

**CITY OF WOBURN
MAY 6, 2008 - 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:

A communication dated May 1, 2008 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Dear President Doherty and Members of the City Council:

I request that the Council suspend the rules to hear from a representative(s) of the Massachusetts State Lottery Commission on the recent legislation passed that allows for "Keno to Go" sales in retail establishments in Woburn that are licensed by the state lottery.

Sincerely, s/Thomas L. McLaughlin, Mayor

A communication dated May 2, 2008 with attachment was received from Edmund F. McGrath, Chairman, Woburn Cemetery Commission as follows:

Re: Appropriation Request

Dear President Doherty and City Council Members:

The Board of Cemetery Commissioners is requesting approval for an appropriation of \$24,500.00 from the Cemetery Interest Fund as follows:

\$14,500.00 to cover costs associated with the removal of trees and replacement of the existing fence surrounding the Second Burial Ground off of Montvale Avenue
\$7,000.00 to replace the copy machine in the office

\$3,000.00 to cover utility expenses for the remainder of this fiscal year

Should you have any questions regarding this request do not hesitate to contact this office.

Thank you, s/Edmund F. McGrath, Chairman, Cemetery Commission

ORDERED That the sum of \$24,500.00 be and is hereby appropriated from Cemetery Interest Fund and distributed as follows \$3,000.00 to Utility Acct. 0149052-521103, \$7,000.00 to Office Supplies 0149054-542000, \$4,500.00 to Burial Sections 0149058-586601, \$10,000.00 to Fence Acct. 0149058-586602

s/Edmund F. McGrath, Chairman
s/Thomas L. McLaughlin, Mayor
s/Gerald W. Surette, Auditor

s/Alderman _____

ORDERED That the sum of \$70,000.00 be transferred as follows from Account #39359-595000 BLS Ambulance Receipts \$15,000.00, from Account #39359-595000 ALS Ambulance Receipts \$55,000.00 to Account #0122051-513100 Fire Overtime \$70,000.

s/Chief Paul Tortolano
s/Auditor Gerald Surette
s/Mayor Thomas McLaughlin

s/Alderman _____

ORDERED That the sum of \$806,272.00 be and is hereby appropriated as so stated from Unreserved Fund Balance Acct #01-359000 \$806,272.00 to Salary Increases: Various Departments FY2008 City Departments \$489,617.00, School Department \$316,655.00, Total \$806,272.00.

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

s/Alderman _____

ORDERED That the sum of \$1,653,100.00 be and is hereby appropriated as so stated from Overlay Reserve Acct #01-322000 \$1,196,100.00, Unreserved Fund

Balance Acct #01-359000 \$500,000.00, Total \$1,696,100.00 to Mayor's Capital Improvement Program as per attached list \$1,696,100.00.

s/Alderman _____

A document entitled Petition for Acceptance of Public Way was received from His Honor the Mayor Thomas L. McLaughlin as follows:

I, the undersigned Mayor of the City of Woburn, hereby petition for acceptance of the following public way in which the city has obtained conveyance of the fee interest:

The land and improvements thereon reserved for the layout and establishment of Charles O'Neill Drive on a plan dated September 2, 2003, and entitled "Definitive Subdivision Plan "Canal Estates", Borselli Engineering and Development, 110 Winn Street, Woburn, MA 01801, recorded with Middlesex South District Registry of Deeds as Plan No. 261 of 2004.

The portion of the premises shown on this plan and reserved for street layout is that unnumbered and untitled 50' wide cul-de-sac parcel; and otherwise that portion of the entire premises shown on said plan exclusive of numbered Lots 1-6, inclusive.

s/Mayor Thomas L. McLaughlin

PUBLIC HEARINGS:

On the petition by City of Woburn, 50 North Warren Avenue. Woburn, Massachusetts 01801 for a special permit pursuant Section 5.1.79 and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to erect a steel frame, fabric sheathed storage facility at 50 North Warren Avenue. PUBLIC HEARING OPENED. A communication dated May 2, 2008 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: City of Woburn – Department of Public Works – 50 North Warren Ave. – To erect a Storage Facility under Section 5.1.79 & 7.3

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on April 29, 2008, the Board voted to send a favorable recommendation to the City Council to allow the erection of a storage facility at 50 North Warren Ave. under Section 5.1.79 and Section 7.3 in accordance with the plan submitted subject to the condition that the lots be combined through the ANR process prior to building permit.

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 William Highgas, III, Arpie E. Highgas, individually and as trustees of B.A.R. Realty Trust, landowners, to amend the 1985 Woburn Zoning Ordinances by adding the following: 1. Section 5.1 Table of Use Regulations line 42a self-storage warehouse facility – no storage of high hazard materials, trailers, motor vehicles or any outside storage shall be amended by deleting the “-“ under the B-I column and replacing with “P”; 2. Section 6.1 Table of Dimensional Regulations shall be amended by adding to the Floor Area Ratio column for the B-I Zoning District of the following: “(Note 5)”; 3. Section 6.1, Table of Dimension Regulations shall be amended by adding “Note 5” which shall state as follows: “The Floor Area Ratio for a self-storage warehouse facility as defined in this Ordinance shall be 2.0.” PUBLIC HEARING OPENED. A communication dated May 2, 2008 was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 60 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Petition of William Highgas III and Arpie Highgas – 420, 422 and 424 Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter be continued from May 6, 2008 to the City Council meeting on May 20, 2008. If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

On the petition by Atlantic Plywood Corp, 8 Roessler Road, Woburn, Massachusetts 01801 to amend an Inflammable License to allow the storage of aboveground of up to 5,000 gallons of Class I liquid paint related material and underground 5,000 gallons of Class II Diesel at 8 Roessler Road. PUBLIC HEARING OPENED.

On the petition by Resources for Responsible Site Management Inc., Trustee of the Industri-Plex Site Interim Custodial Trust, P.O. Box 487, Chestnut Hill, Massachusetts 02467 to amend the Zoning Map of the City of Woburn by amending a parcel of property known as Lot 40C, Commerce Way from the I-P zoning district to the B-I zoning district. PUBLIC HEARING OPENED. A communication dated May 2, 2008 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Resources for Responsible Site Management Inc., Trustee of the Industri-Plex Site Interim Custodial Trust – Lot 40C Commerce Way – Amend Zoning Map from IP-2 to B-I

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on April 29, 2008, the Board voted to forward a favorable recommendation to the City Council on the zoning map amendment to rezone a portion of Lot 40C consisting of approximately 11,267 square feet running parallel to 112 Commerce Way from IP-2 to B-I.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

A communication was received from the Committee on Ordinances as follows: “ought to pass”.

On the petition by 112 Commerce Way LLC, c/o National Development, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 for a special permit pursuant to Section 5.1.35 of the 1985 Woburn Zoning Ordinances, as amended, to modify a special permit granted November 22, 2007 which allowed for a Pet Care Facility to allow for 1.) an amended floor plan and 2.) an amended site plan, at 112 Commerce Way/Lot 40C Commerce Way. PUBLIC HEARING OPENED. A communication dated May 2, 2008 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: 112 Commerce Way LLC – 112 Commerce Way/Lot 40C – To modify Special Permit dated November 22, 2007 for a Pet Care Facility to allow for amended site plan and amended floor plan

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on April 29, 2008, the Board voted to send a favorable recommendation to the City Council to modify the Special Permit dated November 22, 2007 for a Pet Care Facility to allow for an amended site plan and an amended floor plan at 112 Commerce Way /Lot 40C subject to the following conditions:

1. That the Pet Care Facility shall comply with all of the requirements indicated in Section 5.1.35a.
2. That the Facility shall be in accordance with Sheet F1 dated September 21, 2007 amended through February 19, 2008 entitled Store #1961 Woburn, MA. (“Plan”).
3. That the Pet Care Facility shall be limited to the number of suites and rooms as shown on said Plan including the feline facility as shown on said Plan.

4. That the operation and maintenance of the Facility shall be subject to the review, inspection, and approval of the Director of the Board of Health.
5. The Petitioner shall construct and improve the Site substantially as described in plans submitted with the Petition for Special Permit entitled "112 Commerce Way, Woburn, MA" dated March 14, 2008 except for Sheet Ex-1 Revised March 12, 2008 prepared by Allen & Major Associates, Inc.; 100 Commerce Way, Woburn, Massachusetts (the "Development Plans") although design adjustments and modifications generally associated with (i) preparing so called "construction drawings" or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans.
6. Construction on the Site shall at all times be in substantial compliance with the Massachusetts State Building Code, together with all other applicable state and federal laws and regulations, including but not limited to environmental laws and regulations.
7. The Petitioner shall complete the Traffic Improvements set forth in a certain Memorandum prepared by VHB dated October 1, 2007 to Edmund P. Tarallo, Planning Director prior to the opening of the general retail use on the Site as shown on said Development Plans.
8. All construction equipment shall be stored in a reasonable prudent manner with due regard for the safety of the workers and general public.
9. The Planning Board shall approve the landscaping plans and retain jurisdiction over the landscaping.
10. All dumpsters and waste containers shall be enclosed, by means of a fence, wall or landscaping in compliance with the Woburn Zoning Ordinances.
11. Exterior construction activities on the Site shall not commence prior to 7:00 a.m. and shall cease no later than 6:00 p.m. Monday through Saturday. This condition shall not apply to any work performed by any public utility.
12. During the Site redevelopment and construction phases, the Petitioner shall maintain all adjoining roadways free and clear of all debris.
13. All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting any abutting properties.
14. Any snow fall on the Site which cannot be stored on the Site shall be removed.
15. There shall be no overnight parking of tractor trailers in any of the parking spaces throughout the Site.
16. The Property Owner, on a yearly basis, will inspect all on-site sewer manholes including the City of Woburn sewer manholes, located on either side of the record 112 Commerce Way sewer connection within Commerce Way and shall submit written documentation to the City Engineer that yearly inspections have been performed.
17. The Petitioner shall install a "impressed thermoplastic" crosswalk across Commerce Way from the site to the Target Shopping Center.
18. The special permit for the fast food restaurant is for Chipolte Grill only and is not transferable.
19. 24 hour retail operations shall not be allowed on the site.
20. That an ANR plan shall be submitted prior to building permit combining the new additional land with the 112 Commerce Way property.

21. That the sewer connection/mitigation fee will be calculated based on the approved plan prior issuance of a building permit by the City Engineer.
22. That permission shall be needed from the Town of Reading to work within their 20 wide sewer and drain easement. In addition, the applicant's engineer will need to demonstrate to the Woburn engineering department that the proposed filling/improvements over the 20 foot wide sewer and drainage easement will not overburden the easement and or impact the existing utilities.

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 communication was received from the Committee on Special Permits as follows: "back for action."

On the petition by 112 Commerce Way LLC, c/o National Development, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 for a special permit pursuant to Section 5.1.22c, 5.1.23, 5.1.29 and 5.1.57b to modify a special permit granted November 22, 2007 which allowed for 1.) a retail shopping center in excess of 15,000 square feet (47,010) and 2.) a fast food restaurant to allow for 1.) an amended site plan, 2.) an additional 6,999 square feet of gross floor area for the retail shopping center allowing for a total of 54,009 square feet of gross floor area, 3.) the fast food restaurant as originally approved by the Decision, and 4. the accessory parking of commercial vehicles at 112 Commerce Way/Lot 40C Commerce Way. PUBLIC HEARING OPENED. A communication dated May 2, 2008 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: 112 Commerce Way LLC – 112 Commerce Way/Lot 40C – To modify Special Permit dated November 22, 2007 for a Retail Shopping Center & Fast Food Restaurant to allow for amended site plan, an additional 6,999 S.F. of G.F.A. to the retail shopping center for a new total of 54,009 S.F. of G.F.A., the fast food restaurant as originally approved, and the accessory parking of commercial vehicles

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on April 29, 2008, the Board voted to send a favorable recommendation to the City Council to modify the Special Permit dated November 22, 2007 for a Retail Shopping Center & Fast Food Restaurant to allow for amended site plan, an additional 6,999 S.F. of G.F.A. to the retail shopping center for a new total of 54,009 S.F. of G.F.A., the fast food restaurant as originally approved, and the accessory parking of commercial vehicles at 112 Commerce Way /Lot 40C subject to the following conditions:

1. That the Pet Care Facility shall comply with all of the requirements indicated in Section 5.1.35a.
2. That the Facility shall be in accordance with Sheet F1 dated September 21, 2007 amended through February 19, 2008 entitled Store #1961 Woburn, MA. ("Plan").
3. That the Pet Care Facility shall be limited to the number of suites and rooms as shown on said Plan including the feline facility as shown on said Plan.
4. That the operation and maintenance of the Facility shall be subject to the review, inspection, and approval of the Director of the Board of Health.
5. The Petitioner shall construct and improve the Site substantially as described in plans submitted with the Petition for Special Permit entitled "112 Commerce Way, Woburn, MA" dated March 14, 2008 except for Sheet Ex-1 Revised March 12, 2008 prepared by Allen & Major Associates, Inc.; 100 Commerce Way, Woburn, Massachusetts (the "Development Plans") although design adjustments and modifications generally associated with (i) preparing so called "construction drawings" or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans.
6. Construction on the Site shall at all times be in substantial compliance with the Massachusetts State Building Code, together with all other applicable state and federal laws and regulations, including but not limited to environmental laws and regulations.
7. The Petitioner shall complete the Traffic Improvements set forth in a certain Memorandum prepared by VHB dated October 1, 2007 to Edmund P. Tarallo, Planning Director prior to the opening of the general retail use on the Site as shown on said Development Plans.
8. All construction equipment shall be stored in a reasonable prudent manner with due regard for the safety of the workers and general public.
9. The Planning Board shall approve the landscaping plans and retain jurisdiction over the landscaping.
10. All dumpsters and waste containers shall be enclosed, by means of a fence, wall or landscaping in compliance with the Woburn Zoning Ordinances.
11. Exterior construction activities on the Site shall not commence prior to 7:00 a.m. and shall cease no later than 6:00 p.m. Monday through Saturday. This condition shall not apply to any work performed by any public utility.
12. During the Site redevelopment and construction phases, the Petitioner shall maintain all adjoining roadways free and clear of all debris.
13. All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting any abutting properties.
14. Any snow fall on the Site which cannot be stored on the Site shall be removed.
15. There shall be no overnight parking of tractor trailers in any of the parking spaces throughout the Site.
16. The Property Owner, on a yearly basis, will inspect all on-site sewer manholes including the City of Woburn sewer manholes, located on either side of the record 112 Commerce Way sewer connection within Commerce Way and shall submit written documentation to the City Engineer that yearly inspections have been performed.

17. The Petitioner shall install a “impressed thermoplastic” crosswalk across Commerce Way from the site to the Target Shopping Center.
18. The special permit for the fast food restaurant is for Chipolte Grill only and is not transferable.
19. 24 hour retail operations shall not be allowed on the site.
20. That an ANR plan shall be submitted prior to building permit combining the new additional land with the 112 Commerce Way property.
21. That the sewer connection/mitigation fee will be calculated based on the approved plan prior issuance of a building permit by the City Engineer.
22. That permission shall be needed from the Town of Reading to work within their 20 wide sewer and drain easement. In addition, the applicant’s engineer will need to demonstrate to the Woburn engineering department that the proposed filling/improvements over the 20 foot wide sewer and drainage easement will not overburden the easement and or impact the existing utilities.

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 communication was received from the Committee on Special Permits as follows: “back for action.”

On the petition by North Suburban YMCA (YMCA of Greater Boston), 137 Lexington Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow the building of an outdoor water playground at 137 Lexington Street. PUBLIC HEARING OPENED. A communication dated May 6, 2008 was received from Amy Gamache Turner, Executive Director, YMCA of Greater Boston, North Suburban Branch, 137 Lexington Street, Woburn, Massachusetts 01801 as follows:

Dear Mr. Doherty:

On March 8, 2008, The North Suburban Family YMCA submitted a petition for special permit at the 137 Lexington Street property. At this time, we wish to respectfully leave to withdraw without prejudice, the request for special permit.

We appreciate your time and consideration in this matter. Please feel free to contact me with any questions or concerns.

Very truly yours, s/Amy Gamache Turner, Executive Director

On the petition by College Street Partners LLC, 900 Cummings Center, Suite 301U, Beverly, Massachusetts 01915 for a special permit pursuant to Section 5.1.71, 7.3 and 9

of the 1985 Woburn Zoning Ordinances, as amended, to allow for a 586 vehicle parking garage and for the continuation of the existing warehouse and distribution use within the flood plain district at 23 Mack Road a/k/a 23 Rainin Road, Mack Road and Mack Road Rear. PUBLIC HEARING OPENED. A communication dated May 5, 2008 was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: College Street Partners LLC, 23 Mach Road a/k/a 23 Rainin Road, Mack Road and Mack Road Rear, 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. It is my client's intention to immediately file a new petition with revised plans. If you need any further information please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

On the petition by Maggie Ann LLC, 1 Red Leaf Lane, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.22b, 5.1.46b and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for an increase in the square footage of the existing convenience mart from 650 square feet to 2,286 square feet at 878 Main Street and 7 Tidd Avenue. PUBLIC HEARING OPENED. A copy of a communication dated April 28, 2008 from Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 878 Main Street Increase in Convenience Mart Square Footage Special Permit – Special Permit Applications Dated March 31, 2008 – Plot Plan and Floor Plan Dated February 26, 2008

This office has reviewed the special permit application for the above referenced location and offers the following comments.

The applicant is proposing to increase the area of the existing convenience mart. Based on the submitted floor plan, the applicant will be accomplishing this by installing proposed shelving. These are the only improvements shown.

This office takes no exception to the special permit application as submitted.

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

On the petition by Frank Fedora Jr., Manager, 126 Main Street, Unit 2, North Reading, Massachusetts 01864 for a special permit to amend a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to replace two multi-family dwellings with one building containing four (4) dwelling units at 239 Main Street. PUBLIC HEARING OPENED. A communication dated May 2, 2008 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: 239 Main LLC – 239 Main St. – To Amend Special Permit pursuant to Section 7.3 to replace multi-family buildings with 4 dwelling units

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on April 29, 2008, the Board voted to send a favorable recommendation to the City Council to allow the amending of the Special Permit granted January 22, 2008 pursuant to Section 7.3 to replace multi-family buildings with 4 dwelling units at 239 Main St. in accordance with the plan of record entitled “Site Plan and Zoning, 239-241 Main Street, Woburn, MA” revised April 7, 2008 except as modified by the following conditions:

1. That the number units shall be limited to four townhouse units;
2. That the units shall be located such that ready access for fire personnel and hoselines shall be provided around the entire building;
3. That no parking shall be within the townhouse units;
4. That parking spaces stalls 1 – 6 shall be 9’x18’, the driveway shall be not less than 22’ wide, and that parking space #1 shall be setback at least 6’ from Main St. and space #7 shall begin at the jog in the property line and be 8’x16’;
5. That a landscape and fencing plan shall be reviewed and approved by the Planning Board and the Planning Board shall retain jurisdiction over the landscaping;
6. That the height of the building shall not exceed 2 1/2 stories and 35’;
7. That an updated site plan and drainage plan shall be submitted to and approved by the City Engineer;
8. That snow removal is to be off-site; and
9. That a bike rack shall be provided on site.

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 600 Metronorth Corporate Center LLC, c/o National Development of New England, 2310 Washington Street, Newton, Massachusetts 02462 for a special permit pursuant to Section 5.1.41 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a research and testing laboratory at 120 Presidential Way. PUBLIC HEARING OPENED. A communication dated May 2, 2008 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: 600 Metronorth Corporate Center LLC – 120 Presidential Way – To allow for a research and testing laboratory under Section 5.1.41

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on April 29, 2007, the Board voted to send a favorable recommendation to the City Council to allow for a research and testing laboratory of up to 20,000 S.F. under Section 5.1.41 at 120 Presidential Way provided that no hazardous materials shall be used in the space or in their process.

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

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS:

MUNICIPAL LANDS:

On the Resolution relative to the city accepting a deed in lieu of foreclosure for a certain parcel of land containing approximately 7,350 square feet being Lots 1, 2, 3 in Block 8 on a plan recorded with the Middlesex South District Registry of Deeds in Book 59, Plan 2 and further identified on Assessor’s Map as parcel 13-20-01 on Longwood Avenue, committee report was received “ought to pass.”

On the Resolution relative to the city accepting a deed in lieu of foreclosure for a certain parcel of land containing 36,400 square feet identified in Book 10462 on Page 024 in the Middlesex South District Registry of Deeds and on Assessors Map as parcel 13-23-03 on Baldwin Avenue and Belmont Avenue, committee report was received “ought to pass.”

NEW PETITIONS:

Petition by GameStop 3315, 103 Commerce Way, Woburn, Massachusetts 01801 for a License to Sell Second-Hand and Personal Articles of Value and Collectibles.

Petition by College Street Partners LLC, 900 Cummings Park, Suite 301U, Beverly, Massachusetts 01915 for a Commercial Parking Lot License at 23 mack Road a/k/a 23 Rainin Road, Mack Road and Mack Road Rear.

Petition by Lily Draper Street LLC, 8 Sarafine Way, Wilmington, Massachusetts 01887 for a Planning Board special permit to amend a Planning Board special permit granted October 8, 2004 and amended May 12, 2005 by deleting Condition 2 at Lots 9 and 10, 10 Draper Street.

Petition by Pecks, Inc., 238 Bedford Street, #3, Lexington, Massachusetts 02420 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to utilize a pre-existing non-conforming structure for a different use although the proposed use (retail – pre-packaged foods) is an allowed use without a special permit at 891 Main Street.

Petition by College Street Partners LLC, 900 Cummings Park Center, Suite 301U, Beverly, Massachusetts 01915 for a special permit pursuant to Sections 5.1.57b, 5.1.71, 7.3, 8.2.5 and 9 to allow for a 300 vehicle parking lot; a reduction in parking for the office, warehouse and distribution use; the parking of commercial motor vehicles and shuttle buses; and for the continuation of the existing warehouse and distribution use all within a flood plain district at 23 Mack Road a/k/a 23 Rainin Road, Mack Road and Mack Road Rear.

Petition by ACS Development Corporation, 80 Everett Avenue, Suite 319, Chelsea, Massachusetts 02150 for a special permit pursuant to Sections 5.1.5 and 11.6.11 of the 1985 Woburn Zoning Ordinances, as amended, to convert second and third floor office space to residential use, creating five two-bedroom units and one one-bedroom unit at 397 Main Street.

Petition by Lytron, Incorporated, 55 Dragon Court, Woburn, Massachusetts 01801 to amend the Zoning Map of the City of Woburn by amending the zoning district for a parcel of property identified on the Assessor’s Map as 16-2-4 and 16-2-2 and located at 41 Dragon Court and a portion of 55-73 Dragon Court from the R-2 zoning district to the I-P zoning district.

COMMUNICATIONS AND REPORTS:

A communication dated April 29, 2008 was received from John E. Corey, Jr., PE, City Engineer, Engineering Department as follows:

Subject: Library Field Comfort Stations – Minor Modification to Special Permit

Recently, the DPW performed a test pit to determine the soil characteristics that exist under the proposed bathrooms at Library Field. During the excavation of the test pit, the primary electrical connection to the existing transformer was found to run directly under the proposed foundation rather than along the edge of the access road as had been marked by NStar.

The time required to reschedule and move the electrical conduit precludes using the selected location for the proposed facilities. We have met with the Recreation Department, the Parks Department and the Department of Public Works and we have selected a location that meets the needs of the field users, allows for reasonable utility installation, has sufficient bearing pressure for foundation purposes and will allow the project to go forward as scheduled.

The attached site plan indicates the relocated facility. It is our understanding that this is a minor modification to the special permit and the matter can be reviewed by the City Council without requiring a new public hearing.

We are available at the Council's request to answer any questions or concerns relative to the revised location of the comfort stations.

A communication dated was received from Charles L. O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 92, Section 20½, I am submitting a report to you on the parking violations in the City of Woburn for the period ending March 3008: number of parking violations issued 413, number of violations paid 266, number of violations outstanding 228, amount collected and submitted to the Office of the Collector \$22,217.20. There exists a backlog of 5,071 tickets for 1982 through 2007. Demands will be sent out until all tickets have been paid. Parking violations referred to the Handicapped Commission \$3,600.00.

Respectfully submitted, s/Charles L. O'Connor, Parking Clerk City of Woburn

A communication dated May 1, 2008 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the April meeting of the Council on Aging and the Director's report for the month of April.

A copy of a communication dated April 30, 2008 to Donald Jensen, City Treasurer was received from Paul L. Sweeney, Treasurer, Northeast Metropolitan Regional Vocational School District, 100 Hemlock Road, Wakefield, Massachusetts 01880 advising that the assessment of the city of Woburn for FY2009 will be \$1,211,514.00.

A copy of a communication dated April 29, 2008 to Mayor Thomas McLaughlin was received from Alderman Paul Denaro stating his opposition to continuing the process of construction of any single elementary school that does not encompass all remaining school districts.

A communication dated May 4, 2008 with attachment was received from Donald J. Borchelt, Executive Director, Woburn Redevelopment Authority, 371 Main Street, Woburn along with the information package for the April meeting of the Woburn Redevelopment Authority.

A communication was received from U.S. Environmental Protection Agency inviting the City Council to a community forum on the Olin Chemical Superfund Site on May 15, 2008 at 7:00 p.m. at the Wilmington Middle School Auditorium, 25 Carter Lane, Wilmington.

A copy of a communication dated May 5, 2008 from Thomas C. Quinn, Jr., Woburn Building Inspector to Paul Ahlin, 11 Grant Street, Woburn was received relative to a complaint received regarding illegal building and dumping on the rear of property located at 11 Grant Street.

A copy of a communication date April 24, 2008 was received from Mary L. Evangelista, 9 Grant Street concerning illegal building and dumping on real estate adjacent to her property.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated May 1, 2008 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Re: John M. Sawyer – Board of Cemetery Commission

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint John Sawyer of 14 Frank Street Court as a member of the Cemetery Commission for a period of three years. Mr. Sawyer will replace Edmund McGrath whose term has expired. Please be advised that Mr. Sawyer’s term will begin upon confirmation by the City Council.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

A communication dated May 1, 2008 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Re: Steven Braese – Board of Cemetery Commission

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Steven Braese of 4 Diana Drive as a member of the Cemetery Commission, for a period of three years. Mr. Braese will replace John Quinno who term has expired. Please be advised that Mr. Braese's term will begin upon confirmation by the City Council.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

A communication dated May 1, 2008 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Re: Kenneth R. Summers – Zoning Board of Appeals

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Mr. Kenneth R. Summers of 6B Bartlett Drive whose term expires May 1, 2008, as a member of the Board of Appeals for a period of three years.

Mr. Summers' appointment will be effective on the date of confirmation by the City Council, and his three-year term will expire on that date.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

A communication dated May 1, 2008 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Re: James Callahan – Zoning Board of Appeals

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint James Callahan of 32 Van Norden Road whose term expires May 31, 2008, as an alternate member of the Board of Appeals for a period of three years.

Mr. Callahan's reappointment will be effective on the date of confirmation by the City Council, and his three-year term will expire on that date.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

A communication dated May 1, 2008 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Re: Reappointment of Richard P. Haggerty – Historic District Commission

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Richard P. Haggerty of 30 Thistle Rd as a member of the Historic District Commission for a period of three years.

Haggerty's original appointment expired April 30, 2008.

Mr. Haggerty's reappointment will be effective on the date of confirmation by the City Council, and his year term will expire three years from that date.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

MOTIONS, ORDERS AND RESOLUTIONS:

Be It Ordained by the City Council of the City of Woburn that Title 3, Article V, Section 3-25 "Senior Citizen Property Work-Off Program" of the 1989 Woburn Municipal Code, as amended, be further amended as follows:

1. By deleting from Section 3-25(B)(1)(d) the word "abatement" and replacing same with the word "reimbursement".
2. By deleting Section 3-25(E) in its entirety and replacing same with the following:

E. Reimbursement Guidelines

1. The hourly rate for services cannot exceed the state’s minimum wage or be lower than the federal minimum wage. Therefore, the rate shall be set to the state’s current minimum wage.
2. The maximum reimbursement credited to any individual during a program year shall be \$750.00 per fiscal year, or the maximum allowed by Chapter 184, Section 52 of the M.G.L. as amended time to time. The maximum reimbursement per household shall be \$750.00 or the maximum allowed by Chapter 184, Section 52 of the M.G.L. as amended from time to time.
3. The maximum number of hours worked will be determined according to the current state minimum wage.
4. The reimbursements will be charges against the Woburn Council on Aging Budget.
5. Upon completion of the required hours of work service, or a fraction there of, participants will receive one payroll check. The participants will have the option of applying the check to his/her real estate tax bills for the fiscal year.
6. Applicants shall be aware that the City of Woburn will issue a “W-2” form for federal income tax purposes only. The “W-2” is a substitute for the previously issued Form 1099. Participants will also need to complete a “W-4” (Employee’s Withholding Allowance Certificate) and a Massachusetts Deferred Compensation SMART Plan application form. The Deferred Compensation SMART Plan is a mandatory substitute for Social Security. Both of these forms will be included in the participant’s application packet. The amount of the reimbursement under this program is not considered regular earnings or income for state income tax purposes, however, under Internal Revenue Service (IRS) guidelines, reimbursements received under this program are considered income and are subject to the mandatory Medicare tax.

s/Alderman Dwyer

ORDERED That the Committee on Special Permits Review meet with representatives of the Prime gasoline station located at 117 Pleasant Street to discuss issues arising from vehicles queued along Pleasant Street.

s/Alderman Galvin

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to repave Burlington Street its entire length from side to side.

s/Alderman Galvin and President Doherty

RESOLVED That His Honor the Mayor instruct the police chief to implement traffic speed enforcement along Dragon Court and to provide a report to the City Council as to the number of citations issued.

s/Alderman Mercer-Bruen

RESOLVED Whereas, the City has been working with the Massachusetts Department of Environmental Protection to resolve issues regarding the City's water quality; and

Whereas, the City looks forward to continuing its cooperative working relationship with the Department of Environmental Protection;

Now, Therefore, Be It Resolved that the City Council of the city of Woburn supports the action of the Mayor in executing an Administrative Consent Order with the Department of Environmental Protection in the interest of protecting and preserving water and water quality in the City.

s/Alderman Denaro and Alderman Gonsalves

RESOLVED Whereas, the cost of energy resources used to heat residences in the city having risen dramatically and are expected to continue to rise through the next heating season; and

Whereas, there is a genuine fear that many residents of the city will not be able to afford traditional means of heating their homes and will seek alternatives which may lead to personal injury and property damage; and

Whereas, as a community there must be an effort to assist our neighbors in safely getting through the next heating season;

Now, Therefore, Be It Resolved that the Office of the Mayor, the Fire Department, the Police Department and the School Department, working collectively and collaboratively, plan and administer a public safety awareness education program relative to safe alternatives for heating the homes of the city's residents and that such a plan be implemented no later than September 15, 2008.

s/Alderman Denaro and Alderman Dwyer

RESOVLED That His Honor the Mayor instruct the Superintendent of Public Works to reclaim and repave the access road between Russell Street and Lexington Street with the approval and signed easement agreements of the direct abutters.

s/Alderman Drapeau

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to reclaim and repave Ridgewood Road and make necessary drainage improvements, removing the safety hazard created by water runoff during winter months, assessing the condition of the sidewalks and repairing the sidewalks as necessary.

s/Alderman Drapeau

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to reclaim and repave Heritage Drive and make necessary improvements to drainage and sidewalks.

s/Alderman Drapeau

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to reclaim and repave Senator Road and make necessary improvements to drainage and sidewalks.

s/Alderman Drapeau

Motion made and 2nd to ADJOURN.