

**CITY OF WOBURN  
AUGUST 15, 2006 - 7:30 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Ciriello	Gately
Denaro	Galvin
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Doherty	

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

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**MAYOR'S COMMUNICATIONS:**

**RESOLVED** A Resolution to File and Accept Grants with and from the Commonwealth of Massachusetts, Executive Office of Environmental Affairs for the Urban Self-Help Program for Improvements to Library Park

Whereas, Library Park is by and far and community wide asset and improvements to improve the accessibility of this facility for all of Woburn's citizens are a City priority as evidenced in the most recent Open Space and Recreation Plan: and

Whereas, the construction of a fully accessible comfort station at Library Park will greatly enhance the accessibility of this facility; and

Whereas, this overall cost of the project and fiscal budget constraints prevented the City from proceeding forward with implementation of this project; and

Whereas, the Executive Office of Environmental Affairs (EOEA) is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the Urban Self-Help Program, Chapter 933 Acts of 1977, as amended; and

Whereas, the construction of the Library Park comfort station is estimated by the Woburn Engineering Department to cost a total of \$160,000.00 (One Hundred and Sixty Thousand Dollars) and the City Council intends to allocate the sum of \$160,000.00 through transfer from the Free Cash account;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn

1. That the Mayor be and is hereby authorized to file and accept grants from the Executive Office of Environmental Affairs; and
2. That the Mayor be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Parks and Recreation Department; and
3. That this resolution shall take effect upon passage.

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

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A communication dated July 27, 2006 was received from His Honor the Mayor as follows:

Dear President Doherty and Members of the City Council:

You are cordially invited to attend the 75<sup>th</sup> Anniversary ceremonies of the dedication of Woburn City Hall, This event will be open to the public and held on the front steps of City hall on Thursday, August 31<sup>st</sup>, at 6:00 p.m. Following the formal ceremonies, we will adjourn to the Council Chambers for cake and light refreshments.

Sincerely, s/Thomas L. McLaughlin, Mayor

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A communication dated August 2, 2006 was received from His Honor the Mayor as follows:

Re: Dedication of New High School

Dear President Doherty and Members of the City Council:

Although a formal announcement is forthcoming, I would like to suggest that you mark the date of Sunday, October 15, 2006, at 2:00 p.m., on your calendar for the formal dedication of the new Woburn Memorial High School.

I will provide you with further details as they become available.

Sincerely, s/Thomas L. McLaughlin, Mayor

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A communication dated August 2, 2006 with attachment was received from His Honor the Mayor as follows:

Re: Coalition Health Insurance Bargaining

Dear President Doherty and Members of the City Council:

Attached for your review and information, please find a copy of a memorandum from Kopelman & Paige dated July 19, 2006. This memorandum discusses coalition health insurance bargaining, G.L. c. 32B, Section 19.

Attorneys Jenkins and Turner, who coauthored the memorandum, conclude that there presently are a number of problems inherent in adopting the provisions of this section.

Sincerely, s/Thomas L. McLaughlin, Mayor

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A communication dated August 10, 2006 along with an attachment was received from His Honor the Mayor as follows:

Dear President Doherty and Members of the City Council:

As a result of recent discussions by the Ordinance Committee of the Council pertaining to differential water rates, I sought legal guidance to insure that the Council considers all aspects of any possible change(s) to the ordinance.

Hence, enclosed for your review and information is a legal opinion from Kopelman and Paige that pertains to this issue. I would ask that this opinion be introduced and made part of the record.

Sincerely, s/Thomas L. McLaughlin, Mayor

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Copies of communications dated July 20, 2006 from His Honor the Mayor to State Senator Robert A. Havern, State Senator Patricia D. Jehlen, State Representative Jay R. Kaufman, State Representative Patrick M. Natale, and State Representative James R. Miceli as follows:

Re: Funding Authorization for Design of the New Boston Street Bridge

I would like to express my concern with the Governor's veto of the funding authorization for the design of the New Boston Street Bridge. As you are aware, the reconstruction of the New Boston Street Bridge is a key priority for the City of Woburn that will serve to provide a vital transportation link for Woburn and the adjoining Town of Wilmington.

We would appreciate your effort in overriding the Governor's veto so that this funding authorization is restored.

Please let me know if there is anything further we can do to assist you in this endeavor. Again, we appreciate the support you have shown us not only on this particular issue, but also in your successful efforts in securing additional local revenues and debt service relief in the FY 2007 budget.

Sincerely, s/Thomas L. McLaughlin, Mayor

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**PUBLIC HEARINGS:**

On the petition by MVP Sports, Inc., dba Decathlon USA, 325 Ballardvale Street, Wilmington, Massachusetts 01887-1012 for amendment to the Zoning Map of the City of Woburn by changing the zoning district designation for the public portion of Tower Park Drive and 369 Washington Street as shown on the map filed herewith from O-P to B-I. PUBLIC HEARING OPENED.

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On the petition by ten residents and taxpayers to amend the 1985 Woburn Zoning Ordinances, as amended, by establishing a new Section 21 entitled Mishawum Station Transit Oriented Development Overlay District and to amend the Zoning Map of the City of Woburn by establishing an overlay district for a certain parcel of land shown on a plan filed herewith entitled "Mishawum Station, Woburn, MA, Prepared by: Allen & Major Associates, Inc., dated May 4, 2006" known as the Mishawum Station Transit Oriented Development Overlay District as set forth in the petition. PUBLIC HEARING OPENED.

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On the petition by Kathy Wilson, 561 Washington Street, South Attleboro, Massachusetts for a special permit pursuant to Section 7 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the location of a psychic studio at 238 Lexington Street. PUBLIC HEARING OPENED.

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On the petition by Yannian Ji, 7 Blake Road, Braintree, Massachusetts 02184 for a special permit pursuant to Section 5.1.33b of the 1985 Woburn Zoning Ordinances, as amended, to allow muscular therapy at 340 Washington Street aka 400 Cummings Park. PUBLIC HEARING OPENED.

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On the petition by Daniel J. McSheffrey, 3 Redleaf Lane, Woburn, Massachusetts 01801 for a special permit to modify special permits granted July 8, 2004 and August 12, 2004 pursuant to Sections 5.1.22b, 5.1.29, 5.1.46b, 5.1.63a, 15.6(c)(i), 15.6(c)(iv) and 15.6(c)(vi) of the 1985 Woburn Zoning Ordinances, as amended, to allow for a drive-up Customer Service Facility with hours in excess of 7:00 a.m. to 10:00 p.m. for the existing

fast food use at 75R Main Street. PUBLIC HEARING OPENED. A communication dated July 7, 2006 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board, as follows:

Re: Daniel J. McSheffrey – 75R Main Street – To modify the previous special permits dated July 8 and August 12, 2004 to allow a drive-up customer service facility with hours in excess of 7:00 a.m. to 10:00 p.m.

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on June 27, 2006, the Board voted to forward a favorable recommendation to the City Council on the Special Permit request to modify the previous Special Permits dated July 8 and August 12, 2004 to allow a drive-up customer service facility with hours in excess of 7:00 a.m. to 10:00 p.m. at 75R Main Street with the following conditions:

1. That the petitioner shall make a payment of \$4800 for mitigation work to be performed by the DPW for the installation of an “impressed type” of crosswalk.
2. That the proposal shall be in accordance with the “Proposed Site Plan” dated 5-26-06.
3. That the hours of operation of the drive-up customer service facility hours shall be limited to Monday through Friday 6:00 a.m. to 10:00 p.m., Saturday 7:00 a.m. to 10:00 p.m., and Sunday 8:00 a.m. to 10:00 p.m.
4. That the dumpsters shall only be emptied between 7:00 a.m. and 5:00 p.m. Monday through Friday.
5. That all conditions of the Special Permits dated July 8 and August 12, 2004 shall remain in effect except for Condition #1 of the July 8, 2004 decision except as modified by the above conditions.

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 communication dated June 26, 2006 from John E. Corey, Jr., PE, City Engineer to Edmund P. Tarallo, Planning Director, was received as follows:

Subject: 75 Main Street – Special Permit Fast Food Drive Through, received June 9, 2006 - Traffic Study received on June 23, 2006

We have reviewed the information submitted in conjunction with the above referenced facility for a drive through window associated with the existing Dunkin Donuts establishment.

The traffic study indicates that the observed traffic volumes versus the estimated volumes prior to construction are actually 40% greater during the weekday morning period and approximately 30% less during the Saturday midday period. Observations of the existing

facility indicate adequate parking and traffic circulation with no notable instances of traffic congestion. On this basis, the increased morning traffic is not a consideration. Table 3 of the traffic study indicates that there will be an increase of 21% in the weekday morning period and a 9% increase in the Saturday midday period. Appurtenant to these increases in traffic volumes, the traffic study indicates that there will be a drop in the level of service at the facility driveways during the weekday morning and the Saturday midday period. The level of service on Main Street as a result of the proposed drive through poses no change in the level of service and therefore, changes in level of service within the site affect only the patrons choosing to use the facility.

Based on the traffic volumes using the site and the frequency of turning movements, the engineering department recommends that the “impressed type” of cross walk be installed across Main Street from a location to be determined by the DPW Superintendent. We are using these in the downtown area and we have found them to be a successful traffic calming device that alerts motorists through both a visual effect as well as a slightly raised surface with a change in sound to the roadway surface. The cross walk would be 8 feet in width and 30 feet long. The cost of the walk would be \$4,800 and the work would be performed the Department of Public Works vendor. Based on the fast food use and the increased traffic volumes, we believe that this is a wholly reasonable mitigation item for this special permit.

We trust that the foregoing information is sufficient for your needs. Should you have any additional comments, please do not hesitate to contact this office.

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On the petition by Motion Industries, Inc., 44 Third Avenue, Somerville, Massachusetts 02143 for a special permit pursuant to Section 5.1 (42), (57b) and Section 7.3 of the 1985 City of Woburn Ordinance to allow for warehouse and distribution use and the overnight parking of commercial motor vehicles at 11 Cabot Road, Woburn, Massachusetts at 11 Cabot Road. PUBLIC HEARING OPENED. A communication dated August 8, 2006 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board, as follows:

Re: Motion Industries, Inc. – 11 Cabot Road – To allow for warehouse and distribution and overnight parking of commercial motor vehicles

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on August 1, 2006, the Board voted to send a favorable recommendation to the City Council regarding the Special Permit application of Motion Industries Inc. with the following conditions:

1. That the petitioner shall provide a modified parking, loading, access and landscaping plan to be approved by the Planning Board; and
2. That the Planning Board shall retain jurisdiction over the landscaping.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

A copy of a communication date July 28, 2006 was from Brett F. Gonsalves, Senior Engineer to Edmund P. Tarallo, Planning Director, as follows:

Subject: 11 Cabot Road – Warehouse and Overnight Parking – Special Permit application dated July 13, 2006 – Plans dated July 26, 2006 – Development Impact Statement dated July 26, 2006

This office has reviewed the Special Permit application for the above referenced location and offers the following comments:

The Special Permit application outlines the use of the existing building and the modification of the interior office and warehouse areas.

The Development Impact Statement indicates that there will be no impact on the existing site utilities and that there will be a reduction of 9 vehicle trips during the weekday due to the reduction in office space. This information was derived from the ITE Trip Generation Manual.

No traffic study was conducted for this site and no information on the number of vehicle trips for the existing or proposed uses has been provided, but this office does not see a need for this information to be submitted, due to the minor nature of the interior modifications, and therefore takes no exception to the Special Permit application as submitted.

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

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On the petition by Alderman Richard Gately to further amend the 1985 Woburn Zoning Ordinances, as amended, as follows: By amending in Section 2 Definitions, the definition “LEGAL STREET FRONTAGE” by deleting the word “LEGAL” and by further amending said definition by striking the last sentence which states “On a corner lot, the shorter street frontage shall be considered the legal street frontage unless otherwise specified by deed restriction.” And by further amending Section 2, the definition of “LOT LINE, FRONT” by striking the last sentence which states “On a corner lot, the shorter street frontage shall be considered the legal street frontage unless otherwise specified by deed restriction.” And by further amending in Section 5 Use Regulations, by deleting in Section 5.2.4.6 the word “legal” in the first sentence. And by further amending in Section 6 Dimensional Regulations, Section 6.1 Table of Dimensional Regulations by adding under the column title “Front Yard Setback”, “Side Yard Setback” and “Rear Yard Setback” the following “(Note 9)”. And by further amending Said Section 6, by adding at

the end of the Footnotes to 6.1 Table of Dimensional Regulations the following “9. The definition of lot line, front; lot line, rear; and lot line, side as stated in Section 2 shall be used to calculate the front yard setback, side yard setback, and rear yard setback.”

PUBLIC HEARING OPENED. A communication dated August 8, 2006 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board, as follows:

Re: Zoning Amendment – Legal Street Frontage – Alderman Gately

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on August 1, 2006, the Board voted to forward a favorable recommendation to the City Council on the above-cited zoning amendment.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

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On the petition by Alderman Paul Denaro to further amend the 1985 Woburn Zoning Ordinances, as amended, as follows: By amending Section 11 Special Permits and Variances by adding to Section 11.6.10 Drive-up Customer Service Facility the following: At the end of the first paragraph the following sentence “All signs related to Drive-up customer service facilities shall be permitted by Special Permit by the City Council in accordance with the Development Standards of this Section.” Adding under subsection Section 11.6.10.b. Development Standards the following: “6. All menu boards or canopy signs related to Drive-up customer service facilities shall be reviewed by the Special Permit Granting Authority with regard to the aesthetic appearance of the sign, its relation with the overall signage on the lot including number and type of signs, and its overall impact on the surrounding area. Menu Boards and Canopy signs shall comply with Sections 13.3, 13.4.2 through 13.4.9, 13.5 of the Woburn Zoning Ordinance. All other signs at drive-up customer facilities shall comply with the requirements of Section 13 of the Woburn Zoning Ordinance. Drive-up customer service facilities shall be limited to no more than two menu boards per facility and shall be located adjacent to the driveway leading to a drive through window. The menu board shall be located in such a way that the operator of a motor vehicle can read the sign from the vehicle. Menu boards shall not exceed eight feet in height and nine feet in width and may be free standing or attached to the building. Menu boards shall be at least five feet from the property line and shall not exceed 50 square feet in sign area. The area of the menu boards shall not be counted towards the maximum allowable signage. Drive-up customer service facilities shall be limited to no more than one canopy sign at the location of drive-up customer service facilities. The canopy sign shall be located in such a way that the operator of a motor vehicle can read the sign from the vehicle. Signs shall be at least five feet from the property line and shall not exceed 50 square feet in sign area. The area of the canopy sign shall not be counted towards the maximum allowable signage.” And by further amending in Section 2 Definitions, by adding the following definitions: “Menu

Board/Order Board: A sign incorporated into a drive-up customer service facility where products or services are offered directly to the occupant of the vehicle. A menu/order board shall identify only the products or services available at the drive-up customer facility.” “Canopy Sign: A sign located at a drive-up customer facility affixed directly to the canopy within the stacking or transaction area of the drive-up customer facility. Canopy signs shall be limited to directional, informational, company name, and/or logo.” And by further amending Section 13.1.1 by adding after the first sentence “The requirements for Menu Board/Order Board and Canopy signs for drive-up customer service facilities are set forth in Section 11.6.10”. PUBLIC HEARING OPENED. A communication dated August 8, 2006 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board, as follows:

Re: Zoning Amendment – Drive up Customer Service Sign – Alderman Denaro

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on August 1, 2006, the Board voted to forward a favorable recommendation to the City Council on the above-cited zoning amendment.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

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**COMMITTEE REPORTS:**

**ORDINANCES:**

On the Order to amend Title 2, Article XXXIV, Section 2-213 and Title 2, Article XXIX, Section 2-193(22) relative to the Sealer and Weights and Measures, committee report was received “ought to pass.”

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**PERSONNEL:**

On the appointment of Mary Haines as a Member of the Board of Trustees of the Woburn Public Library, committee report was received “ought to pass.”

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On the appointment of Kevin Meaney as a Member of the Historic District Commission, committee report was received “ought to pass.”

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**CITIZEN’S PARTICIPATION:** None.

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**NEW PETITIONS:**

Petition by ten taxpayers and citizens of the City of Woburn for the acceptance of the entire length of Presidential Way in Woburn, Massachusetts as more accurately depicted on Definitive Subdivision Plan Dundee Park I – Modification in Woburn, MA prepared for National Development of New England with a date of April 28, 2003 Sheets 1 through 6, prepared by Hancock Survey Associates, Inc. and recorded at the Commonwealth of Massachusetts South District Registry of Deeds, Cambridge, Massachusetts Plan #33 of 2004.

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Petition by Boston Edison Company and Verizon New England Inc. for a grant of right in a way on the easterly side of Washington Street approximately 300 feet north of Mill Street to install one hip guy and anchor at pole 228/51.

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Petition by Boston Edison Company and Verizon New England Inc. for a grant of right in a way on the northwesterly side of Alfred Terrace approximately 300 feet southwest of Alfred Street to install one joint occupancy pole and anchor and to remove one joint occupancy pole at pole 678/3.

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Petition by Boston Edison Company and Verizon New England Inc. for a grant of right in a way on the southerly side of Silvermine Road approximately 788 feet east of Russell Street to install one joint occupancy pole and anchor guy at pole 419/8.

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Petition by AvalonBay Communities, Inc., Suite 804N, 1250 Hancock Street, Quincy, Massachusetts 02169 for a special permit to modify Condition No. 23 of a special permit issued on April 7, 2005 by deleting the language of Condition No. 23 and inserting in its place the following: “The developer/owner will provide forty-nine (49) affordable units, of which 46 will be affordable to persons and households of low and moderate income. The remaining three (3) affordable units will be handicapped equipped. The forty-nine (49) units shall remain affordable in perpetuity.”

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Petition by Monster Paintball, LLC, 139 Nichols Street, Wilmington, Massachusetts 01887 for a special permit pursuant to Section 5.1.17b of the 1985 Woburn Zoning Ordinances, as amended, to operate an indoor commercial playground, sports facility for indoor paintball and associated pro shop, all in an area containing approximately 25,000 square feet at 5 Crescent Avenue.

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Petition by Anthony J. Giunta, Jr., 188 Ridge Lane, Apt 311, Waltham, Massachusetts 02452 for a special permit pursuant to Section 5.1.44 of the 1985 Woburn Zoning

Ordinances, as amended, to allow an auto repair/custom exhaust facility at 315 New Boston Street.

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Petition by Marc E. Dionne, 223 Loring Avenue, Salem, Massachusetts 01976 for a Billiard Table License at 435 Main Street.

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**COMMUNICATIONS AND REPORTS:**

A communication dated July 25, 2006 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the July Director's Report and a copy of the minutes for the July meeting of the Council on Aging.

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A communication dated July 19, 2006 was received from Attorney David C. Jenkins and Attorney Sarah N. Turner of Kopelman and Paige, P.C. relative to Coalition Health Insurance Bargaining – G.L. c. 32B, § 19.

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A communication dated July 31, 2006 was received from Attorney Barbara J. Saint Andre of Kopelman and Paige, P.C. relative to Comprehensive Permits – Recent Developments.

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A communication dated July 18, 2006 was received from Mark R. Reich of Kopelman and Paige, P.C. relative to requirement for attendance at quasi-adjudicatory proceedings.

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A copy of a communication to the Land Court entitled "Notice of Appeal" was received from Attorney Jonathan Silverstein, Kopelman and Paige, P.C. relative to his appearance on behalf of the city of Woburn in the matter known as Gibbs Oil Company Limited Partnership v. Scott Galvin, et. al., pending at Land Court and found at Case No. 04-MISC-295602(KFS).

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A communication dated August 10, 2006 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Petition of Lawless Chrysler Jeep, Inc., 196 Lexington Street, Woburn, MA

Dear Mr. Campbell:

Please be advised that I represent Lawless Chrysler Jeep, Inc., 196 Lexington Street, Woburn, Massachusetts. As you know, on June 14, 2005, the City Council granted a special permit to allow for an extension of the existing showroom and repair facility, as well as allowing parking in the R-1 Zone on the site. Conditions 1 and 2 of the Decision reference the plans of record.

As a result of safety concerns for customer parking, the parking area to the left of the building has changed slightly in terms of the direction of the parking. Also, because of aesthetic reasons, the location of the "fenced in" dumpster area should be changed.

I believe that both of these items are minor modifications to the Site Plan. Since my client is in the process of trying to obtain its final occupancy permit, I would like to present the revised plan with said minor modifications to the City Council at its meeting on August 15, 2006 for approval. I will not have copies of the revised plan until either late on Monday, August 14, 2006 or the morning of August 15, 2006. Upon receipt, I will deliver copies to your office.

If you have any questions or need any further information, please do not hesitate to contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

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A communication dated August 1, 2006 was received from Donald Hasty as follows:

Re: Special Permit – Avis rent A Car – 45 Commerce Way Woburn

City Council voted that the Special Permit be granted, as amended with conditions as follows:

1. That a maximum of eighteen (18) rental cars may be store on site. WAS OK'D
2. That the vehicles shall be registered in the City of Woburn. WAS OK'D
3. That the two paved areas encroaching on the abutting property on the northeasterly portion of the site shall be removed.
4. That a landscaping plan shall be submitted and approved by the Planning Board and the Board shall retain jurisdiction over the landscaping. WAS OK'D
5. That the dumpster shall be enclosed with fencing or wall and be landscaped. WAS OK'D. They chose not to Lease a dumpster.

All conditions have been OK'D except #3 which I would like to explain why I feel it's unnecessary to have these two areas removed. I have enclosed a site drawing which shows that the Electric Company has an easement across the paved area 250 ft. wide, and beyond the property line there is vacant wet land. The two paved areas encroaching on abutting property was just discovered by me last year. The paved areas in question have been in place since 1977 almost 30 years. I feel removing these two areas after all this time has passed would have no benefit to the abutter or to the town of Woburn.

I would ask the City Council to reconsider their vote on #3 to leave the two paved area as is, and permit AVIS RENT A CAR their Special Permit

Thanks, s/Donald Hasty

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A communication dated August 3, 2006 was received from John D. McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 as follows:

Re: Special Permit – HPH Realty, LLC

Ladies and Gentlemen:

Please consider this as a request by the Petitioner to continue the Public Hearings scheduled for September 5, 2006 to the meeting following that, on September 26, 2006.

We will not be receiving any final Planning Board Decision on this matter until their September 12<sup>th</sup> meeting, and therefore it makes more sense to continue the Council Hearing to the 26<sup>th</sup>.

Thank you for your cooperation.

Sincerely, s/John D. McElhiney

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A copy of a communication dated July 12, 2006 to the Surface Transportation Board was received from Carter H. Strickland, Jr., Rutgers Environmental Law Clinic, 123 Washington Street, Newark, New jersey 07102 relative to petition by New England Transrail LLC for construction, acquisition and operation exemption.

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A copy of a communication dated July 12, 2006 to the Surface Transportation Board was received from Dean Ehlert, Solid Waste Program Coordinator, Idaho Department of Environmental Quality, 1410 North Hilton, Boise, Idaho 83706 relative to petition by New England Transrail LLC for construction, acquisition and operation exemption.

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A copy of a communication dated August 1, 2006 to the Surface Transportation Board was received from James Colman, Assistant Commissioner, Bureau of Waste Prevention, Department of Environmental Protection, One Winter Street, Boston, Massachusetts 02108 relative to petition by New England Transrail LLC for construction, acquisition and operation exemption.

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A copy of a communication dated August 2, 2006 to the Surface Transportation Board was received from Jeffrey M. Bauer. Baker Botts LLP, The Warner, 1299 Pennsylvania Avenue NW, Washington, D.C. 20004 relative to petition by New England Transrail LLC for construction, acquisition and operation exemption.

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A copy of a communication dated August 2, 2006 to the Surface Transportation Board was received from Edward D. Greenberg and David K. Monroe, Galland, Kharasch, Greenberg, Fellman & Swirsky, P.C., Canal Square, 1054 Thirty-First Street, N.W., Washington, D.C. 20007 relative to petition by New England Transrail LLC for construction, acquisition and operation exemption.

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A copy of a communication dated August 2, 2006 to the Surface Transportation Board was received from G. Paul Moates, Counsel for The New York, Susquehanna and Western Railway Corporation, Sidley Austin LLP, 1501 K Street N.W., Washington, D.C. 20005 relative to petition by New England Transrail LLC for construction, acquisition and operation exemption.

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A copy of a communication dated August 2, 2006 to the Surface Transportation Board was received from Attorney Paul R. DeRensis and Attorney Daniel R. Deutsch, Deutsch Williams Brooks DeRensis & Holland, P.C., 99 Summer Street, Boston, Massachusetts 02110 relative to petition by New England Transrail LLC for construction, acquisition and operation exemption.

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A copy of a communication dated August 2, 2006 to the Surface Transportation Board was received from Siu Tip Lam, Assistant Attorney General, Environmental Protection Division, Office of the Attorney General, One Ashburton Place, Boston, Massachusetts 02108 relative to petition by New England Transrail LLC for construction, acquisition and operation exemption.

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A copy of a communication dated July 20, 2006 to the Surface Transportation Board was received from Andrew Booker, Ohio Environmental Protection Agency, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216 relative to petition by New England Transrail LLC for construction, acquisition and operation exemption.

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A copy of a communication dated July 13, 2006 to the Surface Transportation Board was received from Edward D. Greenberg, Galland, Kharasch, Greenberg, Fellman & Swirsky, P.C., Canal Square, 1054 Thirty-First Street, NW, Washington, D.C. 20007 relative to petition by New England Transrail LLC for construction, acquisition and operation exemption.

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A copy of a communication dated July 5, 2006 to the Surface Transportation Board was received from Susan Cleaver, 109 Coleman Road, Goshen, New York 10924 relative to petition by New England Transrail LLC for construction, acquisition and operation exemption.

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A copy of a communication dated August 7, 2006 to the Surface Transportation Board was received from John V. Edwards, Norfolk Southern Corporation, Law Department, Three Commercial Place, Norfolk, Virginia 23510 relative to petition by New England Transrail LLC for construction, acquisition and operation exemption.

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**UNFINISHED BUSINESS OF PRECEDING MEETING:** None.

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**APPOINTMENTS AND ELECTIONS:**

A communication dated August 1, 2006 was received from His Honor the Mayor as follows:

Re: Sign review Board Appointment, Peter Manakos

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Peter Manakos of 489 Main Street as a Member of the Sign Review Board for a period of three years.

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

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

Sincerely, s/Thomas L. McLaughlin, Mayor

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**MOTIONS, ORDERS AND RESOLUTIONS:**

ORDERED Be it ordained by the City Council of the City of Woburn that Title 2, Article XIII of the 1989 Woburn Municipal Code, as amended, be further amended as follows:

By deleting from Title 2, Article XIII, Section 2-120A the words “amount of \$50,000.00” and replaced with the words “range of \$63,000.00-\$67,000.00”

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

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ORDERED That due to the State Primary Election the Regular Meeting of the City Council set for September 19, 2006 shall be changed to September 26, 2006 at 7:30 p.m.

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

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ORDERED That the Committee on Special Permit Review meet with the owners of the Woburn Nursing Center of 18 Frances Street for review of the conditions of the special permit issued December 6, 1989 relative to alleged violations of the conditions of the special permit regarding trucking.

s/Alderman Dwyer

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ORDERED That in accordance with Massachusetts General Laws Chapter 54, as amended, the City Clerk is hereby authorized and directed to notify and to warn such of the inhabitants of the City of Woburn as are qualified to vote in Primaries to assemble at the polling places in their respective wards as designated herein, on TUESDAY, the NINETEENTH DAY OF SEPTEMBER, 2006 from 7:00 a.m. to 8:00 p.m., then and their to cast their votes in the State Primary for the candidates of political parties DEMOCRATIC AND REPUBLICAN for the following offices:

SENATOR IN CONGRESS .....	FOR THIS COMMONWEALTH
GOVERNOR .....	FOR THIS COMMONWEALTH
LIEUTENANT GOVERNOR .....	FOR THIS COMMONWEALTH
ATTORNEY GENERAL .....	FOR THIS COMMONWEALTH
SECRETARY OF STATE.....	FOR THIS COMMONWEALTH
TREASURER .....	FOR THIS COMMONWEALTH
AUDITOR	FOR THIS COMMONWEALTH
REPRESENTATIVE IN	
CONGRESS	SEVENTH DISTRICT
COUNCILLOR	SIXTH DISTRICT

SENATOR IN GENERAL COURT .....2<sup>ND</sup> MIDDLESEX DISTRICT  
 (Ward 2)  
 SENATOR IN GENERAL COURT .....4<sup>TH</sup> MIDDLESEX DISTRICT  
 (Wards 1, 3, 4, 5, 6, 7))  
 REPRESENTATIVE IN GENERAL COURT .....15<sup>th</sup> MIDDLESEX SENATORIAL  
 DISTRICT (Wards 1, 7 )  
 REPRESENTATIVE IN GENERAL COURT .....30<sup>th</sup> MIDDLESEX DISTRICT  
 (Wards 2, 3, 4, 5, 6)  
 DISTRICT ATTORNEY .....NORTHERN DISTRICT  
 CLERK OF COURTS.....MIDDLESEX DISTRICT  
 REGISTER OF DEEDS .....MIDDLESEX SOUTHER DISTRICT

<u>Ward-Precinct</u>	<u>Polling Place Location</u>
1-1	Joyce Middle School Library 55 Locust Street
1-2	Clapp Elementary School Cafeteria Hudson Street and Arlington Road
2-1	Shamrock Elementary School Gymnasium 60 Green Street
2-2	Shamrock Elementary School Gymnasium 60 Green Street
3-1	Hurld Elementary School Gymnasium 75 Bedford Road
3-2	Hurld Elementary School Gymnasium 75 Bedford Road
4-1	Wyman Elementary School Auditorium Main Street and Eaton Avenue
4-2	White Elementary School 36 Bow Street
5-1	Goodyear Elementary School Gymnasium 41 Orange Street
5-2	Goodyear Elementary School Gymnasium

41 Orange Street

6-1 Altavesta Elementary School Gymnasium  
990 Main Street

6-2 Altavesta Elementary School Gymnasium  
990 Main Street

7-1 Old Reeves Elementary School Gymnasium  
240 Lexington Street

7-2 Old Reeves Elementary School Gymnasium  
240 Lexington Street

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

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ORDERED That pursuant to 1989 Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6 the City Clerk is hereby authorized to dispose of four Dell 13 inch non-flat screen computer monitors which the City Clerk has determined are of no value to the department and which no other department has expressed an interest in obtaining.

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

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ORDERED That pursuant to 1989 Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6 the Director of the Human Resources Department is hereby authorized to dispose of an HP Laserjet Printer 2100TN which the Director has determined are of no value to the department and which no other department has expressed an interest in obtaining.

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

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RESOLVED That committee be established to determine the feasibility, planning and funding of a program of summer activities for special needs children of the city; and

Further, that the committee shall consist of three members of the City Council appointed by the President of the City Council, the Director of Recreation, the Superintendent of the Parks Department, a Chair or his/her designee of the Woburn Handicapped and Disabled Citizens Commission, a member of the School Committee appointed by the Chair of the School Committee, a special needs educator from the Woburn Public Schools

system appointed by the Superintendent of Schools, and three parents of special needs students residing in Woburn appointed by the Mayor.

s/Alderman Gately, Alderman Mercer-Bruen  
and Alderman Dwyer

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RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to install curbing and sidewalk on the entire length of the east side of Jefferson Court beginning at Jefferson Street which is approximately 280 feet.

s/Alderman Gately

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RESOLVED That the Traffic Commission determine the feasibility of establishing a special speed regulation on Frances Street of 20 m.p.h.

s/Alderman Dwyer

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RESOLVED Whereas, the Woburn U18 Boys Soccer Team compiled an undefeated regular season record; and

Whereas, the record earned the Woburn U18 Boys Soccer Team the title of Middlesex League Champions; and

Whereas, the team advanced to the Massachusetts Youth Soccer Association annual Massachusetts Tournament of Champions; and

Whereas, the Woburn U18 Boys Soccer Team distinguished itself during the tournament with its demeanor during the matches, at the close of matches, and while under intense competitive situations; and

Whereas, the Massachusetts Youth Soccer Association awarded the Woburn U18 Boys Soccer Team with the state Sportsmanship Award following their participation in the tournament; and

Whereas, the Sportsmanship Award recognizes the behavior of the players, as well as the coaches and the parents on the sidelines;

Now, therefore, the City Council of the City of Woburn congratulates the members of the Woburn U18 Boys Soccer Team for receiving the Sportsmanship Award which reflects well on the members of the team and the city of Woburn and extends the best wishes of the community for their continued academic and athletic success.

s/President Doherty and Alderman Galvin

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RESOLVED Whereas, Thomas A. Jones, Jr. was appointed Recreation Director for the City of Woburn on September 25, 1972; and

Whereas, Thomas A. Jones, Jr. was responsible for coordinating a vast number of activities which enriched the social, physical and cultural well-being of the residents of the city; and

Whereas, under the direction of Thomas A. Jones, Jr., the citizens of the community enjoyed sporting events which brought families and neighbors together as both participants and spectators in the parks and playing fields of the city; and

Whereas, Thomas A. Jones, Jr. also arranged trips that allowed families to attend national sporting venues such as behind the scenes tours of Fenway Park in Boston and game day at Yankee Stadium in New York as well as holiday shopping trips to New York City; and

Whereas, Thomas A. Jones, Jr. took special interest in ensuring a variety of summer activities for the youth of the city during the summer months at the parks and swimming pools in the city and special field trips to enjoy summer activities around New England; and

Whereas, an annual summer concert series at Library Field as well as seasonal concerts of music and humor were a staple under the guidance of Thomas A. Jones, Jr.;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that the Woburn City Council recognizes the many achievements, accomplishments and contributions of Thomas A. Jones, Jr., to the citizens of the City of Woburn during his career as Recreation Director, thanks him for his service to the community, and extends the best wishes of the community for continued health, happiness and success upon his retirement.

s/President Doherty

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