

**CITY OF WOBURN  
JUNE 7, 2011 - 7:30 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Gaffney	Raymond
Denaro	

---

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

---

**MAYOR'S COMMUNICATIONS:**

A communication dated June 6, 2011 with attachment was received from His Honor the Mayor as follows:

Re: Proposed Solar Overlay District Zoning Ordinance

Dear President Denaro:

I am forwarding to the Woburn City Council a proposed Solar Overlay District Zoning Ordinance for the municipal landfill. Alderman Mike Raymond, who has been a strong proponent of Woburn's efforts to become a "Green Community" and to re-use the landfill in a safe and productive manner acceptable to his constituents, has agreed to sponsor this proposal.

The Overlay District will lead to savings in the City's electricity costs, while promoting renewable and clean energy technology.

Sincerely, s/Scott D. Galvin, Mayor

Attached thereto was the following Order:

**ORDERED** Be it ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinances, as amended, be further amended by adding a new Section 26 Solar Overlay District as follows:

**Section 26 - Solar Overlay District**

**26.1 Purpose:** The purpose of this bylaw is to promote the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.

**26.2 Applicability:** This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section.

This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

### **26.3 Definitions**

- 1. As-of-Right Siting:** As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development may be subject to site plan review to determine conformance with local zoning ordinances or bylaws.
- 2. Large-Scale Ground-Mounted Solar Photovoltaic Installation:** A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.
- 3. On-Site Solar Photovoltaic Installation:** A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.
- 4. Rated Nameplate Capacity:** The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).
- 5. Site Plan Review:** review by the City Council to determine conformance with the zoning ordinance.
- 6. Solar Overlay District:** The locations designated by Ordinance where ground - mounted large scale solar photovoltaic installations may be sited as-of right. Said locations are shown on the Zoning Map.
- 7. Solar Photovoltaic Array:** an arrangement of solar photovoltaic panels.

**8. Zoning Enforcement Authority:** The person or board charged with enforcing the zoning ordinances or bylaws.

**26.4 General Requirements for all Large Scale Solar Power Generation Installations** The following requirements are common to all solar photovoltaic installations to be sited in designated locations.

- 1. Compliance with Laws, Ordinances and Regulations** The construction and operation of all large scale solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.
- 2. Building Permit and Building Inspection** No large scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

**26.5. Site Plan Review:** Ground-mounted large scale solar photovoltaic installations with 250 kW or larger of rated nameplate capacity shall undergo shall be subject to Site Plan Review by the City Council, pursuant to Section 12 Site Plan Review and subject to the dimensional requirements of Section 26.9. Dimension and Density Requirements prior to construction, installation or modification as provided in this section

- 1. Plans** All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.
- 2. Required Documents** Pursuant to the site plan review process, the project proponent shall provide the following documents:
  - (a) A site plan showing:
    - i. Property lines and physical features, including roads, for the project site;
    - ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
    - iii. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures
    - iv. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National

- Electrical Code compliant disconnects and overcurrent devices;
- v. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
  - vi. Name, address, and contact information for proposed system installer;
  - vii. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any; and
  - viii. The name, contact information and signature of any agents representing the project proponent.
- (b) Documentation of actual or prospective access and control of the project site (see also Section 26.6);
  - (c) An operation and maintenance plan (see also Section 26.7);
  - (d) The underlying Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
  - (e) Proof of liability insurance; and
  - (f) Description of financial surety that satisfies Section 26.13.3.

#### **26.6 Site Control**

The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

#### **26.7 Operation & Maintenance Plan**

The project proponent shall submit a plan for the operation and maintenance of the large scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

#### **26.8 Utility Notification**

No large- scale ground –mounted solar photovoltaic installation shall be constructed until evidence has been given to the City council that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator’s intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

#### **26.9 Dimension and Density Requirements**

- 1. Setbacks** For large - scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:
  - (a) Front yard: The front yard depth shall be at least 10 feet; provided, however, that where the lot abuts a Conservation-Recreation or Residential district, the front yard shall not be less than 50 feet.
  - (b) Side yard. Each side yard shall have a depth at least 15 feet; provided, however, that where the lot abuts a Conservation-Recreation or Residential district, the front yard shall not be less than 50 feet.
  - (c) Rear yard. The rear yard depth shall be at least 25 feet; provided, however, that where the lot abuts a Conservation-Recreation or Residential district, the front yard shall not be less than 50 feet.
- 2. Appurtenant Structures** All appurtenant structures to large-scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

## **26.10 Design Standards**

- 1. Lighting** Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
- 2. Signage** Signs on large- scale ground-mounted solar photovoltaic installations shall comply with Section 13 Sign Regulations of the zoning ordinance. A sign consistent with Section 13 shall be required to identify the owner and provide a 24-hour emergency contact phone number. Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.
- 3. Utility Connections** Reasonable efforts, as determined by the City Council, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on

appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

### **26.11 Safety and Environmental Standards**

**1. Emergency Services** The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

**2. Land Clearing, Soil Erosion and Habitat Impacts** Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large – scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.

### **26.12 Monitoring and Maintenance**

**1 Solar Photovoltaic Installation Conditions** The large - scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

**2. Modifications** All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the City Council.

### **26.13 Abandonment or Decommissioning**

**1. Removal Requirements** Any large- scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 26.13.2 of this ordinance shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the City Council by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all large- scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The City Council may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

**2. Abandonment** Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the City Council. If the owner or operator of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the installation.

**3. Financial Surety** Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the City must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the City Council, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

s/Alderman Gately and Alderman Raymond

\*\*\*\*\*

ORDERED That the sum of \$12,000.00 be and is hereby transferred as so stated from Property & Liability Insurance Acct #0198051-517540 \$12,000.00 to Veteran’s Cash Aid Acct #154357-577000 \$12,000.00.

I hereby recommend the above: s/Lawrence Guiseppe, Veterans Agent  
 I have reviewed the above: s/Gerald W. Surette, City Auditor  
 I hereby approve the above: s/Scott D. Galvin, Mayor

s/Alderman \_\_\_\_\_

\*\*\*\*\*

ORDERED That the sum of \$75,000.00 be and is hereby transferred as so stated from BLS Ambulance Receipts Account #31359-595000 \$75,000.00 to Fire/Overtime Acct #0122051-513100 \$75,000.00

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/Scott D. Galvin, Mayor

s/Alderman \_\_\_\_\_

\*\*\*\*\*

ORDERED That the sum of \$15,000.00 be and is hereby transferred as so stated from DPW/Administration Acct #0141151-511000 \$15,000.00 to DPW/Overtime Acct #0141151-513100 \$15,000.00

I hereby recommend the above: s/John F. Duran, DPW, Superintendent  
I have reviewed the above: s/Gerald W. Surette, City Auditor  
I hereby approve the above: s/Scott D. Galvin, Mayor

s/Alderman \_\_\_\_\_

\*\*\*\*\*

ORDERED That the sum of \$206,000.00 be and is hereby transferred as so stated from Worker's Compensation Acct #0198051-517100 \$47,000.00, Property Insurance Acct #0198051-517540 \$18,000.00, Auditor's Salary Acct #0113451-511000 \$6,000.00, Non-Contrib. Retirement Acct #0197051-517800 \$8,500.00, W.R.A. Acct #0112252-538905 \$5,000.00, Board of Health Salary Acct #0151251-511000 \$20,000.00, Assessor Salary Acct #0113751-511000 \$30,000.00, Treasurer's Salary Acct #0113851-511000 \$4,000.00, Planning Board Salary Acct #0117251-511000 \$17,000.00, Sealer of Weights Acct #0125451-511000 \$7,000.00, Civil Defense Salary Acct #0129151-511000 \$22,000.00, Civil Defense Acct #0129152-530915 \$2,500.00, Engineering Salary Acct #0141051-511000 \$12,000.00, Council on Aging Acct #0154151-511000 \$7,000.00, Total: \$206,000.00 to Unemployment Comp Acct #0198051-517300 \$122,000.00, Medicare Acct #0198051-517600 \$28,500.00, Short Term Interest Acct #0171559-592500 \$55,500.00, Total: \$206,000.00

I have reviewed the above: s/Gerald W. Surette, City Auditor  
I hereby approve the above: s/Scott D. Galvin, Mayor

s/Alderman \_\_\_\_\_

\*\*\*\*\*

ORDERED That the sum of \$7,349.00 be and is hereby transferred as so stated from Police Overtime Acct #0121051-513100 \$6,000.00, Police Gasoline Acct #0121054-548100 \$1,349.00, Total \$7,349.00 to Cruiser Outlay Acct #0112158-586681 \$7,349.00.

I hereby recommend the above: s/Capt. Richard J. Kelley,  
Acting Chief of Police

I have reviewed the above: s/Gerald W. Surette, City Auditor

I hereby approve the above: s/Scott D. Galvin, Mayor

s/Alderman \_\_\_\_\_

\*\*\*\*\*

ORDERED That the sum of \$30,000.00 be and is hereby appropriated from Cemetery Interest Fund and distributed as follows for Fiscal Year 2012: \$10,000.00 to Utility Acct 0149052-521103, \$5,000.00 to New Equipment 0149058-586600, \$2,000.00 to Office Supplies 0149054-542000, \$5,000.00 to Equip/Bldg Maint 0149054-543000, \$8,000.00 to Tools/Supplies Acct 0149054-546100.

s/Alderman \_\_\_\_\_

**PUBLIC HEARINGS:**

On the petition by Oliver Enterprises, 278 Salem Street, Woburn, Massachusetts 01801 for a Special Permit pursuant to the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. To allow for the alteration of the existing non-conforming use and structure (single family home) to provide for an addition to the existing structure to allow for the Petitioner's landscaping business pursuant to Section 7.3, and 2. To allow for the overnight parking of commercial vehicles pursuant to Section 5.1.57b, at 5 Hancock Street. PUBLIC HEARING OPENED. A communication dated May 24, 2011 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Oliver Enterprises, 5 Hancock Street, Woburn, MA

Dear Mr. Campbell:

Due to the fact that the Planning Board has not yet completed its review of the above petition, I respectfully request that the public hearing on this matter be continued from June 7, 2011 to June 21, 2011.

If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby

\*\*\*\*\*

On the petition by Peterson Party Center, Inc., 139 Swanton Street, Winchester, Massachusetts for a special permit pursuant to Section 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to allow for the overnight parking of commercial vehicles at 36 Cabot Road. PUBLIC HEARING OPENED.

\*\*\*\*\*

On the petition by Crossroads Properties, LLC, c/o Cummings Properties, LLC, 200 West Cummings Park, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 7.3 and 12.2.4 of the 1985 Woburn Zoning Ordinances, as amended, to construct a one-story, 6,959 gross square foot addition to an existing two-story pre-existing non-conforming structure at 299 Washington Street. PUBLIC HEARING OPENED. A communication dated June 7, 2011 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Crossroads Properties, LLC – 299 Washington St. – To construct o one-story 6,959 S.F. addition to pre-existing non-conforming structure pursuant to Sections 7.3 and 12.2.4

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on May 24, 2011, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Crossroads Properties, LLC, regarding the property at 299 Washington Street for the construction of a one-story 6,959 S.F. addition to pre-existing non-conforming structure pursuant to Sections 7.3 and 12.2.4 subject to the following conditions:

1. That all the conditions of the Special Permit issued April 29, 2004 as modified on September 1, 2009 shall be incorporated as part of this decision unless further modified by these conditions;
2. That the plans of record shall be the plans entitled “Proposed Addition 299 Washington St., Woburn, Massachusetts ” consisting of Sheets C-1, C-2, C-3, and C-4 dated 4/19/11 and Drawings A-1 and A-2 dated April 19, 2011 unless modified by these conditions;
3. That the exterior patio area shall not exceed 673 S.F.;
4. That the sidewalk from the entrance of the building connecting to the sidewalk on Forbes Road shall remain as well as the 4 parking spaces and entrance markings limiting restricting the driveway to entrance only as shown on Sheet 1 of the plans of record;
5. That the traffic signage and the drive markings shall remain as shown on the plan entitled “Plot Plan No. 299 Washington St., Woburn, Mass.” prepared by Harry R. Feldman, Inc., Land Surveyors, 112 Shawmut Avenue, Boston, Mass 02118 dated March 4, 2004; and

6. That the parking aisle between the 6 compact parking spaces and 6 parking spaces south of the proposed new addition shall have a one way southerly flow marked on the pavement and a one way northerly flow marked on the pavement of the aisle between the 6 parking spaces and the 26 spaces on the easterly side of the property; and
7. That the new addition shall be in accordance with the plans of record and shall not exceed 1,200 NSF of office and 5,473 NSF of light manufacturing space.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

A copy of a communication dated May 23, 2011 from Brett F. Gonsalves, Senior Engineer, Engineering Department to Edmund Tarallo, Planning Director was received as follows:

Subject: 299 Washington Street – Addition to a Pre-existing Non Conforming Structure  
Special Permit – Special Permit Application Dated April 14, 2011 – Plans Dated April 14, 2011

The applicant is seeking permission to allow for the construction of a 6,959 S.F. addition at the above referenced location. The accompanying site plan shows the location of the proposed addition as well as the proposed drainage improvements and relocated parking spaces.

The additional roof runoff will be mitigated through an underground infiltration system. The submitted drainage computations for the underground infiltration system to mitigate the roof runoff for the 2, 10, 25 and 100 year storm events. These calculations demonstrate that the chambers will be able to handle the runoff from the roof for the designed storm events.

The applicant engineer should look at the site drainage and see what improvements can be made to meet stormwater management requirements.

Upon review of the special permit application, this office takes no exception to the 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 Belinda M. Alfano, Trustee of 85 Green Street Realty Trust, P.O. Box 158, North Billerica, Massachusetts 01862 for a Special Permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a change in use of the existing non-conforming use and structure from a single family home to a two family

home at 85 Green Street. PUBLIC HEARING OPENED. A communication dated June 7, 2011 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Belinda M. Alfano, Trustee of 85 Green Street Realty Trust – 85 Green Street - To allow for a change in use of the existing single family home to a two family home pursuant to Section 7.3

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on May 24, 2011, the Planning Board voted to send an unfavorable recommendation to the City Council on the Special Permit application of Belinda M. Alfano, Trustee of 85 Green Street Realty Trust, regarding the property at 85 Green Street for a change in use of the existing single family home to a two family home pursuant to Section 7.3 because the property is already non-conforming as a single family home and basement apartments are traditionally a concern to the Fire Department. However, had there been evidence that the Building Inspector and Fire Chief were satisfied with this petition then the Board would have offered a favorable recommendation

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 New Cingular Wireless PCS, LLC by AT&T Mobility Corporation, 550 Cochituate Road, Framingham, Massachusetts 01701 for a special permit pursuant to Sections 5.1.80b and 5.6 of the 1989 Woburn Zoning Ordinances, as amended, to add three like antennas and accessories to an existing wireless communications site at 397 Main Street. PUBLIC HEARING OPENED. A communication dated June 7, 2011 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: New Cingular Wireless, PCS, LLC by AT&T Mobility, Inc., as its manager– 395 Main Street – To install 3 additional panel antennas behind the existing stealth framing on the roof of the existing 45’ building at an antenna centerline height of 50’ and below the top of the screen wall and with associated antenna and electronic equipment and to install additional equipment in the existing AT&T equipment room in the basement of the building pursuant to Sections 5.1.80b and 5.6

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on May 24, 2011, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of New Cingular Wireless, PCS, LLC by AT&T Mobility, Inc., as its manager, regarding the property at 395 Main Street for the installation of 3 additional panel antennas behind the

existing stealth framing on the roof of the existing 45' building at an antenna centerline height of 50' and below the top of the screen wall with associated antenna and electronic equipment and to install additional equipment in the existing AT&T equipment room in the basement of the building pursuant to Sections 5.1.80b and 5.6 subject to the following conditions:

1. That the antennas shall be in accordance with plans entitled "Woburn Main Street" last dated revision of 12/03/10; and
2. That the petitioner shall post a bond for future removal.

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:**

Petition received from Charles V. Spearman, 50 Salem Street, Apt. A, requesting citizen's participation time to discuss reactivation of the Civil Defense siren system.

---

**COMMITTEE REPORTS:** None.

---

**NEW PETITIONS:**

A communication dated May 23, 2011 with attachment was received from Attorney Robert W. Tedesco, 88 Main Street, Woburn, Massachusetts 01801 as follows:

Re: Minor Modification of Landowner's Decision and Notice of Special Permit issued to Anthony J. Triglione

Dear Mr. Campbell:

Please be advised that this office represents Anthony J. Triglione. On February 10, 2011 the City Clerk's Office issued a Special Permit to Anthony J. Triglione, Landowner and Boston Billiards Supply Inc., Petitioner (copy enclosed). The permit was sought as condition precedent to the purchase of the real property located at 102-104 Main Street, at the corner of Ash Street. However, due to unforeseen financial issues, the Petitioner was unable to complete the purchase of the building and is no longer involved with same.

My client is the owner of the building and also is the Founder and President of Mission of Deeds, Inc. located in Reading, Massachusetts. As you may be aware, Mission of Deeds, Inc. is a 501(c)(3) Charitable Organization providing home furnishings and house wares, free of charge, to people in need. After much contemplation and reflection, my client is

respectfully requesting that a Minor Modification be made to said Special permit to allow his property to be used as a storage and distribution center for home furnishings and house wares to further expand the good works of Mission of Deeds, Inc. in the community, as opposed to the retail sale of billiard tables and related accessories. It should be noted that the intended hours of operation of Mission of Deeds, Inc. at this location, will be far less than those set forth in Condition Number 6 of the Special Permit as granted. Initially, this location may only be open to the clients of Mission of Deeds, Inc. 2 to 4 days per month.

Therefore, we request that all reference to “billiard table sales and service retail facility” in the Decision be modified to “storage and distribution center for home furnishings and house wares.”

So that my client may move forward as quickly as possible with his plans, I respectfully request that action be taken on this request for a Minor Modification at the upcoming City Council Meeting scheduled for June 7, 2011.

Thank you for your kind attention to this matter, and please do not hesitate to contact me personally should you have any questions or concerns.

Very truly yours, s/Robert W. Tedesco, Esq.

\*\*\*\*\*

A communication dated June 1, 2011 was received from Attorney Joseph R. Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Minor Modification to Special Permit Granted to Lenny’s Auto Repair Inc.  
280 Salem Street, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent Luis Scarabelli, d/b/a Global Automotive. On March 19, 2009, your office issued a Landowner’s Decision and Notice of Special Permit (the “Decision”) (copy enclosed) setting forth approval by the Woburn City Council of the Special Permit granted to Lenny’s Auto Repair Inc. (“Lenny’s”) to operate an auto repair shop at 280 Salem Street, Woburn, Massachusetts.

Lenny’s has vacated the premises and Global Automotive has entered into a lease with Robert Holland, the property owner, to lease the space formerly occupied by Lenny’s. Mr. Scarabelli has over twenty (20) years experience in the auto repair business. He has reviewed the conditions set forth in the Decision and agrees to abide by said condition. Therefore, on behalf of my client, I respectfully request approval by the City Council at its meeting on June 7, 2011 of the transfer of the Decision from Lenny’s Auto Repair Inc. to Luis Scarabelli d/b/a Global Automotive as a minor modification to the Decision.

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 1, 2011 was received from Attorney Joseph R. Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

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

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, 2011. 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, 2013.

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 June 1, 2011 was received from Attorney Joseph R. Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

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

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 May 6, 2009 (the "Special Permit"). As a result of the current status of the economy the Petitioner has not been able to proceed forward with this project.

Therefore, on behalf of the Petitioner, I respectfully request that the City Council 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, 2013.

Should you need any further information, please do not hesitate to contact me. Thank you.

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

\*\*\*\*\*

Petition by New Boston Auto Exchange, LLC, 210 New Boston Street, Woburn, Massachusetts 01801 for renewal of Second Class Motor Vehicle Sales License.

\*\*\*\*\*

Petition by William Crescent dba Crescent Jewelers, 20501 S. LaGrange Road, Frankfort, Illinois 60423 for a License to Purchase and Sell Second-Hand and Personal Articles of Values and Collectibles.

---

**COMMUNICATIONS AND REPORTS:**

A communication dated May 17 2011 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 April 2011: number of parking violations issued 645, number of violations paid 314, number of violations outstanding 265, amount collected and submitted to the Office of the Collector \$23,586.40. There exists a backlog of 5,619 tickets for 1982 through 2010. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$6,000.00.

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

\*\*\*\*\*

A communication dated May 26, 2011 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Director's Report and the minutes of the Council on Aging for the month of May 2011.

\*\*\*\*\*

A copy of an appeal filed by New Boston Street Associates, LLC with the Superior Court relative to the granting of a special permit on May 3, 2011 to Pacific Packaging Products, Inc. at 331 New Boston Street.

\*\*\*\*\*

A copy of a Decision dated May 24, 2011 by the Surface Transportation Board in the matter of New England Transrail, LLC.

\*\*\*\*\*

A communication dated May 19, 2011 received from Brian McDonald, 19 Maywood Terrace relative to alleged zoning violations at 17R Maywood Lane.

---

**UNFINISHED BUSINESS OF PRECEDING MEETING:**

On the Order to amend Title 2, Section 2-5 of the 1989 Woburn Municipal Code, as amended, relative to exemptions from conflict of interest education training for volunteer and short-term temporary or seasonal compensation positions. Motion made and 2<sup>nd</sup> to take the matter from the table, all in favor, 9-0.

---

**APPOINTMENTS AND ELECTIONS:** None.

---

**MOTIONS, ORDERS AND RESOLUTIONS:**

**ORDERED** That the Regular Meetings of the City Council shall be held on July 19, 2011 at 7:00 p.m. and August 9, 2011 at 7:00 p.m. and all other regular meetings during July 2011 and August 2011 shall be and hereby are canceled.

s/President Denaro

\*\*\*\*\*

**ORDERED** That the Woburn City Council hereby authorizes the Conservation Commission to utilize a Departmental Revolving Fund under M.G.L. Chap. 44, Sec. 53E ½. The Conservation Commission may spend funds received without further appropriation during Fiscal Year 2012 for the purpose of environmental public benefit and open space acquisitions and/or protection. The “Conservation Commission’s Revolving Fund”, is to be credited with all fees and charges not to exceed \$10,000.00 received during Fiscal Year 2012 from gifts, donations and monies raised. Any remaining balance at June 30, 2012 is to revert to the General Fund, unless the fund is re-established. The “Conservation Commission’s Revolving Fund”, under M.G.L. Chap. 44, Sec. 53 ½ must be re-established on a year-to-year basis. The City Council, upon recommendation of the Mayor, must have an annual vote prior to the start of the Fiscal Year. This authorization makes the approved Revolving Fund effective for the ensuing Fiscal Year only.

I hereby recommend the above. s/Scott D. Galvin, Mayor

s/Alderman \_\_\_\_\_

\*\*\*\*\*

ORDERED That the Woburn City Council hereby authorizes the Board of Health to utilize a Departmental Revolving Fund under M.G.L. Chap. 44, Sec. 53E ½. The Board of Health may spend funds received without further appropriation during Fiscal Year 2012 for the purpose of purchasing additional compost bins. The “Board of Health Revolving Fund”, is to be credited with all fees and charges not to exceed \$2,500.00 received during Fiscal Year 2012 from persons purchasing compost bins. Any remaining balance at June 30, 2012 is to revert to the General Fund, unless the fund is re-established. The “Board of Health Revolving Fund”, under M.G.L. Chap. 44, Sec. 53 ½ must be re-established on a year-to year basis. The City Council, upon recommendation of the Mayor, must have an annual vote prior to the start of the Fiscal Year. This authorization makes the approved Revolving Fund effective for the ensuing Fiscal Year only.

I hereby recommend the above. s/Scott D. Galvin, Mayor

s/Alderman \_\_\_\_\_

\*\*\*\*\*

ORDERED That the Woburn City Council hereby authorizes the Recreation Department to utilize a Departmental Revolving Fund under M.G.L. Chap. 44, Sec. 53E ½. The Recreation Department may spend funds received without further appropriation during Fiscal Year 2012 for the purpose of purchasing playground equipment and related items for Leland Park only. The “Kids’ Kingdom Revolving Fund”, is to be credited with all fees and charges not to exceed \$2,500.00 received during Fiscal Year 2012 from donations and monies raised. Any remaining balance at June 30, 2012 is to revert to the General Fund, unless the fund is re-established. The “Kids’ Kingdom Revolving Fund”, under M.G.L. Chap. 44, Sec. 53E ½ must be re-established on a year-to year basis. The City Council, upon recommendation of the Mayor, must have an annual vote prior to the start of the Fiscal Year. This authorization makes the approved Revolving Fund effective for the ensuing Fiscal Year only.

I hereby recommend the above. s/Scott D. Galvin, Mayor

s/Alderman \_\_\_\_\_

\*\*\*\*\*

ORDERED That the Woburn City Council hereby authorizes the Parks Department to utilize a Departmental Revolving Fund under M.G.L. Chap. 44, Sec. 53E ½. The Parks Department may spend funds received without further appropriation during Fiscal Year 2012 for the purpose of construction and a maintenance of a street hockey rink at Leland Park. The “Leland Park Street Hockey Revolving Fund”, is to be credited with all fees and charges not to exceed \$2,500.00 received during Fiscal Year 2012 from gifts,

donations and monies raised. Any remaining balance at June 30, 2012 is to revert to the General Fund, unless the fund is re-established. The "Leland Park Street Hockey Revolving Fund", under M.G.L. Chap. 44, Sec. 53E ½ must be re-established on a year-to year basis. The City Council, upon recommendation of the Mayor, must have an annual vote prior to the start of the Fiscal Year. This authorization makes the approved Revolving Fund effective for the ensuing Fiscal Year only.

I hereby recommend the above. s/Scott D. Galvin, Mayor

s/Alderman \_\_\_\_\_

\*\*\*\*\*

ORDERED That the Woburn City Council hereby authorizes the Woburn Police Department School Resources Officer to utilize a Departmental Revolving Fund under M.G.L. Chap. 44, Sec. 53E ½. The Woburn Police Department School Resources Officer may spend funds received without further appropriation during Fiscal Year 2012. The "Woburn Police Department School Resources Officer Revolving Fund", is to be credited with all fees and charges not to exceed \$25,000.00 received during Fiscal Year 2012 from donations and money raised. Any remaining balance at June 30, 2012 is to revert to the General Fund, unless the fund is re-established. The "Woburn Police Department School Resources Officer Revolving Fund", under M.G.L. Chap. 44, Sec. 53 ½ must be re-established on a year-to year basis. The City Council, upon recommendation of the Mayor, must have an annual vote prior to the start of the Fiscal Year. This authorization makes the approved Revolving Fund effective for the ensuing Fiscal Year only.

I hereby recommend the above. s/Scott D. Galvin, Mayor

s/Alderman \_\_\_\_\_

\*\*\*\*\*

ORDERED That the Woburn City Council hereby authorizes the Board of Health to utilize a Departmental Revolving Fund under M.G.L. Chap. 44, Sec. 53E ½. The Board of Health may spend funds received without further appropriation during Fiscal Year 2012 for the purpose landfill closure. The "Board of Health Revolving Fund", is to be credited with all fees and charges up to \$400,000.00 received during Fiscal Year 2012. Any remaining balance at June 30, 2012 is to revert to the General Fund, unless the fund is re-established. The "Board of Health Revolving Fund", under M.G.L. Chap. 44, Sec. 53 ½ must be re-established on a year-to year basis. The City Council, upon recommendation of the Mayor, must have an annual vote prior to the start of the Fiscal Year. This authorization makes the approved Revolving Fund effective for the ensuing Fiscal Year only.

I hereby recommend the above. s/Scott D. Galvin, Mayor

s/Alderman \_\_\_\_\_

\*\*\*\*\*

ORDERED That the Woburn City Council hereby authorizes the Council on Aging to utilize a Departmental Revolving Fund under M.G.L. Chap. 44, Sec. 53E ½. The Council on Aging may spend funds received without further appropriation during Fiscal Year 2012 for the purpose of operating the Senior Center. The “Council on Aging Revolving Fund”, is to be credited with all fees and charges received during Fiscal Year 2012 up to \$70,000.00. Any remaining balance at June 30, 2012 is to revert to the General Fund, unless the fund is re-established. The “Council on Aging Revolving Fund”, under M.G.L. Chap. 44, Sec. 53 ½ must be re-established on a year-to year basis. The City Council, upon recommendation of the Mayor, must have an annual vote prior to the start of the Fiscal Year. This authorization makes the approved Revolving Fund effective for the ensuing Fiscal Year only.

I hereby recommend the above. s/Scott D. Galvin, Mayor

s/Alderman \_\_\_\_\_

\*\*\*\*\*

ORDERED That the Woburn City Council hereby authorizes the Office of the Mayor to utilize a Departmental Revolving Fund under M.G.L. Chap. 44, Sec. 53E ½. The Office of the Mayor may spend funds received for cable television and telecommunications franchise fees as required under the CATV operator license agreement with the City of Woburn without further appropriation during Fiscal Year 2012 for the purpose of cable related expenditures. The “Cable Television and Telecommunications Revolving Fund”, is to be credited with all fees and charges up to \$500,000.00 received during Fiscal Year 2012. Any remaining balance at June 30, 2012 is to revert to the General Fund, unless the fund is re-established. The “Cable Television and Telecommunications Revolving Fund”, under M.G.L. Chap. 44, Sec. 53 ½ must be re-established on a year-to year basis. The City Council, upon recommendation of the Mayor, must have an annual vote prior to the start of the Fiscal Year. This authorization makes the approved Revolving Fund effective for the ensuing Fiscal Year only.

I hereby recommend the above. s/Scott D. Galvin, Mayor

s/Alderman \_\_\_\_\_

\*\*\*\*\*

ORDERED That the Woburn City Council hereby authorizes the Recreation Department to utilize a Departmental Revolving Fund under M.G.L. Chap. 44, Sec. 53E 1/2. The Recreation Department may spend funds received without further appropriation during Fiscal Year 2012 for the purpose of a basketball league. The "Recreation Basketball Revolving Fund", is to be credited with all fees and charges not to exceed \$40,000.00 received during Fiscal Year 2012 from donations and monies raised. Any remaining balance at June 30, 2012 is to revert to the General Fund, unless the fund is re-established. The "Recreation Basketball Revolving Fund", under M.G.L. Chap. 44, Sec. 53E 1/2 must be re-established on a year-to-year basis. The City Council, upon recommendation of the Mayor, must have an annual vote prior to the start of the Fiscal Year. This authorization makes the approved Revolving Fund effective for the ensuing Fiscal Year only.

I hereby recommend the above. s/Scott D. Galvin, Mayor

s/Alderman \_\_\_\_\_

\*\*\*\*\*

ORDERED That the Woburn City Council hereby authorizes the Department of Public Works to utilize a Departmental Revolving Fund under M.G.L. Chap. 44, Section 53 1/2 . The Department of Public Works may spend funds received without further appropriation during Fiscal Year 2012 for the purpose of the Liberty Elm Tree Program. The "Liberty Elm Tree Revolving Fund", is to be credited with all fees, charges and donations not to exceed \$10,000.00 received during Fiscal Year 2012 from donations and monies collected. Any remaining balance at June 30, 2012 is to revert to the General Fund, unless the fund is re-established. The "Liberty Elm Tree Revolving Fund" under M.G.L. Chap. 44 Section 53 1/2 must be re-established on a year-to-year basis. The City Council, upon recommendation of the mayor, must have an annual vote prior to the start of the Fiscal Year. This authorization makes the approved Revolving Fund effective for the ensuing Fiscal Year only.

I hereby recommend the above. s/Scott D. Galvin, Mayor

s/Alderman \_\_\_\_\_

\*\*\*\*\*

ORDERED That the Woburn City Council hereby authorizes the Mayor to utilize a Department Revolving Fund under M.G.L. Chap. 44, Sec. 53E 1/2. Mayor may spend funds received without further appropriation during Fiscal Year 2012. The "Spence Farm Revolving Fund", is to be credited with all fees and charges not to exceed \$50,000.00 received during Fiscal Year

2012 from donations and money raised. Any remaining balance at June 30, 2012 is to revert to the General Fund, unless the fund is re-established. The "Spence Farm Revolving Fund", under M.G.L. Chap. 44, Section 53E ½ must be re-established on a year-to-year basis. The City Council, upon recommendation of the mayor, must have an annual vote prior to the start of the Fiscal Year. This authorization makes the approved Revolving Fund effective for the ensuing Fiscal Year only.

I hereby recommend the above. s/Scott D. Galvin, Mayor

s/Alderman \_\_\_\_\_

\*\*\*\*\*

**ORDERED** That the Woburn City Council hereby authorizes the Mayor to utilize a Departmental Revolving Fund under M.G.L. Chap. 44, Sec. 53E ½. Mayor may spend funds received without further appropriation during Fiscal Year 2012 with the purpose of encouraging the wellness and healthy lifestyles in the City of Woburn. The "Be Well Woburn Committee Departmental Revolving Fund", is to be credited with all fees and charges not to exceed \$50,000.00 received during Fiscal Year 2012 from donations and money raised. Any remaining balance at June 30, 2012 is to revert to the General Fund, unless the fund is re-established. The "Be Well Woburn Committee Departmental Revolving Fund", under M.G.L. Chap. 44, Sec. 53 ½ must be re-established on a year-to year basis. The City Council, upon recommendation of the Mayor, must have an annual vote prior to the start of the Fiscal Year. This authorization makes the approved Departmental Revolving Fund effective for the ensuing Fiscal Year only.

I hereby recommend the above. s/Scott D. Galvin, Mayor

s/Alderman \_\_\_\_\_

\*\*\*\*\*

**ORDERED** That the City Council of the City of Woburn does hereby approve the Discontinuance, Abandonment, and Release of a perpetual right and easement over a parcel of land, which parcel is shown as "Access Easement" on a plan of land entitled "Approval Not Required, 32 Merrimac Street, Woburn, MA, Prepared for Leo and Carolyn DiLorenzo," by Borselli Engineering, dated September 27, 2007, recorded as Plan 1204 at Book 2007 Page 1204;

Said easement being discontinued, abandoned and released is described in a document title "Grant of Easement" dated November 11, 2007 and recorded with Middlesex South Registry of Deeds on January 29, 2008 at Book 50647 Page 384; and

Further it was VOTED to authorize the Mayor to execute such Release or other Instrument in favor of the owner of record of such affected parcel in consideration of such sum as he deems to be in the best interest of the City of Woburn.

s/Alderman Raymond

\*\*\*\*\*

RESOLVED Whereas, the City of Woburn has voluminous records that it must maintain and archive; and

Whereas, the City of Woburn requires space to secure these records; and

Whereas, the City of Woburn must adequately catalogue and preserve these records as well as plan for the cataloguing, maintenance and preservation of future records; and

Whereas, there is a financial impact upon the City to maintain its' voluminous records and archives;

Now Therefore, Be It Resolved that the City of Woburn, through the Mayor and in concert with the Grant Writer and City Clerk investigate the availability of federal and state grants that may be available to financially assist the City to catalogue, maintain and/or preserve the records of the City of Woburn.

s/Alderman Anderson

---

Motion made and 2<sup>nd</sup> to ADJOURN.