. By amending Note 16 of Section 5.1 by adding in the third sentence after the words “Restaurant, full-service” the words “, Restaurant, Formula Fast Food”.
4. By amending Section 12.2.1 by striking the reference to “Restaurant, Fast Food” and inserting in its place “Restaurant, Formula Fast Food”.
5. By amending Section 18.3.4 by striking it in its entirety and inserting in its place the following: “All uses permitted by special permit under line 5.1.29a of Section 5.1 Table of Uses ‘Restaurant, Formula Fast Food”.
6. By adding a new line 5.1.29a Restaurant, Formula Fast Food and inserting a “-“ under the R-1, R-2, R-3, R-4, S-1 and O-S zoning districts meaning that the use is not allowed and a “P” under the B-H, B-D, B-I, I-P, I-P2, I-G, S-2, O-P and OP-93 zoning districts meaning that a special permit is required, and by inserting a reference to “Note 16; Section 18.3.4” under the column “Notes; other sections” and inserting the reference to “Section 12” under the column “Site Plan Requirements.”

s/Alderman Galvin and Alderman Gately

ORDERED Whereas, the Woburn School Department desires to enter a food service management contract for three years with two one year options with Aramark Educational Services LLC to provide school lunch services, and

Whereas, this contract which has been approved by the Woburn School Committee is considered to be a contract in excess of three years,

Now, therefore, the City Council hereby authorizes the Woburn School Department to enter into the contract.

s/Alderman _____

ORDERED Whereas, at its Regular Meeting on October 30, 2007, the City Council authorized the Building Commissioner to dispose of a 1999 Ford Taurus which was determined to be of no value to the department, and

Whereas, the City Engineer has expressed a need for the use of the vehicle in the Engineering Department,

Now, therefore, the Building Commissioner is hereby authorized pursuant to 1989 Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6 to transfer possession and control of the vehicle to the custody of the City Engineer.

s/Alderman _____

ORDERED That His Honor the Mayor arrange a presentation before the City Council, including the City Solicitor, concerning the process and impact of coalition bargaining for health insurance as provided in Massachusetts General Laws Chapter 32B, Section 19.

s/President Doherty

ORDERED That the Committee on Personnel meet with His Honor the Mayor concerning the establishment of a salary and the qualifications of a new superintendent of public works.

s/Alderman Galvin

RESOLVED Whereas, the current winter overnight parking ordinance does not allow vehicles to be parked on City streets on the even numbered side between 2:00 a.m. and 6:00 a.m. between November 15th and March 31st each year, and

Whereas, this ordinance tends to cause inconvenience in many of the thickly settled areas of the city,

Now, therefore, be it resolved that the Woburn Traffic Commission review the current winter overnight parking ordinance with the intention of establishing regulations that provide fairness to the residents of the city and which protect public safety.

s/Alderman Dwyer

RESOLVED Be it Resolved that the City Council of the city of Woburn hereby amends the vote taken by the City Council on May 2, 2006 to appropriate certain funds from the Overlay Reserve Acct #01-322000 to the Mayor-Capital Project Program, to permit funds appropriated for the Engineering Dept #0410 Salem/Wildwood Traffic Light project to be expended for costs associated with the alteration of the layouts of Salem Street, Wildwood Avenue, and Wood Street, including without limitation, engineering costs, construction costs, and the cost of acquiring land or interests in land, and for all uses incidental thereto; or take any other action relative thereto.

s/Alderman Mercer-Bruen

RESOLVED Be it Resolved that the City Council of the city of Woburn hereby votes to authorize the Mayor to acquire, on behalf of the City, by gift or purchase, easements for all purposes for which public ways are used in the city of Woburn, and other associated easements, in, over, along, across and under the parcels of land on Salem Street, Wildwood Avenue, and Wood Street, as shown on plans entitled "Plan of Land Easement for Roadway Purposes Location Wildwood Avenue-Salem Street, Woburn, Massachusetts" and "Plan of Land Land Transfer Purposes Easement for Roadway Purposes Location Wildwood Avenue-Salem Street Woburn Massachusetts," both plans dated March 14, 2007, prepared by city of Woburn engineering Department, and filed with the City Clerk; or take any other action relative thereto.

s/Alderman Dwyer

Motion made and 2nd to ADJOURN.