

**CITY OF WOBURN
APRIL 3, 2012 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Gaffney	Raymond - absent
Denaro	

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE, 8 in favor, 0 opposed, 1 absent (Raymond absent).

MAYOR'S COMMUNICATIONS:

A communication dated April 2, 2012 with attachments was received from His Honor the Mayor Scott D. Galvin as follows:

President Paul Denaro and Honorable Members of the City Council:

Tonight I am forwarding an order for the City Council to accept a gift/grant from the Woburn Development & Financing Corporation in the amount of \$103,000.00 for the Walnut Hill Parking Deck project in accordance with the terms of the letter dated March 30, 2012 received from the Woburn Development & Financial Corporation.

The order requires one reading, and I am respectfully requesting your approval of the Order tonight.

Thank you.

Respectfully, s/Scott D. Galvin, Mayor

Attached thereto was a letter dated March 30, 2012 from Donald P. Queenin, President, Woburn Development & Financial Corporation and an Order as follows:

Dear Mayor Galvin:

The Woburn Development & Financial Corporation voted at their meeting of March 29, 2012 to allocate to the City of Woburn a grant/gift in the amount of \$103,000 for the Walnut Hill Parking Deck Project. The vote stipulated that the interest on the grant funds shall remain with and become part of the grant account in accordance with M.G.L.

Chapter 44, Section 53A, and that all funds not expended upon completion of the contract shall be returned to the Woburn Development & Financial Corporation, and that the City shall provide the Woburn Development & Financial Corporation with a monthly accounting of these expenses, and upon completion of the contract the City shall provide a complete financial accounting of the grant/gift.

Please, inform me of acceptance of the grant/gift as voted by the City Council, so that a check can be issued to the City of Woburn.

Sincerely, s/Donald P. Queenin, President

ORDERED Be it ordered that the City of Woburn, in accordance with M.G.L. Ch. 44, Section 53A, accept the gift/grant of \$103,000.00 from the Woburn Development & Financial Corporation for the Walnut Hill Parking Deck project in accordance with the terms of the letter dated March 30, 2012 received by His Honor the Mayor Scott D. Galvin from the Woburn Development Corporation.

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

s/President Denaro

Motion made and 2nd that the ORDER be ADOPTED, 8 in favor, 0 opposed, 1 absent (Raymond absent).

Presented to the Mayor: April 5, 2012 s/Scott D. Galvin, Mayor April 5, 2012

Motion made and 2nd to suspend the rules for the purposes of taking the following matter out of order, 8 in favor, 0 opposed, 1 absent (Raymond absent). Report from City Solicitor Ellen Callahan Doucette relative to the status of the matter A.L. Prime v. City Council, pending in the Massachusetts Court of Appeals. Motion made and 2nd that the City Council go into Executive Session for this portion of the meeting to discuss pending litigation, ROLL CALL: Anderson - Yes, DiTucci - Yes, Drapeau - Yes, Gaffney - Yes, Gately - Yes, Haggerty - Yes, Mercer-Bruen - Yes, Raymond - Absent, Denaro - Yes. The City Council removed to the Committee Room with the City Solicitor. The City Council returned to the Council Chamber at 7:54 p.m. President Denaro stated that the City Council voted to not pursue additional appeal of the matter. Motion made and 2nd to return to the regular order of business, 8 in favor, 0 opposed, 1 absent (Raymond absent). See release of executive session minutes at the end of this meeting.

A communication dated April 2, 2012 with attachments was received from His Honor the Mayor Scott D. Galvin as follows:

City Council President Denaro and Members of the City Council:

In response to a request from your esteemed body regarding Title 15, Article VI, which regulates the maintenance of Vacant Properties, I have submitted a comprehensive, revised ordinance to regulate the maintenance of all non-owner occupied and/or vacant property.

In addition, I have established a Mayoral Task Force, consisting of the Chief of Police, Chief of the Fire Department, Board of Health, Building Inspector, and DPW Superintendent. This Task Force will meet on a regular basis to review problem properties, and ensure compliance with the proposed new ordinance. I am inviting Alderman-at-Large Richard Haggerty to join the Mayoral Task Force, as a City Council Representative.

Respectfully, s/Scott D. Galvin, Mayor

Attached thereto was the following proposed Order:

ORDERED

Be it ordained by the City Council of the City of Woburn, that the Municipal Code of the City of Woburn be amended by deleting Title 15, Article VI, Maintenance of Vacant Property, in its entirety, and inserting a new Article VI as follows:

VI. Registration and Maintenance of Residential Properties

15-23 Intent and Purpose

It is the intent of this Article to protect and preserve public health and safety, and the security and quiet enjoyment of occupants, abutters and neighborhoods by (1) requiring all residential property owners, including lenders, trustees, and service companies to properly maintain their properties and (2) regulating the maintenance of residential properties to prevent blighted and unsecure residences.

15-24 Definitions

When used in this Chapter unless a contrary intention clearly appears, the following terms shall have the following meaning:

City – shall mean the City of Woburn

Days – shall mean consecutive calendar days

Foreclosure/Foreclosed – shall mean the process by which a Property, placed as security for a real estate loan, is prepared for sale to satisfy the debt if the borrower defaults.

Initiation of the foreclosure process - shall mean taking any of the following actions: (1) taking possession of a residential property pursuant to M.G.L. c. 244, §1; (2) delivering

the Mortgagee's notice of intention to foreclose to the borrower pursuant to M.G.L. c. 244, §17B; or (3) commencing a foreclosure action on a property in either the Land Court or Superior Court.

Mortgagee - shall mean the creditor, including but not limited to, service companies, lenders in a mortgage agreement and any agent, servant or employee of the mortgagee, or any successor in interest and/or assignee of the mortgagee's right, interest or obligation under the mortgage agreement.

Non-Owner Occupied – shall mean a residential property leased for residential purposes.

Owner – shall mean every person, entity, service company, or property manager, who alone or severally with others:

1. has legal or equitable title to any dwelling, dwelling unit, or parcel of land vacant or otherwise; or
2. has care, charge or control of any dwelling, dwelling unit, parcel of land vacant or otherwise, in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title or
3. is a mortgagee in possession of any property; or
4. is an agent, trustee, or other person appointed by the court and vested with possession or control of any such property; or
5. is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provision of these minimum standards as if he were the owner. However, this ordinance shall not apply to a Condominium Association created pursuant to M.G.L. c. 138A to the extent that such Association forecloses on or initiates foreclosure process for unpaid assessments due or owing to the Association. Owner also means every person who operates a lodging house; or
6. is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated the foreclosure process.

Property – shall mean any real, residential property, or portion thereof, located in the City, including building or structures situated on the property. For the purpose of this section only, Property shall not include property owned by or subject to the control of the City or any of its governmental bodies. Such property includes, but is not limited to, property owned or controlled by the Woburn Housing Authority.

Representative – shall mean the person primarily responsible for the maintenance of Property at all times of the day and night.

Residential Property – shall mean any property that contains one or more dwelling units used, intended or designed to be occupied for living purposes.

Securing – shall mean requiring the Owner to conform to the state building and fire codes, including but not limited to:

1. Remove all materials determined by the Fire Chief or Building Commission to be dangerous in case of fire.
2. Secure all floors accessible from grade.
3. Maintain any existing fire alarms or sprinkler systems unless written permission is obtained from the Fire Chief in accordance with M.G.L. c. 148, §27A to shut off or disconnect said alarms or systems.
4. Maintain utilities unless written permission is obtained from the Building Commissioner to disconnect said utilities. Permission to disconnect utilities shall not be granted if it will result in inadequate heat to prevent freezing of an automatic sprinkler system or inadequate utilities to maintain any other protection systems.

Security – shall mean measures that assist in making the Property inaccessible to unauthorized persons.

Vacant - shall mean any Property not currently legally occupied for one hundred and eighty (180) days or more and which the Owner does not intend to re-occupy.

15-25 Registration Requirements

- A. Effective upon adoption and on the first day of January every year thereafter, all Owners of non-owner occupied residential properties, vacant residential Properties; and Properties in foreclosure shall register with the Building Commissioner on forms, provided by the Building Commissioner.
- B. All registrations shall state the Owner's or Owner's Representative's phone number and mailing address. If the Owner's address is a Post Office Box, a street address shall also be provided.
- C. All Property registrations shall expire on the last day of the year in which they are filed. A registration fee of Fifty dollars (\$50.00) shall accompany the annual registration form or forms. Registration forms shall be submitted within sixty (60) days prior to the expiration of the valid registration.
- D. As part of the annual registration process the Owner shall:
 - certify that the property is being maintained and secured and not causing a public health and safety nuisance;
 - identify whether the property is vacant at the time of filing;
 - certify that all life safety systems have been installed, inspected and maintained as required by the authority having jurisdiction;
 - certify that all applicable certifications and permits have been obtained for the property;

- certify that all applicable permits and approvals have been obtained if the property is undergoing renovation; and
 - identify whether the property is subject to foreclosure at the time of filing.
- E. Registration is required by Owners within thirty (30) days of the initiation of foreclosure on any residential property and within one hundred and eighty (180) days of a Property becoming vacant.
- F. The Owner shall designate and retain a representative or entity to be responsible for the day-to-day security and maintenance of the property. This designation shall state the representative's name, phone number and local mailing address on the registration form. If the Owner's or Owner's Representative's address is a Post Office Box, a street address shall also be provided.
- G. If the Building Commissioner determines that the status of a Non-Owner Occupied property has changed since registration or that a residential property is vacant and/or that foreclosure proceedings have been initiated, the Owner shall be notified that registration must be received within fourteen (14) days of the Building Commissioner's notice of such change in status.
- H. If the Building Commissioner determines that foreclosure proceedings have been initiated since registration, the Owner and Mortgagee shall be notified that an updated registration must be received with thirty (30) days of the Building Commissioner's notice of such change in status.
- I. Once the building is no longer vacant or is sold, the owner must provide proof of sale or written notice and proof of lawful occupancy to the Commissioner. The Commissioner will notify Police, Fire, Department of Public Works and the Board of Health of the submitted registration of vacant building as well as the reoccupancy of the building.

15-26 Maintenance requirements

All non-owner occupied, vacant or foreclosed Properties shall be maintained in compliance with all relevant local and state Sanitary Codes and Zoning Ordinances concerning external and/or visible maintenance. The Owner or Owner's Representative shall maintain the Property on a routine basis to ensure compliance is met.

15-27 Inspections

The Building Department, the Board of Health, the Police Chief and the Fire Chief or their designees shall have the authority to periodically inspect any Property subject to Title 15, Article VI for compliance. The Building Commissioner shall have the discretion to determine when and how such inspections are to be made, provided that the time and manner of such inspections are reasonably calculated to ensure that this ordinance is enforced.

15-28 Enforcement and penalties

Violations of this ordinance shall be punishable by a fine of three hundred dollars (\$300) and shall be further subject to an additional one-hundred dollar (\$100) fine for each week during which the violation continues. In addition to any other means of enforcement, the provisions of this ordinance may be enforced by non-criminal disposition in accordance with the provisions of M.G.L. c.40, Section 21D and c.40U. For the purposes of such non-criminal disposition, the “enforcing person” shall mean the Building Commissioner.

15-29 Unsafe Buildings

If the Building Commissioner determines the Property to be unsafe, he may act immediately in accordance with the State Building Code to protect public safety. Furthermore, nothing in this ordinance shall abrogate the powers and/or duties of municipal officials to act pursuant to any general statutory authority including, without limitation, M.G.L. c.139, §1 et seq. and M.G.L. c.143, §6 et seq.

15-30 Severability

If any provision of this ordinance is held to be invalid by a court of competent jurisdiction, such provision shall be considered separate and apart from the remaining provisions, which shall remain in full force and effect.

Motion made and 2nd that the MATTER be REFERRED TO THE COMMITTEE ON ORDINANCES, 6 in favor, 2 opposed (Denaro, Gately opposed), 1 absent (Raymond absent).

PUBLIC HEARINGS:

On the petition by Alderman Anderson relative to the structure or structures located at 30 Union Street, Woburn for the purposes of determining whether said building or buildings are a nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or buildings or other structure, as said terms are used in Mass. General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. PUBLIC HEARING OPENED. Appearing was Attorney Steven Smoot, 101 Arch Street, Boston, Massachusetts 02110 and he stated that the Somerville Municipal Federal Credit Union purchased the property for \$83,000.00 at auction and took title to the property, that the property has been listed for sale with a local broker, that the locks have been changed, and that the property has been cleaned. Alderman Anderson stated that the attorney and property manager have been cooperative in maintaining the property during the process. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED REGULAR MEETING OF THE CITY COUNCIL ON AUGUST 14, 2012, 8 in favor, 0 opposed, 1 absent (Raymond absent).

On the petition by Alderman Gately relative to the structure or structures located at 320 Main Street aka 286 Main Street, Woburn, Massachusetts commonly referred to as the Woburn Armory Building for the purposes of prescribing the disposition, alteration or regulation of said structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts, as said terms are used in Mass. General Laws Ch. 139, Sec. 1, and entering any enforcement Order or Orders as the City Council deems necessary to remedy the condition of the property, said property on October 19, 2010 having been declared a public nuisance, a nuisance to the neighborhood, and dilapidated or dangerous buildings or other structures after public hearing and ordered to be brought into decent standard by the and at the expense of the landowner, the condition of the property having not been improved. PUBLIC HEARING OPENED. Alderman Gately stated that the City Council has worked diligently with the property owner, that there have been at least two dozen meetings held in an effort to come up with a plan for the property and the neighborhood, that up until two weeks ago he believed that a deal to improve the property may have been reached but there is no agreement, that the split zoning district over the property makes it difficult for the owner to develop the property, that changing the zoning districts to S-1 for the entire property will not give the developer enough units in the opinion of the developer, that the city must protect the neighbors, that the City Council has also entered an Order declaring the property a nuisance, that he asks for an additional Order to demolish the property within ninety days, that demolishing the property is not to help the developer, that six votes would be required to change the zoning of the property, that even a complete rezoning of the property to S-1 will only result in twelve residential units being allowed to be constructed, that the landowner has done nothing to improve the property, that the parties are at an impasse, that the issue is about public safety, that the Fire Department personnel will not enter the building during a fire and have placed a red X on the outside of the building, that the Building Department has determined the building to be unsafe, that there is a public record of safety issues with the building, that he is not looking for the city to take down the property at the expense of the taxpayers, that the city has to take action, and that if there is a fire at the building this will be a real danger. Alderman Mercer-Bruen stated that the landowner will have a clean lot if the building is demolished, that she wants to know if the city has received information that the building is unsafe and that the public safety is in jeopardy, that she is concerned that the owner will not be getting exactly what he asked for if the building is demolished, that the City Council needs input from city departments of the public safety concerns, and that she wants to know if there are conditions that can be added which will prevent the owner from benefitting from his inaction. Alderman Anderson stated that the City Council cannot take action that will bind future City Councils, that the Ward Alderman has done everything humanly possible to improve the condition of the property, that the property has been secured and boarded up, that he is concerned about creating a clean lot for the landowner, that the shed portion of the building is structurally unsound, that there is no evidence that the front portion of the building is structurally unsound, that the landowner does not want the front of the building and definitely does not want the rear of the building, that he does not want the City Council to rush, that he wants to communicate with the landowner to determine if

the landowner will consent to the demolition, that the city can then deal with the Massachusetts Historical Commission, that the site has historical significance but for the last twenty years it has been an eyesore, that the City Council can give the landowner thirty days to communicate as to whether he will commit to development of the property with a copy to the Massachusetts Historical Commission, that if the property is a nuisance it will be torn down, that there is an exception to the demolition delay ordinance that when the Building Commissioner finds the building to be dangerous then the building can be brought down, that the Massachusetts Historical Commission has an obligation to enforce the covenants, and that perhaps the Attorney General can take action to enforce the covenants of the Massachusetts Historical Commission. Alderman Haggerty stated that future City Councils can always act in a different manner with respect to the property, that demolishing the building does not give the landowner any additional rights in terms of zoning, that he will support the Ward Alderman but he does not want the building torn down, that the property has been a mess for one and one half decades, that the City Council should vote to get the landowner to make progress, and that the city has to make progress on this issue. Alderman Drapeau stated that the building has historical significance, that the landowner will likely agree to demolition of the building as he will have a clean lot, that he is not in favor of giving the owner a way out, that the demolition should be separated to demolish the back of the building which is a safety issue, that the city should not use taxpayer money to demolish the property, and that the city can enter the Order, demolish the property and place a lien for the costs on the property as the owner is unlikely to cooperate with demolition. Alderman DiTucci stated that the landowner said to her when she was a member of the Woburn Historical Commission that if the city demolished the building he will sue the city, that the landowner is letting the property run into the ground, that the landowner has ignored efforts to improve the property, that the landowner does not care and is sitting where he wants to be, that the city must determine the method to force action, that the Woburn Historical Commission has to impose the demolition delay because of the historical significance of the building, and that if the building is ordered demolished at this meeting there would be one year with no action at the property. PUBLIC COMMENTS: Mark Sanborn, 12 Caulfield Road stated that initially fifteen to twenty people appeared at these meetings to complain about the condition of the building but the neighbors have been worn down so that only a few now appear, that the landowner purchased the property knowing what he bought and knowing about the covenants, that there is nothing to hold the owner to the covenants, that he is concerned that if the building is demolished that no one knows what will go on the property under the present zoning, and that there should be terms in place that if the building is demolished the owner does not benefit from his inaction. Sue Ellen Holland, 2 Strawberry Lane stated that she is a Member of the Woburn Historical Commission, that the landowner bought the problem, that the city does not have to solve the problems of the landowner, that the landowner is waiting out the city, that the Woburn Historical Commission will delay the demolition for at least one year under the demolition delay ordinance because of the historic value of the property to the city, and that the City Council should not help the landowner by ordering the demolition. Motion made and 2nd to close the public hearing, 8 in favor, 0 opposed, 1 absent (Raymond absent). Motion made and 2nd that the building located at 320 Main Street be demolished within ninety (90) days of this Order for the following reasons: 1.

That the property was declared a public nuisance pursuant to M.G.L. Chapter 139, Section 1, et. seq., on October 19, 2010 because of the deteriorating condition of the building; 2. That the public safety is in jeopardy and the landowner has not acted with due diligence to improve the condition of the building; 3. That among the defects in the building are the slate falling off the roof, the wrap around roof falling off, and no interior repairs; and further, 4. That a communication be forwarded to the Massachusetts Historical Commission and the Massachusetts Attorney General relative to the action of the City Council, 7 in favor, 1 opposed (Anderson opposed), 1 absent (Raymond absent). **Presented to the Mayor April 5, 2012 and ten days having elapsed without same being approved, said Order became effective without his signature on April 18, 2012.**

On the petition by Gold Star Homes, LLC, 83 Cambridge Street, Suite 2D, Burlington, Massachusetts 01803 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the change, extension and alteration of the existing nonconforming structure and nonconforming use (three family dwelling) to allow for the construction of a four family dwelling at 960 Main Street. PUBLIC HEARING OPENED. A communication dated March 30, 2012 with attachment was received from Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Gold Star Homes, LLC, 960 Main Street, Woburn, Massachusetts

Dear Mr. Campbell:

Enclosed please find ten (10) copies of a revised Site Plan relative to the above-referenced matter. Please note that the Site Plan has been revised consistent with comments received from the Planning Director, City Engineer and Public Works Director.

If you need anything further, please do not hesitate to contact me. Thank you.

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

A communication dated March 30, 2012 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Gold Star Homes, LLC – 960 Main Street – To allow a special permit for the change, extension and alteration of the existing nonconforming structure and nonconforming use (three-family dwelling) to allow for the construction of a four (4) family dwelling pursuant to Section 7.3.

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on March 27, 2012, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Gold Star Homes, LLC, regarding the property at 960 Main Street, to allow a special permit for the change, extension and alteration of the existing nonconforming structure and nonconforming use (three-family dwelling) to allow for the construction of a four (4) family dwelling pursuant to Section 7.3 subject to the following conditions:

1. That the water as shown on the plan shall be corrected as noted by the City Engineer to the satisfaction of the Public Works Director;
2. That the Public Works Director, in consultation with the water treatment plant manager, determine whether a tapping sleeve and valve or 3 way cut in gate valve system shall be needed for the proposed 6" water main;
3. That the applicant shall perform a fire flow test in the project area to determine the flow rate for the proposed sprinklers system. This testing and the required service needs be reviewed and approved by the water department;
4. That each unit shall have an individual sewer service that connects to the main service line. The sizes of the sewer services shall be noted on the plan;
5. That the water and sewer service crossings should have a minimum of 15" vertical separation. If the separation cannot be met, the sewer service will need to be incased in concrete;
6. That the plan shall show the invert of the existing sewer manhole at the intersection of Altavesta Circle;
7. That the plan shall show the size and slope of the existing drain line on Main Street;
8. The large infiltration chamber on sheet 2 shows two observation ports, an additional port shall be added to the middle chamber to the satisfaction of the City Engineer to allow for access to each row of chambers;
9. That an Operation and Maintenance Plan that meets the requirements of the City Engineer shall be required prior to occupancy permit and shall be recorded as part of the condominium documents and as part of the Condominium Association's responsibilities;
10. That the new retaining wall proposed along the Main Street frontage shall be constructed entirely on the petitioner's property and shall be of architectural block and be not more than 4' in height;
11. That the area from the back of existing sidewalk to the property line where the new retaining wall is proposed shall consist of a grass strip and at least two street trees type and size to be approved by the Planning Board;
12. That the proposed driveway shall be at least 18 feet wide its entire length;
13. That the proposed fence shall be a 4' stockade fence beginning at the house at 958 Main St. along the south, rear, and north property line ending at the portion of the one story building abutting Altavesta Circle nearest Main St.;
14. That a landscaping plan shall be presented to the Planning Board for approval and the Planning Board shall retain jurisdiction over the landscaping; and
15. That the parallel parking spaces shown at the rear of the property shall be eliminated.

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 March 27, 2012 from Brett F. Gonsalves, Senior Engineer, Engineering Department to Edmund Tarallo, Planning Director was received as follows;

Subject: 960 Main Street – Alteration of an Existing Nonconforming Structure and Nonconforming use Special Permit - Plans Dated October 11, 2011 - Revised Plans Dated March 20, 2012 - Special Permit Application Dated February 3, 2012 - Drainage Calculations Dated March 21, 2012

The applicant is seeking permission to allow for the change, extension and alteration of the existing nonconforming structure and non conforming use to allow for a four family dwelling.

Upon review of the special permit application with the planning director, superintendent of public works, engineering department and the applicant, this office offers the following comments.

Water

The revised site plan shows a proposed 6” water main connection at the southerly side of the building with individual services that branch off the water main. The actual size of the water main in Main Street is 12” .

The applicant will verify with the water treatment plant manager whether a tapping sleeve and valve or 3 way cut in gate valve system will be needed for the proposed 6” water main. The applicant will need to have a fire flow test in the project area to determine the flow rate for the proposed sprinkler system. This testing will need to be coordinated with the water department.

Sewer

The revised site plan shows a proposed sewer service in front of the units and connecting to Main Street through a series of proposed sewer manholes. Each unit will have an individual sewer service that connects to the main service line. However, the sizes of the sewer services should be noted on the plan. Water and sewer service crossings should have a minimum of 15” vertical separation. If the separation cannot be met, the sewer service will need to be incased in concrete. The plan should show the invert of the existing sewer manhole at the intersection of Altavesta Circle. With will help determine the slope and direction of the existing sewer.

Drainage

The drainage for the proposed site will be mitigated through an underground infiltration system with an overflow to the municipal system. Infiltration testing has been conducted and the submitted drainage calculations demonstrate the post development runoff conditions will be reduced from predevelopment conditions.

The plan should note the size and slope of the existing drain line on Main Street.

The large infiltration chamber on sheet 2 shows two observation ports, an additional port should be added to the middle chamber. This would allow for access to each row of chambers.

The drainage calculations should include an operation and maintenance summary outlining when inspections and cleaning will take place.

Miscellaneous

The following items will need to be addressed on the plans, they are as follows:

- The plan should note the type of curbing that will be used on the site. (i.e. bituminous concrete)
- As per the planning directors recommendations, the proposed 16 foot wide driveway should be extended out to 18 feet to accommodate better traffic flow.
- The type and height of the proposed fence should be noted
- Two street trees should be shown behind the back of side walk near the proposed retaining wall
- The proposed retaining wall material along with the height should be noted
- A landscape plan be submitted to the planning board for review
- Removal of the four parallel parking spaces in the parking lot

The foregoing comments can be addressed as conditions of a permit, if the Board chooses to do so. They will be verified at the building permit stage for completeness.

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

Appearing was Attorney Tarby and he stated that this is a continued public hearing, that a revised site plan was filed which addresses the issues raised by the City Engineer and the Planning Board Director, that the plan of record is the plan dated 10/11/2011, revised 3/12/2012 and revised 3/20/2012, that the dwelling was constructed in 1850, that the property is nonconforming, that the petitioner will construct a four unit townhouse and the units will be sold, that the new use will not be substantially more detrimental than the current use, that the new building will conform to the front yard setback, that there will be a major upgrade to the property with sufficient parking, that the plan improves driveway sight distance, that there will be improved onsite drainage, that the Planning Board offered fifteen recommended conditions, that the petitioner has no issues with the first fourteen conditions but asked that Condition #15 relative to parking spaces at the

rear of the property not be adopted so that the four proposed parking spaces are retained, that the Planning Board believed that there was sufficient parking and that the four spaces would create maneuvering issues, that the pavement for the parking spaces will remain but not the striping of the spaces under the Planning Board proposal, that the City Engineer did not have any issue with the parking spaces, that the petitioner would rather keep the parking spaces for visitor parking, that this proposal is not substantially more detrimental than the present use as the structure will be moved back to conform with the front yard setback, that the sight distance is improves at the driveway, that a retaining wall is moved off Main Street and is reconstructed on the property, that the property is improved and there is overall improvement to the area, that there are apartment buildings to the north and south of the locus, that the use is consistent with the zoning district in which it is located, and that there has been recent construction of a two-family dwelling across the street. Alderman Anderson that changing the property from a three-family dwelling to a four-family dwelling is a substantial increase in nonconformity, that if the current building was destroyed by fire there is a specific requirement of what could then be constructed on the property, that there is no right to completely raze a three family dwelling and construct a four family dwelling in its place under the zoning, that this petition requests a use greater than what exists, and that he has reservations because of the expansion of the nonconformity. Alderman Mercer-Bruen stated that this proposal is located in the R-2 zoning district with a three family dwelling being increased to a four family dwelling, that she can envision more properties that may be brought forward based on the precedent of this case, that the zoning ordinance does not say that you can demolish property and start from scratch in this manner, and that she will oppose the petition. Alderman Gately stated that there are many mulit-family properties in that area, and that Alderman Raymond is in favor of the petition with the conditions of the Planning Board. IN FAVOR: Paul Meaney, Woburn Business Association, 10 Tower Office Park stated that there is a condominium development at the intersection of Green Street and Prospect Street which was an improvement over what was at the location, and that this proposal will create ownership interests in four dwelling units which is better than rental property. OPPOSED: None. Motion made and 2nd that the public hearing be closed, 8 in favor, 0 opposed, 1 absent (Haggerty absent). Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the recommendations of the Planning Board be adopted as conditions of the special permit, and 2. That the plan of record shall be the plan entitled "Site Development Permit Plan located in Woburn, Mass. 960 Main Street" prepared by Eastern Land Survey Associates, Inc. dated October 11, 2011, revised March 12, 2012, revised March 20, 2012, 6 in favor, 2 opposed (Anderson, Mercer-Bruen opposed), 1 absent (Raymond absent).

CITIZEN'S PARTICIPATION:

A communication dated March 21, 2012 was received from Attorney Brian R. Cook, Burke & Foskett, LLC, 738 Main Street, Hingham, Massachusetts 02043 as follows:

Request to address the Council:

On behalf of Woburn residents Bill and Christina Hart I would respectfully like to address the council and seek your assistance before taking further action against the City of Woburn. I am hopeful that a conversation can clear up the Hart's issue which is the result of inaccurate city records and the city's conversion of funds improperly accepted from the Hart's and the previous owner for sewer fees for a property never connected to the city sewer system.

Brian R. Cook, Esq., Burke & Foskett, LLC

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON LIAISON, 8 in favor, 0 opposed, 1 absent (Raymond absent).

COMMITTEE REPORTS:

PUBLIC SAFETY AND LICENSES:

Petitions for renewal of Taxi Cab License by Checker Cab of Woburn Inc.; and Saeed Rajabi dba Sky Taxi of Woburn, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Raymond absent).

Presented to the Mayor April 5, 2012 and ten days having elapsed without same being approved, said license became effective without his signature on April 18, 2012.

Petitions for renewal of Livery License by LandJet, Inc.; and Checker Cab of Woburn, Inc.; and Patricia Porrazzo dba Hollywood Limousine, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Raymond absent).

Presented to the Mayor April 5, 2012 and ten days having elapsed without same being approved, said license became effective without his signature on April 18, 2012.

Petition for renewal of Common Carrier License by M&L Transit Systems, Inc, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Raymond absent).

Presented to the Mayor April 5, 2012 and ten days having elapsed without same being approved, said license became effective without his signature on April 18, 2012.

Petition for a new Common Carrier License by Wadee Y. Suleiman and Mourad ElBaciti, committee report was received “ought not to pass”. Alderman Haggerty stated that he has received additional information, that the applicants have submitted route information, that the petitioners will travel on Montvale Avenue, Rainin Road, Unicorn Park Drive, Washington Street, Cedar Street, Commerce Way, Mishawum Road, Main Street, and Middlesex Canal Park Drive which are the locations of hotels in the city, and that the petitioners must first receive City Council approval and then obtain Department of Public Utilities approval. Alderman Anderson stated that the issuance of the license should be conditioned upon the petitioners receiving Department of Public Utilities approval. Motion made and 2nd that the COMMITTEE REPORT be RECEIVED AND THAT THE LICENSE be GRANTED WITH THE CONDITION AS FOLLOWS: 1. THAT THE ISSUANCE OF THE LICENSE IS CONDITIONED UPON THE PETITIONERS RECEIVING APPROVAL OF THE DEPARTMENT OF PUBLIC UTILITIES, 8 in favor, 0 opposed, 1 absent (Raymond absent).

Presented to the Mayor April 5, 2012 and ten days having elapsed without same being approved, said license became effective without his signature on April 18, 2012.

Petition for renewal of Second Class Motor Vehicles Sales License by New Boston Auto Exchange, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Raymond absent).

Presented to the Mayor April 5, 2012 and ten days having elapsed without same being approved, said license became effective without his signature on April 18, 2012.

Petition for renewal of License to Sell Second-Hand and Personal Articles of Value and Collectibles by GameStop #3315, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Raymond absent).

Presented to the Mayor April 5, 2012 and ten days having elapsed without same being approved, said license became effective without his signature on April 18, 2012.

Petition for renewal of Bowling Alley License by Woburn Bowladrome Inc., committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Raymond absent).

Presented to the Mayor April 5, 2012 and ten days having elapsed without same being approved, said license became effective without his signature on April 18, 2012.

FINANCE:

On the Order to transfer the sum of \$200,000.00 from BLS Receipts Account to Apparatus Maintenance Account, Ambulance Salaries Account and Fire/Overtime Account, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Raymond absent).

Presented to the Mayor: April 5, 2012 s/Scott D. Galvin, Mayor April 5, 2012

On the Order to appropriate the sum of \$26,270.99 from Insurance Reimbursement Account to Apparatus Maintenance Account, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Raymond absent).

Presented to the Mayor: April 5, 2012 s/Scott D. Galvin, Mayor April 5, 2012

On the Order to transfer the sum of \$31,500.00 from Police Regular Salary Account to Court Time Account, Office Supplies Account, Computer Maintenance Account and Collation Expenses Account, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Raymond absent).

Presented to the Mayor: April 5, 2012 s/Scott D. Galvin, Mayor April 5, 2012

PERSONNEL:

On the appointment of Michael P. Bonish as a Member of the Woburn Golf & Ski Authority, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Raymond absent).

Presented to the Mayor: April 5, 2012 s/Scott D. Galvin, Mayor April 5, 2012

ORDINANCES:

On the Order to repeal Title 17 Responsible Employer Ordinance of the 1989 Woburn Municipal Code, as amended, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Raymond absent).

Presented to the Mayor April 5, 2012 and ten days having elapsed without same being approved, said Ordinance became effective without his signature on April 18, 2012.

INFRASTRUCTURE AND PUBLIC LANDS:

On the Order to authorize the Mayor to accept a Certificate of Title in the name of the City of Woburn issued by the Land Court for the fee ownership of Lot A as shown on Land Court Plan No. 2001B depicting the property taken by the City on January 14, 1924 for the purpose of widening Walnut Court, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Raymond absent).

Presented to the Mayor: April 5, 2012 s/Scott D. Galvin, Mayor April 5, 2012

NEW PETITIONS:

A Conservation Easement and Restriction was received from Heritage Builders, Inc. of 49 Silva Lane, Dracut, Middlesex County, Massachusetts, owners of the property located at 33 Poole Street, Woburn, Massachusetts and shown on a plan entitled “Cirone Estates” dated march 7, 2007 Revised 9/15/08 and 10/15/08, prepared by Borselli Engineering & Development, Inc. and recoded in Middlesex South District Registry of Deeds as Plan 179 of 2009, acting pursuant to Sections 31, 32 and 33 of Chapter 184 of the Massachusetts General Laws, and for consideration of less than one hundred dollars, granting, with quitclaim covenants, to the City of Woburn, a municipal corporation by and through its Conservation Commission, and its successors and permitted assigns in perpetuity and exclusively for conservation purposes a Conservation Restriction, having the terms and conditions set forth therein on certain land located in Woburn, Massachusetts consisting of approximately 8 acres of land, more or less, as being more particularly described in Exhibit A attached thereto, and shown as “Conservation Restriction Area” on a plan of land in Woburn, Massachusetts, for Grantor’s title, see deed recorded at Book 5844, Page 369. Motion made and 2nd that the CONSERVATION RESTRICTION be ACCEPTED, 8 in favor, 0 opposed, 1 absent (Raymond absent).

Presented to the Mayor: April 5, 2012 s/Scott D. Galvin, Mayor April 5, 2012

Petitions for renewal of Livery License by Lifeline Ambulance Service, Inc. dba CoachLine Transportation, 11 State Street. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, 8 in favor, 0 opposed, 1 absent (Raymond absent).

Petition by for renewal of Common Carrier License by Boston Tours Inc., 56 Williams Street. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, 8 in favor, 0 opposed, 1 absent (Raymond absent).

Petition to amend the Inflammable License held under the name Paul Gillespie, Rental Service, Inc. to Rental Service, Inc. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, 8 in favor, 0 opposed, 1 absent (Raymond absent).

A communication dated April 2, 2012 was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Minor Modification to Special Permit Granted to FJ Catalano Ent. Inc. and Robert C. McSheffrey, 880 Main Street, Woburn, Massachusetts as follows:

Dear Mr. Campbell:

Please be advised that I represent FJ Catalano Ent. Inc. (“Catalano”). On September 29, 2011, your office issued a Landowner’s Decision and Notice of Special Permit setting forth approval by the Woburn City Council of a Special Permit granted to Catalano (the “Decision”). Enclosed please find ten copies of a plan entitled, “Commercial Development, Exhibit Plan, 880 Main Street, Woburn, MA” dated June, 2011, revised on August 29, 2010 and March 29, 2012 prepared by GPR, 35 Main Street, Ayer, Massachusetts (the “Plan”).

On behalf of Catalano, I respectfully request that the City Council adopt the above-referenced plan as the new plan of record at its meeting on April 3, 2012 as a minor modification to the Decision. We feel that the revised plan sets forth modifications which are minor in nature for the reasons set forth herein.

In terms of background, there was a miscommunication between the engineering plans and architectural plans which lead to a 5.7 foot error in the length of the building. The space built out by Catalano for the new Dunkin Donuts store was the same as the space that was presented to the Planning Board and City Council during the Special Permit process. Catalano is now in the unfortunate position where the new store is ready to be opened but until the revised plan is approved by the City Council the Building Commissioner cannot issue an Occupancy Permit.

The revised plan shows the following modifications to the plan of record:

1. The relocation of the utility pole from the small island that was opposite the drive through window. The utility pole is going to be relocated to the landscape area at the southwest portion of the building.
2. An increase in the landscape area at the southwest portion of the building where the utility pole will be relocated which replaces the landscaping that was to be installed in the location where the utility pole is presently located.
3. The installation of a monolithic concrete curb along the front of the building.
4. A cement concrete walk with handicap accessible ramping in front of the building.
5. A 42 inch high handrail at the end of the concrete walk in front of the building to prevent patrons from walking into the drive through lane.
6. A correction in the length of the building to show the additional 5.7 feet.
7. A realignment of the drive through aisle which increases the width to 23 feet. Please note that the drive through width from the building in the previous plan was 21 feet.
8. A realignment of the guardrail at the southeast portion of the site.

9. A modification to parking striping along the front of the building.
10. Removal of the five parking spaces along the north side of the building as required by the Special Permit.

The modifications described above do not modify the use of the property or any of the 18 conditions set forth in the Decision. Further, during the public hearing process, we presented to the Planning Board and City Council information that the existing building contained approximately 15,398 square feet of gross floor area and that the revised gross square floor area with the demolition of a portion of the existing building would be approximately 13,764 square feet.

I have enclosed a letter from Catalano's architect, Aharonian & Associates, Inc. certifying that its calculation of the gross square footage prior to the demolition taking place was 15,369 square feet and that the total gross square footage after the demolition was 14,056 square feet resulting in an increase of 292 square feet or a 2.12% increase in gross area from the original submitted documentation.

For reasons set forth above, it is our view that the revised plan results in a minor modification to the Decision and on behalf of Catalano I would respectfully request your approval of the proposed plan as a minor modification to the Decision at the City Council meeting on April 3, 2012.

If you have any questions, please do not hesitate to contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

Alderman Drapeau stated that he reviewed the packet, the matter does not appear to be a minor modification and that he will oppose the request. Alderman Anderson stated that he appreciates the effort and that the matter may ultimately be approved but the matter does not meet the definition of a minor modification, that an application for amendment has not been filed, and that denying the modification will not prejudice the petitioner from filing a new petition to amend the special permit. Alderman Gately stated that it does not appear that the matter will be granted as a minor modification, and that he wants to be certain that the petitioner is able to file a full petition to amend if this request is denied. Motion made and 2nd that the request be denied with the amendment as follows: 1. That the petitioner shall not be prejudiced from filing a new petition to amend the special permit, 7 in favor, 1 opposed (Gately opposed), 1 absent (Raymond absent). Motion made and 2nd to suspend the rules to hear from Attorney Joseph Tarby, 8 in favor, 0 opposed, 1 absent (Raymond absent). Appearing was Attorney Joseph Tarby and he stated that he had a full petition that he asks be accepted as a late filed matter. Motion made and 2nd to accept the following petition for a special permit as a late filed matter: Petition by FJ Catalano Ent. Inc., 188 Ayer Road, Harvard, Massachusetts 01451 for a special permit pursuant to Sections 5.1.23, 5.1.29, 5.1.63a, 7.3 and 8.5 of the 1985 Woburn Zoning Ordinances, as amended, to amend a special permit issued September 29, 2011 by modifying as follows: 1. That Condition One of the Decision which states that "The Proposal, parking and landscaping shall be in accordance with the proposed plan

dated August 29, 2011” be modified by deleting “August 29, 2011” and replacing with “March 29, 2012” at 880 Main Street, 8 in favor, 0 opposed, 1 absent (Raymond absent). Motion made and 2nd to return to the regular order of business, 8 in favor, 0 opposed, 1 absent (Raymond absent).

Petition by Kiwanis of Woburn, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.75 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the annual Flag Day celebration and carnival on June 15-16, 2012 at Library Park. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 absent (Raymond absent).

Petition by William Scire, 505 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow for dwelling units above the first story in a commercial structure at 22 Everett Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 absent (Raymond absent).

COMMUNICATIONS AND REPORTS: None.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOBURN that the 1985 City of Woburn Zoning Ordinance as amended be further amended as follows:

1. Amend Section 13, Sign Regulations as follows:
 - a. Amend Section 13.3.1 by adding the following language after “billboards”:
“except as allowed under Section 27 of this Ordinance.”
 - b. Amend Section 13.4.10 by adding the following language after “ordinance”: “and Section 27, Billboards.”
 - c. Amend Section 13, by adding the following new subsection: “13.13 Billboards – Billboards shall be allowed and regulated by Section 27 of this Ordinance. The Dimensional Regulations for billboards shall be regulated by Section 27 of this Ordinance.

2. Amend the 1985 City of Woburn Zoning Ordinance as amended by adding a new Section 27 entitled: “Billboards” as follows:

SECTION 27
BILLBOARDS

A. Purpose and Intent

The purpose of this section is to preserve and promote the public health, safety, and welfare and to provide sighting criteria standards, orderly, effective and reasonable control of billboards, thereby halting sign proliferation, reducing distractions to drivers, enhancing the visual environment, minimizing the adverse visual impact of billboards on nearby properties and residential neighborhoods. Furthermore, it is the intent and purpose to establish reasonable and uniform guidelines that will prevent any unreasonable concentration of billboards within the City of Woburn and that any billboard will provide a substantial benefit to the to the public good. The provisions of this section have neither the purpose nor the effect of imposing limitations or restrictions on content of any billboard.

B. Definitions

1. Billboard- a freestanding sign structure that advertises, promotes or calls attention to any business, article, substance, idea or any other thing or concept that is on or off the premises on which it stands.
2. Development Agreement- an agreement between the City Council and the applicant that identifies mutually agreed upon terms and requirements, including but not limited to public benefit.
3. Highway- Limited access Interstate Highway such as Route 128, I-95 or I-93.
4. Sign face- The surface area of a sign on which advertising messages are displayed.
5. Public Benefit [benefit to the public good]: public benefit shall include but is not limited to, monetary [i.e. lease agreement, development agreement with the City of Woburn], informational, and/ or to provide emergency communication information [i.e. Amber Alerts, Weather Information etc.]

C. Applicability/ Eligibility Requirements

1. Billboards, as defined in section B, shall be allowed in the B-I, I-G, I-P and I-P2 zoning districts.
2. All billboards shall require a special permit from the City Council pursuant to the requirements of Section 11 and this Section 27.
3. All billboards allowed by the City Council by Special Permit shall comply with all Federal and State Statutes.
4. Billboards shall be exempt from the requirements of Section 13.

D. Location Requirements

1. Billboards shall comply with any applicable rules and regulations of the Massachusetts Outdoor Advertising Board 711 CMR 3.00.
2.
 - a. Billboards shall not be located within 600 feet of another billboard on the same side of the road it is intended to face.
 - b. Billboards shall not be located on, or projected over, any public property or right of way, except with the written consent of owner or approvals of the municipality.
 - c. Shall not be located further than 200 feet of the edge of the highway it is intended to face.

E. Dimensional Standards

1. The maximum sign face area shall not be greater than 1200 sq. ft. (60' x 20') per permitted side.
2. Temporary extensions up to 5 feet on the top of the billboard and no greater than 2 feet on either side of the billboard may be allowed provided that such extensions are not the full length or height of the billboard.
3. The maximum height of a billboard shall be the maximum height allowed for a building in the corresponding zoning district.

F. Design Standards

1. Lighting: lighting shall be located at the bottom of the sign face and shined up towards the sign face so that no lighting glares into oncoming traffic or surrounding area below.
2. Types:
 - a. Bulletins and changeable message signs are permitted.
 - b. Single and two sided billboards are permitted.
 - c. Back to back and v-type billboards are permitted
 - d. LED and/or internally lit type billboards are permitted.
3. Orientation:
 - a. Back to back shall be parallel and no more than 7 feet apart.
 - b. V-type billboards shall have an angle between faces of not more than 60 degree. Billboards shall not have more than one sign face on each side of the sign structure.
 - c. Billboards may not be stacked on top of each other or placed side by side visible to the same direction of traffic.
4. Duration of Message
Duration of each display on a changeable message display or LED billboard shall be no less than 8 seconds. The entire message shall change at once and/or no scrolling of messages.
5. Appearance:

Exposed back of signs, poles and other support structures may be required to be painted in order to present an attractive and finished appearance which will reasonably blend with the natural surroundings.

- 6. Landscaping:
 - a. Supporting structures shall have adequate landscaping around the base of the pole.
 - b. Existing vegetation should be properly preserved when trimmed.

G. Maintenance

- a. All billboards, including the sign faces, supporting structures, lights and landscaping shall be kept in good repair and free from rust.
- b. Display material that is torn or faded shall be replaced in an expeditious manner.

H. Application:

The application for Special Permit shall be accompanied by structural drawings stamped by an engineer, a site plan and a letter from the property owner stating that he/she has consented to the installation of a billboard on the subject property. A filing fee of \$1,000.00 shall accompany the application for Special Permit.

s/Alderman Gately

Alderman Gaffney stated that he is in the sign business and therefore recuses himself from participating in this matter. Alderman Gately stated that he filed this matter for the purposes of discussion in committee, and that the billboards are not just for commercial purposes but for Amber Alerts and other public safety issues. Alderman Mercer-Bruen stated that the city does not need billboards in the city, that this proposal is about flashing billboards that are distracting, dangerous and not needed, that the companies have been lobbying the city for years to allow billboards to be erected, that the city should not open the door to this issue, and that the city cannot be forced by the State to allow billboards to be erected. Alderman Haggerty stated that he does not support billboards, that he does not support new billboards being erected in the city, and that the city should work to remove the billboards that are currently in the city. Alderman Anderson stated that it is good to have a discussion on the issue, and that the discussion has taken place. Motion made and 2nd that the ORDER be DENIED, 6 in favor, 1 opposed (Gately opposed), 1 absent (Raymond absent), 1 abstained (Gaffney abstained).

ORDERED Be it Ordained by the City Council of the City of Woburn that Title 2, Article XXVII, Section 2-180 of the 1989 Woburn Municipal Code, as amended, be further amended as follows:

- 1. That the base salary of the City Auditor be amended to \$88,903.73;

2. That the base salary of the City Clerk be amended to \$72,971.03;
3. That the base salary of the Clerk of City Council be amended to \$10,264.47;
4. That the base salary of the Clerk of Board of Registrars of Voters be amended to \$10,264.47;
5. That the base salary of the Human Resources Director be amended to \$88,018.38;
6. That the base salary of the Library Director be amended to \$87,476.98;
7. That the base salary of the City Solicitor be amended to \$87,051.90; and
8. That this section shall be effective July 1, 2011.

s/President Denaro and Alderman Raymond

President Denaro stated that the appropriation was already approved in a supplemental budget but the ordinances were not changed. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES, 8 in favor, 0 opposed, 1 absent (Raymond absent).

ORDERED WHEREAS, there presently exists a structure or structures located in the City of Woburn, Massachusetts known and numbered as 11 Montvale Road; and

WHEREAS, the said building or buildings and the property is generally not being properly maintained;

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

s/Alderman Mercer-Bruen

Alderman Mercer-Bruen stated that she received a petition from neighbors to the property about this issue, that the Building Department and Board of Health have been dealing with this issue for five years, and that she will submit the petition at the public hearing. Motion made and 2nd that the ORDER be ADOPTED, 8 in favor, 0 opposed, 1 absent (Raymond absent).

Presented to the Mayor April 6, 2012 and ten days having elapsed without same being approved, said Ordinance became effective without his signature on April 18, 2012.

From the Traffic Commission:

ORDERED WASHINGTON TERRACE – That a stop sign restriction be established on Washington Terrace at the intersection with Mill Street.

Motion made and 2nd that the ORDER be ADOPTED, 8 in favor, 0 opposed, 1 absent (Raymond absent).

Presented to the Mayor April 5, 2012 and ten days having elapsed without same being approved, said license became effective without his signature on April 18, 2012.

RESOLVED That the Committee on Infrastructure and Public Lands meet with representatives of the Winning Farm development to receive a report on the status of the project.

s/Alderman Gately

Motion made and 2nd that the RESOLVE be ADOPTED, 8 in favor, 0 opposed, 1 absent (Raymond absent).

RESOLVED That a representative of the School Committee meet with the Committee on Infrastructure and Public Lands to discuss the status of the surplus land at the Reeves School along Parker Street, including establishing a plan for the sale of the land as pledged to recover costs of construction at the site, and that the City Engineer provide a report on the site conditions.

s/Alderman Gately

Motion made and 2nd that the RESOLVE be ADOPTED, AS AMENDED as follows: 1. By striking the words “a representative of the School Committee” and inserting the words “the Mayor or his designee” in their place, 8 in favor, 0 opposed, 1 absent (Raymond absent).

Presented to the Mayor April 5, 2012 and ten days having elapsed without same being approved, said license became effective without his signature on April 18, 2012.

RESOLVED That representatives of the Woburn Agricultural Commission meet with the Committee on Infrastructure and Public Lands to discuss

developments at the Spence Farm property, including the new walking paths, rental and lease activities of the property, and the method by which the Commission is utilizing the property to meet the purposes set forth in the Woburn Municipal Code.

s/Alderman Gately

Motion made and 2nd that the RESOLVE be ADOPTED, 8 in favor, 0 opposed, 1 absent (Raymond absent).

Presented to the Mayor April 5, 2012 and ten days having elapsed without same being approved, said license became effective without his signature on April 18, 2012.

RESOLVED That the Ward Five Alderman provide the City Council with a report regarding the condition of the building at 399 Washington Street.

s/Alderman Mercer-Bruen

Alderman Mercer-Bruen stated that there has been progress at the site and additional improvements are expected over the next few weeks. Motion made and 2nd that the RESOLVE be ADOPTED, 8 in favor, 0 opposed, 1 absent (Raymond absent).

Motion made and 2nd to ADJOURN, 8 in favor, 0 opposed, 1 absent (Raymond absent). Meeting adjourned at 9:06 p.m.

A TRUE RECORD ATTEST:

William C. Campbell
City Clerk and Clerk of the City Council

The following minutes were released by vote of the City Council on December 6, 2016:

Motion made and 2nd to suspend the rules for the purposes of taking the following matter out of order, 8 in favor, 0 opposed, 1 absent (Raymond absent). Report from City Solicitor Ellen Callahan Doucette relative to the status of the matter A.L. Prime v. City Council, pending in the Massachusetts Court of Appeals. Motion made and 2nd that the City Council go into Executive Session for this portion of the meeting to discuss pending litigation, ROLL CALL: Anderson - Yes, DiTucci - Yes, Drapeau - Yes, Gaffney - Yes, Gately - Yes, Haggerty - Yes, Mercer-Bruen - Yes, Raymond - Absent, Denaro - Yes. The City Council removed to the Committee Room with the City Solicitor.

City Solicitor Ellen Callahan Doucette stated that she received a communication from the City Council relative the options available to the City Council with respect to the matter, and that the difficulty with this matter is that the traffic engineer indicated that there would be more traffic generated with the project and the peer review engineer agreed with that assessment. Alderman Mercer-Bruen stated that there were inconsistencies in the traffic reports which were demonstrated in committee. City Solicitor Callahan Doucette stated that the judge made her own determination of facts, and that the judge determined that mitigation will resolve the issues to be created. Alderman Mercer-Bruen stated that there were zoning issues as well, that there will be retail gasoline station and office building uses at the locus, and that this multi-use of the locus is not allowed. City Solicitor Callahan Doucette stated that the judge determined the case on the traffic issue, that that the zoning issue was not part of the decision, that the judge's decision stands but the conditions she attached were stricken by the Appeals Court, that an appeal to the Supreme Judicial Court could be filed and then the city could wait to see if the court takes the appeal although it is unlikely that the Supreme Judicial Court will take the appeal, and that if the matter is returned to the City Council for the purpose of adding conditions there will be no further hearing of evidence. Alderman Gaffney stated that former City Solicitor John McElhiney made it clear that the city could appeal to the Appeals Court but that would likely be the last opportunity to win the case. Alderman Mercer-Bruen stated that the City Council set out criteria in denying the special permit. City Solicitor Callahan Doucette stated that part of the issue was noise and odor from the new development, that during a site visit it was determined that noise and odor was already an issue in the area, that the city then went forward on the traffic issues only, that the Appeals Court sent the matter back to the Land Court, that the city will hear from the Land Court shortly, and that it used to be that a denial needed no stated reasons but now there has to be a denial with a rational statement of facts. Alderman Mercer-Bruen stated that the city was careful in setting out the reasons for denial based on the ordinances. City Solicitor Callahan Doucette stated that the city must set out the facts heard which served as a reason for denial, that the Land Court hears the matter de novo and the decision of the City Council is not entered into evidence, that the city has criteria but must cite specific facts relative to the criteria such as level of service of traffic is at C and will reduce to D., and that the City Council should detail why the traffic conditions will be bad and not just state that the traffic conditions will be bad. Alderman Anderson stated that almost all decisions of special permits are appealable because there are no findings. Alderman Mercer-Bruen stated that she will agree to no further appeal based on the information provided by the City Solicitor. Motion made and 2nd that no further appellate action be taken in the matter of A.L. Prime v. City Council, pending in the Massachusetts Court of Appeals, ROLL CALL: Anderson – Yes, DiTucci – Yes, Drapeau – Yes, Gaffney – Yes, Gately – Yes, Haggerty – Yes, Mercer-Bruen – Yes, Raymond – Absent, Denaro – Yes, Motion Passes.

Motion made and 2nd to reconvene in open session, ROLL CALL: ROLL CALL: Anderson – Yes, DiTucci – Yes, Drapeau – Yes, Gaffney – Yes, Gately – Yes, Haggerty – Yes, Mercer-Bruen – Yes, Raymond – No, Denaro – Yes.

The City Council returned to the Council Chamber at 7:54 p.m. President Denaro stated that the City Council voted to not pursue additional appeal of the matter. Motion made and 2nd to return to the regular order of business, 8 in favor, 0 opposed, 1 absent (Raymond absent).

A TRUE RECORD ATTEST:

William C. Campbell
City Clerk and Clerk of the City Council