

**CITY OF WOBURN
APRIL 7, 2009 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Denaro	Gonsalves
Drapeau	Mercer-Bruen
Galvin	Raymond
Gately	Wall
Doherty	

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

MAYOR'S COMMUNICATIONS:

A communication dated April 3, 2009 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Re: Request for Executive Session at April 7, 2009 City Council Meeting

Dear President Doherty and Other Members of the City Council:

I request to come before you in executive session along with the City's attorney at the April 7, 2009 City Council meeting to discuss pending litigation regarding Paul Uek v. City of Woburn and Woburn Public Library.

Thank you for your consideration.

Sincerely, s/Thomas L. McLaughlin, Mayor

ORDERED That the sum of \$11,000.00 be and is hereby transferred as so stated:
Transferred Out of Sick Leave BB 0121051-515400 \$11,000.00
Transferred Into Directed Control Patrol 0121051-515800 \$11,000.00

I hereby approved the same: s/Mayor Thomas L. McLaughlin
I have approved the above: s/Chief Philip L. Mahoney
I have reviewed the above: s/Auditor Gerald Surette

s/President Doherty (per request)

PUBLIC HEARINGS:

On the petition by Robert McSheffrey, Trustee for an Inflammable License to allow the storage of flammable fluids as follows: 40,000 gallons underground of gasoline and diesel product stored in two tanks at 306 Montvale Avenue. PUBLIC HEARING OPENED.

On the petition by Bahamas Grill, 428 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.29 and Section 5.1 Note 16 of the 1985 Woburn Zoning Ordinances, as amended, to allow restaurant fast food with hours in excess of 6:00 a.m. to 11:00 p.m. at 428 Main Street. PUBLIC HEARING OPENED. A communication dated April 2, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Bahamas Grill/Mark Shaughnessy – 428 Main St. – To allow Fast Food Restaurant and hours of operation in excess of 6:00 A.M. to 11:00 P.M. pursuant to Section 5.1.29 and Note 16

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on March 24, 2009, the Board voted to send a favorable recommendation to the City Council to allow a Fast Food Restaurant pursuant to Section 5.1.29 and Note 16 at 428 Main Street subject to the following conditions:

- 1. That the hours of operation shall be limited to between 6:00 A.M. and 11:00 P.M; and
- 2. That the Special Permit is for Bahamas Grill only and shall not be transferable.

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 John S. Russo and Stephanie Rodman, both of 36 Day Circle, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow bringing fill onto the site at 36 Day Circle. PUBLIC HEARING OPENED.

On the petition to further amend the 1985 Woburn Zoning Ordinances, as amended, by striking from Section 2 Definitions the definition for “Sign, Window” in its entirety and replacing same with the following: “Sign, Window: A sign that is applied or attached to a window or door, or a sign located near a window within a building for the purpose of

being visible to and read from the outside of the building.” PUBLIC HEARING OPENED. A communication dated April 7, 2009 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Dear President Doherty and Members of the City Council:

In my capacity as a member of the Sign Review Board, I respectfully request that you vote to Leave to Withdraw without Prejudice the matter before you tonight concerning the petition to amend the 1985 Woburn Zoning Ordinance by replacing the definition for “Sign Window.”

As you know, the Sign Review Board has been working diligently on a complete re-write of the Sign Review Ordinance. The Board is nearing completion of this arduous task. Hence, you will eventually receive a more comprehensive document which will take into consideration the definition contained in this pending petition.

Sincerely, s/Thomas L. McLaughlin, Mayor

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS: None.

NEW PETITIONS:

Petition by Checker Cab of Woburn, Inc., 289R Salem Street, Woburn for renewal of a Taxi Cab License for seven (7) vehicles.

Petition by Checker Cab of Woburn, Inc., 289R Salem Street, Woburn for renewal of a Livery License for seven (7) vehicles.

Petition by Frances L. Lucas dba Professional Livery, 4 Maura Drive, Woburn for renewal of Livery License for one (1) vehicle.

Petition by M&L Transit Systems, Inc., 60 Olympia Avenue, Woburn for renewal of Common Carrier License for two (2) vehicles.

Petition by Amandeep Singh dba Hi-Fi Limo, 193 Main Street, Woburn for renewal of Livery License for three (3) vehicles.

Petition by New Boston Auto Exchange, 210 New Boston Street, Woburn for renewal of Second Class Motor Vehicle Sales License.

Petition by Ali A Saleb dba Metro Car Service, 329 Washington Street, Woburn for renewal of a Taxi Cab License for one (1) vehicle.

Petition by NSTAR Electric Company for a grant of right in a way to allow conduit and two (2) manholes on Main Street southerly from MH7828 at Campbell Street to MH7821 at Walnut Street a distance of approximately 1,082 feet.

Petition by Robert McSheffrey, 891 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.45 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the sale or rental of motor vehicles and for a Second Class Motor Vehicle Sales License both at 891 Main Street.

Petition by Robert McSheffrey, 891 Main Street, Woburn, Massachusetts for a special permit pursuant to Section 5.1.29 and Section 8.2.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a fast food restaurant and a reduction in the required parking at 891 Main Street.

Petition by Woburn Properties, LLP, c/o Cummings Properties, LLC, 200 West Cummings Parks, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.30b and 5.1.41 of the 1985 Woburn Zoning Ordinances, as amended to redevelop existing parking lot by constructing a four-story, 58,689 G.S.F. mixed-use building at 8 Cabot Road.

COMMUNICATIONS AND REPORTS:

A communication dated April 1, 2009 was received from Charles L. O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 90, Section 20½, I am submitting a report to you on the parking violations in the City of Woburn for the period ending January 2009: number of parking violations issued 211, number of violations paid 125, number of violations outstanding 89, amount collected and submitted to the Office of the Collector \$5,954.60. There exists a backlog of 4,975 tickets for 1982 through 2008. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$650.00.

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

A communication dated April 1, 2009 was received from Charles L. O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 90, Section 20½, I am submitting a report to you on the parking violations in the City of Woburn for the period ending February 2009: number of parking violations issued 387, number of violations paid 223, number of violations outstanding 178, amount collected and submitted to the Office of the Collector \$11,316.40. There exists a backlog of 4,956 tickets for 1982 through 2008. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$1,950.00.

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

A communication dated April 1, 2009 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the Director's report for the month of March 2009 and a copy of a newsletter of the Massachusetts Association of Councils on Aging and Senior Center Directors.

A communication date March 31, 2009 was received from the Woburn License Commission requesting that a meeting be scheduled with the City Council to discuss "a designated area for liquor licenses."

A communication dated April 1, 2009 was received from Attorney William Hewig, III, Kopelman and Paige, P.C. relative to Verizon initial cable television licenses.

A communication dated March 17, 2009 was received from Building Commissioner Steven Paris requesting that the public hearing on the proposed zoning amendment to amend the 1985 Woburn Zoning Ordinances, as amended, by deleting under Section 2 Definitions the second sentence from Paragraph "a" for "Lot Line, Front" the words "On a corner lot, the shorter street frontage shall be considered the front lot line unless otherwise specified by deed restriction" be rescheduled.

A communication dated April 2, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Ad Hoc Dragon Court Committee

Dear Mr. Campbell:

At the meeting of March 24, 2009, the Planning Board appointed Planning Board Member James F. Callahan, 32 Van Norden Road, Woburn, MA 01801, as the Board's designee to the Ad Hoc Dragon Court Committee.

If you have any questions or concerns regarding the foregoing, please contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

A communication dated March 30, 2009 was received from Craig R. Carswell, President and Chief Executive Officer, Lytron, 55 Dragon Court, Woburn, Massachusetts 01801 as follows:

Re: Lytron Designee to AD Hoc Dragon Court Committee

Dear Mr. Campbell,

Pursuant to your request, please regard myself as the Lytron, Inc. representative to the ad hoc committee for purposes of investigating roadway improvements in the area of Dragon Court as established by the Woburn City Council. My contact information is listed below.

Respectfully, s/Craig R. Carswell, President and Chief Executive Officer

A communication dated April 3, 2009 was received from Attorney Mark J. Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 as follows:

Re: 239 Main Street

Dear Council Members:

Request is made for an approval of a minor change to a special permit for the above address issued on May 6, 2008. At that time, the Council approved a special permit to allow for a four unit building replacing a multiple unit building pursuant to Section 7.3 of the Woburn Zoning Code.

Since that decision, the petitioners have determined that the layout of the parking and driveway area will severely hinder the access to the neighboring property, My Glass Company. The owners of 239 Main Street would like to continue to allow My Glass Company to use and travel over approximately 3 feet of their property which abuts the My Glass property. As such, this proposed change would shift the parking area 3 feet over towards the new building but would not reduce the width of the drive, nor the length of the spaces. The only change would be the setback to Main Street for the first parking

space from 6 feet to 2 feet. A plan showing the proposed change will be provided at the meeting.

Your consideration in this matter would be greatly appreciated.

Very truly yours, s/Mark J. Salvati

A communication dated March 24, 2009 was received from Attorney Mark J. Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 as follows:

Re: 371 Main Street

Dear Council Members:

Request is made for an approval of a minor change to a special permit for the above address issued on October 18, 2007. At that time, the Council approved a special permit to allow for dwelling units above the first story in a commercial structure, pursuant to Section 5.1.5 of the Woburn Zoning Code.

Since that decision, the petitioners, Nicholas and Vincent Leo, have determined that the proposed restaurant would require more seating than originally planned to make this project economically viable. The new plans show additionally seating in the basement of the structure. A copy of the basement seating plan is attached herewith. That plan has been approved by the Woburn Fire Department and is currently under review by the Woburn Building Department.

Because the special permit was for the dwellings above the restaurant, and no special permit is required for the full service restaurant in the downtown district, it is our position that the proposed additional seating is a minor change as it relates to this special permit.

Your consideration in this matter would be greatly appreciated.

Very truly yours, s/Mark J. Salvati

A communication dated March 25, 2009 was received from Attorney Joseph R. Tarby, III, Murtha Cullina, LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: ExecuSpace Construction Corporation, 140 Garfield Avenue, Woburn, MA

Dear Mr. Campbell:

Please be advised that I represent ExecuSpace Construction Corporation in connection with a Landowner's Decision and Notice of Special Permit issued by the City Clerk on

August 11, 2005 (the "Special Permit") which Special Permit was extended to August 11, 2009. As a result of the current status of the economy, construction has not commenced pursuant to said Special Permit.

Therefore, on behalf, of the Petitioner, I respectfully request that the City Council further extend the time period for the Petitioner to exercise its rights under the Special Permit for an additional two (2) year period to August 11, 2011.

Should 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 March 25, 2009 was received from Attorney Joseph R. Tarby, III, Murtha Cullina, LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: 4-K Realty Trust, 27 Montvale Avenue, Woburn, MA

Dear Mr. Campbell:

Please be advised that I represent the 4-K Realty Trust in connection with a Landowner's Decision and Notice of Special Permit issued by the City Clerk on August 14, 2003, as amended by a Landowner's Confirmatory Decision and Notice of Special Permit issued by the City Clerk on January 12, 2004, as extended by Notice of Extension of Special Permit issued by the City Clerk on June 14, 2005 (the "Special Permit"). Although the petitioner has been issued a building permit as of this date, construction has not commenced pursuant to said Special Permit.

Therefore, on behalf of the Petitioner, I respectfully request that the City Council further extend the time period for the Petitioner to exercise its rights under the Special Permit for an additional two (2) year period to August 14, 2011.

Should 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 April 3, 2009 was received from Bart Hogan, 38 Buckman Street relative to the continuing problem of dirty tap water in his home.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated April 1, 2009 was received from His Honor the 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 Beulah M. Burnett of 64 Pearl Street as a Member of the Board of Registrars of Voters. Ms. Beulah Burnett, whose term has expired will be reappointed. 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

A communication dated April 1, 2009 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Re: Oliver C. Galante – Board of Registrars of Voters

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Oliver C. Galante of 43 Poole Street as a member of the Board of Registrars of Voters.

Mr. Galante's appointment will be effective subject to 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

A communication dated April 1, 2009 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Re: Patricia Dyer – Woburn Housing Authority

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Patricia Dyer of 6 Mount Pleasant Court as a member of the Woburn Housing Authority for a period of five (5) years.

Ms. Dyer's appointment will be effective subject to 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

A communication dated April 1, 2009 was received from His Honor the 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 Lori Medeiros of 9 Marietta Street as a Member of the Handicapped & Disabled Citizens Commission. Ms. Medeiros, whose term has expired will be reappointed. 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:

RESOLVED That His Honor the Mayor investigate the feasibility of the city purchasing one of the three parcels of vacant land comprising the Spence Farm located in the area of Wyman Street to be used for the future development of school facilities.

s/Alderman Wall, Alderman Galvin, President Doherty

RESOLVED Whereas, the School Committee is considering closing and consolidating some elementary schools within the city; and

Whereas, the City Council will be requested to approve appropriations and other matters relative to the construction of new school buildings; and

Whereas, Section 31 of the City Charter requires, in addition to a two-thirds votes of the School Committee, a two-thirds vote of the City

Council if a public school in the city will be closed unless the School Committee votes to construct a new school on the same lot; and

Whereas, this provision of the Charter and the responsibility of the City Council in the appropriation process requires that the Aldermen be fully informed of all facts leading to a decision to close a school or to construct a new school;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that a communication be forwarded to the School Committee and the School Department requesting their attendance at a Committee on Liaison meeting for the purposes of hearing the preliminary redistricting plans that are being prepared and processed, including, but not limited to, the preliminary information as to what wards, neighborhoods and schools will be impacted.

s/Alderman Gately

ORDERED WHEREAS, there presently exists a structure or structures located in the City of Woburn, Massachusetts known and numbered as 320 Main Street commonly referred to as the Woburn Armory; and

WHEREAS, the condition of said building or buildings has been allowed to deteriorate and the property is generally not being maintained;

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Woburn that the City Clerk and Clerk of the City Council schedule a public hearing pursuant to Mass. General Laws Ch. 139, Sec. 1, et. seq., and give notice thereof to the owner of said building or buildings, said hearing to be conducted for the purposes of determining whether said building or buildings are a nuisance, a nuisance to the neighborhood, dilapidated or dangerous building or buildings or other structure or structures, as said terms are used in Mass. 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.

s/Alderman Gately

RESOLVED Whereas, the cut through portion of Nashua Street from Holton Street to Draper Street is flanked by industrial parks at both ends of the street, that the cut through motor vehicle traffic is excessive as outlined by a traffic study conducted in 2007 by an independent traffic consultant and in public hearings held by the Planning Board; and

Whereas, this matter was the subject of a prior resolution adopted by the City Council at its Regular Meeting on November 19, 2007;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that His Honor the Mayor instruct the Superintendent of Public Works to install granite curbing and concrete sidewalks on the even side of the cut through portion of Nashua Street from Holton Street to Draper Street in the interest of improving public safety.

s/Alderman Mercer-Bruen

RESOLVED Whereas, a prior resolution adopted by the City Council at its Regular Meeting on March 6, 2007 requesting the construction of sidewalks with granite curbing on the portion of Nashua Street between Montvale Avenue and Green Street; and

Whereas, the requested work will improve public safety in the area;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that His Honor the Mayor instruct the Superintendent of Public Works to install sidewalks with granite curbing on the portion of Nashua Street between Montvale Avenue and Green Street during the Spring 2009 in the interest of improving public safety.

s/Alderman Mercer-Bruen

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works and the City Engineer to provide the necessary paperwork for a property easement at 66 Nashua Street for the purpose of alleviating flooding issues.

s/Alderman Mercer-Bruen

RESOLVED Whereas, a traffic regulation was adopted effective December 2, 1965 restricting through traffic on Maywood Terrace;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that His Honor the Mayor instruct the Superintendent of Public Works in collaboration with the Fire Chief to repair the fire gate located on Maywood Terrace so that the gate remains in the locked position unless otherwise dictated by the Fire Department for emergency access or snow removal.

s/Alderman Mercer-Bruen

ORDERED That a Stimulus Committee be established to investigate the possibility of significant funding opportunities that exist under the American Recovery and Reinvestment Act of 2009, including the following areas:

1. Community and Economic Development.
2. Affordable and Senior Housing.
3. Education.
4. Energy Conservation.
5. Environment and Water Quality.
6. Public Safety.
7. Telecommunications.
8. Transportation.

Each Alderman shall be assigned an area for investigation by the President of the City Council. The findings of the Aldermen shall be reported back to the full City Council.

s/President Doherty and Alderman Galvin

RESOLVED That His Honor the Mayor with the assistance of the Recreation Commission create a clean-up and recreational use plan for the contaminated area at Leland Park; and

Further, that the project be designed so that the city is eligible for self-help funding from the Commonwealth of Massachusetts.

s/Alderman Denaro and Alderman Mercer-Bruen

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to repave Montvale Road as it has not been paved in many years and is in poor condition.

s/Alderman Mercer-Bruen

ORDERED That representatives of the Woburn Gas and Service, Inc. automotive service facility located at 545 Main Street be requested to attend a meeting of the Committee on Police and Licenses for the purposes of discussing conditions at the property including the excess storage of vehicles on site.

s/Alderman Wall

ORDERED Be It Ordained by the City Council of the City of Woburn that Title 19 of the 1989 Woburn Municipal Code, as amended, be further amended by adding a new Appendix 2 as follows:

Expanded Baldwin Homestead Historic District

The Expanded Baldwin Homestead District shall be a DISTRICT area under this Title. The location and boundaries of the Expanded Baldwin Homestead Historic District are defined and shown on the Expanded Baldwin Homestead Historic District Map of the City of Woburn, Sheet 1 and Sheet 2, which is a part of this Title. Sheet 1 and Sheet 2 are based on the 2009 City Map database created by the City of Woburn’s Engineering Department. The delineation of the DISTRICT area boundaries is based on the parcel boundaries then in existence and shown therein, except as otherwise apparent on Sheet 1 and Sheet 2.

s/Alderman _____

ORDERED Be It Ordained by the City Council of the City of Woburn that a new Title 2, Article XXXV, Sections 2-217 to 2-225 Biomedical Oversight Committee be added to the 1989 Woburn Municipal Code, as amended, as follows:

XXXV BIOMEDICAL OVERSIGHT COMMITTEE

There is established in the government of the City a Biomedical Oversight Committee with the following new sections:

2-217 Purpose

The purpose of this ordinance shall be the establishment of the Biomedical Oversight Committee (BOC) which will be responsible for issuing permits to Biomedical Facilities located in the City of Woburn and carrying out the requirements of this Article.

2-218 Definitions

BIOMEDICAL FACILITY – Any facility or research laboratory engaged in the use of Recombinant DNA, live animals for testing, the use of potentially infectious cell lines, or infectious material.

FACILITY REPRESENTATIVE – Each Biomedical facility will appoint one employee of the facility to act as a company representative to the

BOC. This person shall be the same individual who is designated as the institution's Safety Officer.

GUIDELINES – Unless otherwise specified, are defined as:

- a) *National Institute of Health (NIH) Guidelines for Research Involving recombinant DNA molecules* as published in the Federal Register on May 7, 1986.
- b) Any amendments, revisions, or substitutions subsequent to the above referenced "Guidelines".
- c) Any further amendment to a) or b) above, wherever published, which are adopted by NIH.

RECOMBINANT DNA MOLECULES (RDNA) – are those defined in the "Guidelines", as defined above.

ORGANISMS AND VIRUSES CONTAINING RDNA – are those defined in the "Guidelines", as defined above.

Any other terms, not specifically defined herein, shall have the meaning as defined in the "Guidelines". If the "Guidelines" do not define the term, it shall have the meaning as is commonly used.

2-219 Biomedical Oversight Committee

- A. Biomedical facilities are required to apply and receive a permit from the Biomedical Oversight Committee (BOC). This Committee shall consist of three members:
 1. The City of Woburn Health Agent, and
 2. Two citizens of the City of Woburn, appointed by the Mayor subject to confirmation by the City Council, at least one of the citizens shall be well versed in the area of Recombinant DNA and the federal regulations that apply to it.
 3. The BOC shall appoint a clerk.
- B. All members and the clerk of the BOC shall have the compensation as approved in the City's budget. The initial citizen appointees to the BOC shall be one for two years and one for four years. Thereafter, all citizen appointments shall be for a term of four years.

2-220 Duties

The responsibilities of the BOC shall include:

- A. Establishing policies procedures and criteria to aid in the implementation of this ordinance.
- B. Determining the manner in which permit holders make reports or applications to the BOC and the type of information required in such reports or applications. Reviewing reports applications and recommendations by the facility representative and approving them where appropriate. Carrying out site visits to permitted facilities.
- C. Reviewing manuals and worker training programs, approving health-safety programs and monitoring the procedures required by this ordinance.
- D. Developing a procedure for persons to report to the BOC violations of this ordinance, the guidelines or any health regulations.

2-221 Permit Requirements

- A. All persons proposing to establish a Biomedical facility must obtain a permit from the BOC. Permits shall, at a minimum, include written agreement to:
 - 1. Follow the guidelines as defined in this ordinance.
 - 2. Follow other conditions set forth by the BOC.
 - 3. Allow reasonable inspections of facilities and pertinent records by the BOC or the Board of Health.
 - 4. Demonstrate the establishment of a comprehensive safety procedure and an emergency contingency plan relevant to the use of Biomedical Technology at all levels of containment in use at the facility, and a program for waste disposal in compliance with all applicable, federal, state and local laws and regulations. This procedure shall be submitted to the BOC for review.
 - 5. Demonstrate the establishment of a training program of safeguards and procedures for all personnel that is in compliance with all applicable, federal, state and local laws and regulations. This program shall be submitted to the BOC for review.
- B. Permits shall be issued and renewed on an annual basis by the BOC. All fees for the permit shall be set by the BOC. All Biomedical facilities in existence before this ordinance is accepted shall be required to apply for a permit and comply with this ordinance within 365 days. Compliance with this ordinance is in addition to any requirements or prohibitions under the Woburn Zoning Ordinance or State Building Code.
- C. The BOC shall reserve the right to refuse a permit to any individual or any firm whose presence in the City is deemed not to be in compliance with this ordinance or in the best interest of the health and safety of the City as determined by the BOC.

2-222 Reports

The applicant shall present a report which will outline their compliance to state and federal laws and the guidelines of this ordinance. Each holder of a permit shall file annual update reports with the BOC at the time of renewal. The requirement of this report shall be set by the BOC and given to the petitioner at the time an application is requested. Copies of building department and fire department certifications will be forwarded to the BOC for review.

2-223 Restrictions

- A. Any use defined as “BL3” and “BL4” by the NIH Guidelines promulgated in the Federal Register on May 7, 1986 and any subsequent federal amendments shall not be permitted in the City of Woburn.
- B. Any accidental release which represents a potential hazard to employees, the public, or the environment shall be reported to the Board of Health, the police department, fire department and the BOC immediately, and in no case more than twenty-four hours after the release.

2-224 Violation – Notification

The permit holder shall report, within thirty days, any problems with or violations of this ordinance or any local, state or federal law or regulation. Any accidents or illnesses involving individuals involved in activities regulated by the BOC shall be reported to the BOC within thirty days.

2-225 Enforcement

The enforcement of this ordinance shall be interpreted by the BOC and carried out by the Board of Health, who shall undertake the enforcement themselves or report the violation to the appropriate state or federal agencies, who will initiate their own enforcement procedures.

- A. Any person who violates the provisions of this ordinance shall be subject to a fine of three hundred dollars per violation. Each day of the violation shall constitute a separate and distinct offense.
- B. Once a permit has been issued, it may be revoked, suspended, or modified by the BOC after due notice that the permit holder has materially failed to comply with this ordinance or the permit agreements. Appropriate state and federal offices shall be notified of this action.
- C. Notwithstanding the above, the Health Agent for the City of Woburn, upon determination of the BOC that any violation constitutes an immediate and severe threat to the public health and safety, may order the immediate closure of any premises engaging in or contributing to

such threat, without prior notice and hearing but with subsequent notice and hearing. Appropriate state and federal offices shall be notified of this action.

s/Alderman Raymond

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

1. By deleting in Section 2 Definitions the following definitions:
“RESEARCH LABORATORY”

2. By inserting in Section 2 Definitions the following definitions:

“BIOMEDICAL FACILITY: Any facility or research laboratory engaged in the use of Recombinant DNA, live animals for testing, the use of potentially infectious cell lines, or infectious material.”

“RESEARCH AND TESTING LABORATORY: A laboratory which engages in research, experimental and testing activities, including but not limited to the fields of chemistry, electronics, engineering, geology, and physics but not including biomedical facilities. Some prototype development may be included, but the primary function is research.”

3. By inserting the following in Section 5 Use Regulations, Section 5.1 Table of Use Regulations:

“41a Biomedical Facility: under R-1, R-2, R-3, R-4, B-N, B-H, B-D, B-I, S-1, S-2 and O-S shall be “-” not a permitted use; under, I-P, IP-2, I-G, O-P, and OP-93 shall be “X” a by right use.”

s/Alderman Raymond

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

By adding a new Footnote 9 to Section 6.1 Table of Dimensional Regulations under the column “Front Yard Setback” and under the column “Rear Yard Setback” in the R-1 district “single family detached,” “other permitted use,” R-2 district “single family detached dwelling,” “two family dwelling by conversion of single family dwelling,” “two family

dwelling by new construction,” and “other permitted use” to read as follows: “9. The front yard setback on a corner lot shall be 25 feet from both streets and the rear yard setback opposite each street shall be 12 feet.”

s/Alderman Wall

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

By adding to Section 8.4.3 a new second sentence in the paragraph for “Residential” as follows: “For a detached two-family dwelling in the R-2 zoning district, the maximum driveway width serving the lot shall be forty-eight (48) feet.”

s/Alderman Wall

Motion made and 2nd to ADJOURN