

**CITY OF WOBURN
JULY 14, 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 July 7, 2009 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Re: Hotel-Motel Local Option Tax

Dear President Doherty and Distinguished Members of the City Council,

As you are aware, during June, 2009, the Legislature passed and the Governor signed the FY 2010 state budget.

The FY 2010 state budget, among other measures, allowed local communities the option of taxing local hotels and motels over and above the taxes that are currently collected. These additional revenues would come back to the local communities in the form of increased revenues. The Legislature and the Governor also allowed local communities the option of a .75% additional increase in meals tax that would also come back to the local community in the form of increased revenues.

Now that these matters have been enacted by the Governor and the State Legislature, I urge you to pass a local option for the allowed Hotel and Motel tax which would increase our local revenues by an estimated \$170,000.00.

I do not urge passage of a local meals tax. I feel that your local restaurants could be adversely impacted by this action and the community would still retain the right, assuming it was deemed necessary, to impose this additional tax at some future date.

Sincerely, s/Thomas L. McLaughlin, Mayor

A communication dated July 9, 2009 with attachment was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Dear President Doherty and Distinguished Members of the City Council,

Re: Letter from City of Boston Regarding Mary Cummings Property

Attached please find a copy of a letter dated June 18, 2009 that I received from Ms. Lisa Signori, Director of Administration and Finance for the City of Boston.

Ms. Signori points out that the City of Boston has completed the placing of signs at key locations that clearly identify the Cummings Estate. All of the locations are located in the Town of Burlington. The placements of these signs is an attempt by the City of Boston to address some of the concerns raised by various groups who have taken an interest in the land.

Although I made a verbal request to have another sign placed at the intersections of Cambridge Street and South Bedford Road in Woburn, the City of Boston reviewed this suggestion and determined that this location was not within their jurisdiction or control.

The City of Boston has maintained an open line of communication between the City of Woburn and the Town of Burlington via their respective chief executives. I applaud the City of Boston for taking this approach.

Sincerely, s/Thomas L. McLaughlin, Mayor

A copy of a communication to Lieutenant Governor Timothy P. Murray was received from His Honor the Mayor Thomas L. McLaughlin thanking the Lieutenant Governor for visiting the Career Place and New Boston Street Bridge location in Woburn.

A communication dated July 14, 2009 with attachments was received from His Honor the Mayor as follows:

Re: Horn Pond Fuel Spill on April 26, 2004

Dear President Doherty and Distinguished Members of the City Council,

Please be aware that I have forwarded executive session materials on a proposed settlement with Penn Fuel relative to the Horn Pond oil spill that occurred back in April 26, 2004.

I would request that you forward this material to the appropriate committee so that this settlement offer can be discussed in more detail.

Sincerely, s/Thomas L. McLaughlin, Mayor

ORDERED That the sum of \$165,000.00 be and is hereby transferred as so stated from ALS Ambulance Receipts Acct #31359-595000 \$165,000.00 to Ambulance Acct #0122058-586020 \$125,000.00, Jaws Replace Acct #0122058-586069 \$40,000.00

I hereby recommend the above: s/Paul Tortolano, Chief, Fire Department
I have reviewed the above: s/Gerald W. Surette, City Auditor
I hereby approve the above: s/Thomas L. McLaughlin, Mayor

s/ Alderman _____

ORDERED That the sum of \$150,000.00 be and is hereby transferred as so stated from BLS Receipts Acct #31359-595000 \$150,000.00 to Fire Ambulance Salary Acct #0122051-511500 \$100,000.00, Ambulance Maintenance Acct #0122054-544300 \$50,000.00

I hereby recommend the above: s/Paul Tortolano, Chief, Fire Department
I have reviewed the above: s/Gerald W. Surette, City Auditor
I hereby approve the above: s/Thomas L. McLaughlin, Mayor

s/ Alderman _____

PUBLIC HEARINGS:

On the petition by City of Woburn, Woburn City Hall, 10 Common Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 15.6.C.vi of the 1985 Woburn Zoning Ordinances, as amended, to allow an increase in the impervious surface onsite through the installation of a new parking area in the groundwater protection district at 40 Hudson Street. PUBLIC HEARING OPENED. A communication dated June 25, 2009 was received from City Engineer John E. Corey, Jr., P.E. as follows:

Subject: 40 Hudson St. – Clapp School Permit

The Engineering Department submitted a special permit application for the above referenced property under cover letter dated June 15, 2009. The permit was submitted relative to a parking area that exceeded 2,500 square feet within a ground water protection district.

Subsequent to the filing of the application, we have made modifications in the design to eliminate the parking area and provide only a student drop off area that does not exceed the filing thresholds. On this basis, we withdraw the application from consideration.

I trust the foregoing information suffices for your needs. Should you have any questions or comments regarding this matter, please do not hesitate to contact this office.

On the petition by Anthony K. Paone, Trustee of Harrison Avenue Realty Trust, 141 Sylvester Avenue, Winchester, Massachusetts 01890 for a special permit pursuant to Sections 5.1.71 and/or 5.1.72, 5.5 and 8.3.2 to finish grading and filing of lot and to utilize same for parking purposes, for rental to other businesses, on a commercial basis at 7 Harrison Avenue. PUBLIC HEARING OPENED. A communication dated July 14, 2009 was received from Attorney John E. McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition: Anthony K. Paone, Trustee
Premises: 7 Harrison, Ave., Woburn, MA

Dear Members of the Council:

As a follow-up to the committee meeting last evening, kindly consider this as a request to continue tonight's public hearing until your August 11th meeting. Thank you for your courtesy.

Sincerely, s/John D. McElhiney

On the petition by Parmjit Singh Bhatti, 470 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.29 of the 1989 Woburn Zoning Ordinances, as amended, to allow fast food at 470 Main Street. PUBLIC HEARING OPENED.

On the petition by The Cieri Group, LLC, 329 Washington Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.42 and 5.1.57b so as to utilize approximately 5,513 square feet of space for a NAPA auto parts business, as a wholesale establishment, with associated overnight parking of commercial vehicles, and such accessory retail use as permitted by right (per line 61, Note 4) at 275 Salem Street. PUBLIC HEARING OPENED. A copy of a communication dated June 23, 2009 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer as follows:

Subject: 275 Salem Street NAPA Auto Parts & Commercial Vehicle Parking Special
Permit – Special Permit Application Dated June 8, 2009 – Site Plan Dated June
4, 2009

The applicant is seeking a special permit to allow for a NAPA auto parts business with associated overnight parking for commercial vehicles in approximately 5,513 sf of and existing building at the above referenced location.

Accompanying the special permit application is a site plan that shows the existing site and parking layout that surrounds the building and there does not appear to be any proposed exterior site or utility work.

Upon review of the subject materials, 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.

A communication dated July 14, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: The Cieri Group, LLC – 275 Salem Street – To utilize 5,313 S.F. for a NAPA auto parts business, as a wholesale establishment, with associated overnight parking of commercial vehicles pursuant to Sections 5.1.42 and 5.1.57b, and such accessory retail use as permitted by right in 5.1.61, Note 4

Dear Mr. Campbell and members of the City Council:

At the meeting held on June 23, 2009, the Planning Board voted to forward a favorable recommendation to the City Council on the Special Permit application of The Cieri Group, LLC, regarding the property at 275 Salem Street, subject to the following conditions:

1. That the accessory retail use shall be limited to requirements of Section 5.1.61 Note 4;
2. That the parking plan shall be modified such that adequate aisle width shall be provided for all parking spaces; and
3. That the landscaping and revised parking plans be approved by the Planning Board.

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 M&L Transit Systems, Inc., 60 Olympia Avenue, Woburn, Massachusetts 01801 for a special permit to amend a special permit dated April 27, 2000, as amended by a special permit dated October 17, 2002, pursuant to 1985 Woburn Zoning Ordinances, as amended Sections 5.1.44, 5.1.69 and 7.3 to allow for the alteration and extension of the existing nonconforming use to allow for a commercial vehicle

inspection bay and commercial vehicle wash bay at 60 Olympia Avenue. PUBLIC HEARING OPENED. A copy of a communication dated June 22, 2009 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer as follows:

Subject: 60 Olympia Avenue Truck Wash and Vehicle Inspection Station Special Permit
– Special Permit Application Dated June 15, 2009 – Parking Plan Dated August 29, 2002

The applicant is seeking a special permit under sections 5.1 and 7.3 to allow for the alteration and extension of an existing non conforming use to allow for a commercial vehicle inspection bay and commercial vehicle wash bay at the above referenced location.

The applicant, city engineer and the writer met on September 8, 2008 to discuss the proposed project. The city engineer raised questions on the project that the applicant would need to address, they were the following:

- Location of existing grease traps
- Show vent locations and pipe sizes on plan
- Show existing sewer connection
- Interior plumbing plan for plumbing inspector's review
- Check with DEP and MWRA for any discharge permits or guidelines for this use
- Check with plumbing inspector and permitting
- Check with manufacture of the truck wash equipment for type of filtration being used. The city has high manganese levels and do not want to cause a problem with the filters.
- Check to see if there is high ground water so there will be no problems with the storage tanks.

As of this date none of the requested information was been submitted.

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

On the petition by President Charles Doherty to amend the 1985 Woburn Zoning Ordinances, as amended, by establishing a new Section 23 entitled Commerce Way Corridor Overlay District as set forth in the petition (Clerk's Note: See City Council Journal dated July 10, 2008 for a full recitation of the text of the ordinance). PUBLIC HEARING OPENED.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to appropriate the sum of \$2,840,340.63 from Debt Reserve Fund to Debt Principle, Debt Long Term Interest, committee report was received “ought to pass.”

On the Order to appropriate the sum of \$9,200.00 for Purchasing Salary, committee report was received “ought to pass, as amended, with the amendment as follows: That the sum be reduced from \$9,200.00 to \$7,100.00.”

On the Order to appropriate the sum of \$75,000.00 for Property & Casualty Insurance Account, committee report was received “ought to pass.”

On the Order to appropriate the sum of \$50,000.00 from Infiltration/Inflow Fees Account to Ineligible MWRA Sewer Repairs, committee report was received “ought to pass, as amended, with the amendment as follows: That Dewey Avenue and Maywood Terrace be included and that the consulting fees shall not exceed \$5,000.00.”

On the Order to appropriate the sum of \$1,725,500.00 for construction or reconstruction of sewers and drains, sewerage and drainage systems and sewage disposal facilities, including related engineering, consisting of infiltration/inflow improvements, committee report was received “ought to pass, as amended, with the amendment as follows: That the words from “and the Mayor is authorized to contract” through the words “loan for this project” be stricken and replaced with the following ‘and the Mayor is authorized to contract for and expend any federal, state, local or other aid available for the project, including any grant related to such project from the MWRA the amount of which grant shall be used to reduce the amount authorized to be borrowed by this order, and to take any other action necessary to carry out this project; provided that the amount to be borrowed upon passage of this order, shall be based upon a commitment received from the MWRA of a \$776,475.00 grant and a \$949,025.00 interest-free loan for this project.’”

POLICE AND LICENSES:

On the petition by Woburn Cab Co. Inc. for renewal of a Livery License for three vehicles, committee report was received “ought to pass, as amended, with the amendment as follows: That a copy of the new taxi and livery ordinance be sent to the licenseholder with the license.”

On the petition by Woburn Cab Co. Inc. for renewal of a Taxi Cab License for twelve vehicles, committee report was received “ought to pass, as amended, with the amendment as follows: That a copy of the new taxi and livery ordinance be sent to the licenseholder with the license.”

On the petition by American Classic Limousine, Inc. for renewal of a Livery License for thirteen vehicles, committee report was received “ought to pass, as amended, with the amendment as follows: 1. That a copy of the new taxi and livery ordinance be sent to the licenseholder with the license and 2. That all vehicles shall be registered in Woburn.”

ORDINANCE:

On the Order to amend Title 5, Article V, Section 5-41 and Title 5, Article V, Section 5-42 relative to transient vendors, committee report was received: “ought to pass, as amended with the amendments as follows:

V. TRANSIENT VENDORS, HAWKERS AND PEDDLERS

5-30 Definitions.

“Hawker and peddler”: any person, either principal or agent, who goes from place to place within the City selling or bartering, or carrying for sale or barter or exposing therefore, any goods, wares or merchandise, either on foot, on or from any vehicle.

“Transient vendor”:, any person, either principal or agent, who engages in a transient business selling goods, wares or merchandise, either in one locality or in traveling from place to place.

“Transient business”:, any exhibition and sale of goods, wares or merchandise which is carried on in any tent, booth, building or other structure, unless such place is open for business during usual business hours for a period of at least twelve consecutive months.

5-31 License required—Exceptions.

No person shall go place to place in this City selling goods, wares, or merchandise or establish a transient business, as defined above, unless duly licensed by the Director of Standards of the Commonwealth and/or licensed by the City of Woburn except for those articles permitted to be sold without a license under MGLA, c. 101, § 16 & 17. These regulations shall not apply to any City of Woburn resident selling second-hand goods at a yard sale or garage sale at his or her own residence provided that the sale of items does not exceed two days, nor shall the regulations apply to any members of, or agent of, a not-for-profit organization incorporated under Chapter 180 of Massachusetts General Law. Persons acting on behalf of not-for-profit organizations must notify the Office of the City Clerk of their intent to sell goods, wares, or merchandise prior to conducting any

such transactions in the City. A sign or badge displaying the name of the not-for profit organization benefiting from the fundraising sales must be visible during all such transactions.

5-32 Procedures for state license holders.

A transient vendor, hawker or peddler who has obtained a license from the Director of Standards of the Commonwealth may not sell, or offer or expose for sale, any of the articles enumerated in Section 17, Chapter 101 of the General Laws, or any acts in 5-14 amendment thereof or in addition thereto, until he or she has recorded his or her name, residence, phone number and a brief description of the business to be conducted within the City with the Office of the City Clerk and provided a copy of his or her state license. Nothing in the ordinance codified in this part shall be construed as conflicting with any license issued under the authority of the commonwealth. (Prior Ch. 22 sec.2(I)).

5-33 Procedures for obtaining a transient vendor, hawker or peddler license from the City of Woburn.

The City Clerk shall have authority to grant a license to any person of good repute for morals and integrity, who is, or has declared his intent to become, a citizen of the United States, upon the approval of the Chief of Police, and where applicable, the Sealer of Weights and Measures and the Board of Health. Persons not licensed by the state shall make an application to the Office of the City Clerk, on a form containing the following information: The applicant's name, type of license (transient vendor or hawker/peddler), signature, home address, the name and address of the owner or parties in whose interest the business is to be conducted, their business address and phone number, cellular telephone numbers for the applicant and business; a brief description of the business to be conducted within the City; the applicant's social security number; the description and registration of any motor vehicles used by the applicant; their sales tax number, and whether the applicant has ever been charged with a felony. The applications shall be made under oath.

A licensing fee in the sum of \$200 shall be payable to the City of Woburn at the time of application.

The Chief of Police shall approve the application within 3 business days of its filing unless he determines either that the application is incomplete, or that the applicant is a convicted felon, or is a fugitive from justice.

No person shall receive a license, as provided in this part, until he presents a certificate from the sealer of weights and measures stating that all weighing and measuring devices intended to be used by such person have been duly inspected and sealed as required by law. The use of, or possession by such person with intent to use, any false or unsealed weighing or measuring devices shall be sufficient cause for the revocation of his license, or the cancellation of his registration. (Prior Ch. 22 sec. 2(G)).

Any food selling requires approval from the Board of Health.

5-34 Expiration and Revocation of licenses.

The licenses, unless sooner revoked by the Mayor, the Chief of Police, the Board of Health, the Sealer of Weights and Measures or the City Council shall expire one year after the granting thereof. (Prior Ch. 22 sec. 2(B)).

5-35 Number to be displayed on badge.

Every transient vendor, hawker and peddler licensed by the ordinance codified in this part shall be assigned a number and shall wear in a conspicuous place of such type and design as may be approved by the City Clerk, and which shall contain his number and the words "hawker" "peddler" or "vendor" and "Woburn," and every other such hawker and peddler as described in Section 5-? shall provide himself with a badge, of such type and design as may be approved by the City Clerk, which he shall display in like manner. Whoever neglects to wear, or without authority wears such badge, shall be punished by the penalty provided in Section 5-40. (Prior Ch. 22 sec. 2(E)).

5-36 Vehicles to bear number and expiration date of license.

Every vehicle or other receptacle used by a licensee as a conveyance for articles offered or exposed for sale by him shall have attached to it on each side a number plate of such type and design as may be approved by the City Clerk, and bearing the number and the date of expiration of the license. (Prior Ch. 22 sec. 2(F)).

5-37 License to be signed--Exhibit of license on demand.

Every person licensed as described in this part shall endorse his usual 5-15 signature upon his license. Any licensee who fails, neglects or refuses to exhibit his license when the same is demanded of him by the chief of police, or inspector of or sealer of weights and measures, the City Clerk, constable, police officer or justice of the peace, shall be subject to the same penalty as if he had no license. (Prior Ch. 22sec. 2(H)).

5-38 Conduct of business.

All transient vendors, hawkers and peddlers, whether licensed by the State or the City of Woburn, shall be governed by the following restrictions unless otherwise noted:

No person hawking, peddling or carrying or exposing any articles for sale shall cry his wares to the disturbance of the peace and comfort of the inhabitants of the City, nor carry or convey such articles in any manner that will tend to injure or disturb the public health or comfort nor otherwise than in vehicles and receptacles which are neat and clean and do not leak. (Prior Ch. 22 sec. 2(D)).

Hawkers and peddlers may only remain stationary for fifteen minutes at any given location to sell their goods, wares, and merchandise on public land, including without limitation, public streets, public parks, public parking lots, public playgrounds, and public ways. Between such transactions, hawkers and peddlers shall be moving at all times. For vendors on foot, moving shall be walking in a normal manner along a street, path or way with all goods, wares, and merchandise, or service. For vendors operating from vehicles, moving requires the vehicle to be driven along a street, path or way, stopping only to service customers and allow traffic to pass.

Transient vendors may not sell goods, wares, or merchandise on public land, including without limitation, public streets, public parks, public parking lots, public playgrounds, and public ways.

Transient vendors may sell goods, wares, merchandise or services at fixed locations on private commercial property only if such property is properly zoned for such activities and the vendor has written permission to conduct such transactions from the owner of the private land.

Transient vendors may not sell goods, wares, merchandise or services on residential property.

All transient vendors, hawkers and peddlers shall clearly and prominently post prices for all foods, beverages, goods, merchandise and services offered for sale.

Transient vendors, hawkers and peddlers are prohibited from selling or offering goods, wares, merchandise or services between the hours of 8:00pm to 6:00 am.

Transient vendors, hawkers and peddlers shall provide suitable receptacles for the placement of any trash and litter that may be expected to result from the sale of their wares and shall remove said trash and litter.

5-39 Penalties for violation.

Whoever violates any of the provisions described in this part (sections xxx), shall be subject to the following fines issued by the Police Department:

- a. \$ 150 for the first offense
- b. \$200 for each subsequent offense”.

NEW PETITIONS:

Petition by NStar Electric Company for a grant of right in a way to install conduit in Mishawum Road northwesterly at pole 30/12 approximately 395 feet west of Commerce Way a distance of about 4 feet.

Petition by Fabio A. de Souza, 12 Sheridan Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.44 of the 1985 Woburn Zoning Ordinances, as amended, to allow auto repair at 235 Salem Street.

Petition by Quincy Woburn LLC, 66 Long Wharf, Boston, Massachusetts 02110 for a special permit pursuant to Sections 7.3 and 9 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the alteration of the existing alignment of a portion of Normac Road and the reconstruction thereof to allow for additional flood storage and drainage improvements within the Floodway and Flood Plain District at 31 Olympia Avenue, 15, 20 and 23 Normac Road.

Petition by ACT Leasing Inc., 215 Salem Street, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.45 and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the sale or rental of automobiles, trucks, truck trailers and motorcycles at 215 Salem Street, Suite 10 and for a Second Class Motor Vehicle Sales License.

COMMUNICATIONS AND REPORTS:

A communication dated June 29, 2009 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the June meeting of the Council on Aging and the Director’s report for the month of June.

A communication dated June 18, 2009 was received from Vincent Ferlisi, Superintendent, Department of Public Works as follows:

Dear Aldermen:

In response to the memo of June 10, 2009 regarding the account for the water storage tanks funds not being spent I offer the following.

Merithew Inspections Services was contacted in February, 2009 to do the inspections and they requested additional time to submit quotes for the inspection and maintenance of the tanks.

They have submitted the quotes for the work and they are scheduled to do the inspections the week of June 22, 2009. Any remaining money in that account is needed for repairs and/or maintenance of the tanks.

s/Vincent Ferlisi, Superintendent of Public Works

A communication dated July 14, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Discontinuance of a portion of Central Street

Dear Mr. Campbell and Members of the City Council:

The Woburn Planning Board voted at their June 23, 2009 meeting voted to forward a favorable recommendation, in accordance with Chapter 41, Section 81I, to the City Council with regard to the request to discontinue a portion of Central Street.

If Council members have any questions or concerns regarding the above matter, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

A communication dated June 26, 2009 was received from Attorney Judith Cutler, Kopelman and Paige, P.C. relative to calculating minimum lot area.

A communication dated June 26, 2009 was received from Attorney Judith Cutler, Kopelman and Paige, P.C. relative to the issuance of certificates of constructive approval of a subdivision plan or a zoning petition.

A communication dated June 26, 2009 was received from Attorney Joyce Frank, Kopelman and Paige, P.C. relative to the placement of permanent monuments in public parks.

A communication dated June 29, 2009 was received from State Senator Kenneth J. Donnelly relative to the status of Quinn Bill funding in the State budget.

A copy of a communication dated July 2, 2009 to the Surface Transportation board was received from Siu Tip Lam, Assistant Attorney General, Environmental Protection Division, Office of the Massachusetts Attorney General relative to change of appearance of counsel for the Commonwealth of Massachusetts in the matter of New England Transrail, LLC.

A communication dated July 10, 2009 with attachments was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Decision/Robert McSheffrey, 891 Main Street, Woburn, Massachusetts

Dear Mr. Campbell:

As you know, I represented Robert McSheffrey in connection with the above-referenced Special Permit Decision (the "Decision") (copy enclosed), which was issued by your office on June 11, 2009. In connection with my client's Building Permit Application, the Building Commissioner has requested clarification on one of the conditions set forth in the Decision.

Condition 6 of the Decision states "That handicapped parking spaces on the premises shall conform to the requirements in the 1985 City of Woburn Zoning Ordinances, as amended, shall be located near the entrance to the building and shall be marked as handicapped accessible parking spaces". If you recall, the same language was one of the five conditions imposed upon the Special Permit issued to Peck's at the same property. The City Council during the public hearing in Mr. McSheffrey's petition imposed the same conditions it imposed on Peck's to this petition. The Site Plan that was filed with Mr. McSheffrey's petition did not change the location of the handicapped space that was installed by Peck's and located adjacent to the handicapped ramp. There is no change in the plan for which Peck's obtained an Occupancy Permit and which plan the City Council made a condition to the Special Permit granted to Mr. McSheffrey.

I respectfully request that this matter be reviewed by the City Council at its next meeting on July 14, 2009 since Mr. McSheffrey's Occupancy Permit is being held up until the Building Commissioner receives confirmation from the City Council that the handicapped parking space shown on the Site Plan of record has been approved by the City Council.

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

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

A communication dated June 18, 2009 with attachments was received from Amy Vogt, Tenant Coordinator, Cushman & Wakefield of Massachusetts, Inc., 55 Cambridge, Massachusetts 02142 as follows:

Re: Change in Ownership for 235 Presidential Way, Woburn, MA 01801

Dear Joyce,

Please note that 150 MetroNorth Corporate Center, LLC is no longer the owner for 235 Presidential Way. The new owner is VV2 Presidential Way, LLC. Other than the name change needed for the annual garage license fee there are no changes.

Attached is a copy of the check and invoice for the fee so that license would not get revoked. If you have any further questions please contact me.

Thank you for your assistance in this matter.

Very truly yours, s/Amy Vogt, Tenant Coordinator

UNFINISHED BUSINESS OF PRECEDING MEETING:

Pursuant to a vote of the City Council at its Regular Meeting on June 16, 2009, on the petition by June G. Ross to amend the Zoning Map of the City of Woburn by changing the zoning district for the property found identified in the Assessors records on Map 38, Block 8, Parcel 1 and known and numbered as Lot 1B 35 Pine Street as shown on the plan filed with the petition from partially in the R-2 zoning district and partially in the I-G zoning district to the R-2 zoning district.

APPOINTMENTS AND ELECTIONS:

A communication dated June 18, 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 re-appoint Joanne Collins, Director of the City of Woburn Council on Aging, 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 effective date of this appointment will be the date of confirmation by the City Council, and the term will expire on July 31, 2012.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

A communication dated June 18, 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 re-appoint Jean P. Cullinane, 8 Carroll Road, Woburn, Massachusetts 01801, 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 effective date of this appointment will be the date of confirmation by the City Council, and the term will expire on July 31, 2012.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

A communication dated June 18, 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 re-appoint Philip L. Mahoney, Chief of Police for the City of Woburn, 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 effective date of this appointment will be the date of confirmation by the City Council, and the term will expire on July 31, 2012.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

A communication dated June 18, 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 Mark Donovan, Superintendent of Woburn Public Schools, 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 effective date of this appointment will be the date of confirmation by the City Council, and the term will expire on July 31, 2010.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

A communication dated July 9, 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 Mark Donovan Superintendent of Schools as a member of the Human Rights Commission. Mr. Donovan will replace Dr. Carl Batchelder and his appointment will be effective on the

date of confirmation by the City Council; Mr. Donovan's appointment term will expire July 31, 2010.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That representatives of the M&P Realty Trust appear before the Committee on Special Permits Review to discuss the status of a special permit granted by the City Council for the property located at 375 Main Street.

s/Alderman Gately

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to install granite curbing along the southeastern portion of Elijah Street.

s/Alderman Gonsalves and Alderman Galvin

RESOLVED That His Honor the Mayor instruct the Superintendent of the Department of Public Works to remove the railroad tracks at the intersection of Washington Street and Montvale Avenue as this was supposed to be part of the overall improvement plan to this intersection. The road is subject to constant flooding and freezing in the winter causing significant safety issues at an already dangerous intersection. The railroad tracks and this portion of the road were deeded to the city several years ago with the intent of fixing this issue.

s/Alderman Mercer-Bruen

RESOLVED That the Superintendent of Public Works work with Keyspan to repave Mayflower Road from curb to curb in the area of the recent emergency repair.

s/President Doherty

Motion made and 2nd to ADJOURN.