

**CITY OF WOBURN
DECEMBER 2, 2014 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gaffney
Concannon	Gately
DiTucci	Mercer-Bruen
Drapeau	Raymond
Haggerty	

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

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$2,900.00 be and is hereby appropriated as so stated from Election Workers Acct #0116251-511005 to City Clerk Equipment Acct #0116152-528100 for purchase of dog licensing software program.

I hereby recommend the above: s/Scott D. Galvin, Mayor
I hereby reviewed the above: s/Gerald W. Surette, City Auditor
I hereby approve the above: s/William C. Campbell, City Clerk

s/President Haggerty

Motion made and 2nd that the MATTER be REFERRED TO THE COMMITTEE ON FINANCE, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

PUBLIC HEARINGS:

Motion made and 2nd that the public hearing on the following two petitions by held collectively, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

On the petition by Woburn Foreign Motors, 394R Washington Street, Woburn, Massachusetts 01801 for a special permit to modify a special permit dated December 5, 2002 which Decision allowed for the alteration of an existing non-conforming structure by the construction of a covered service drive at 394 Washington Street and Special Permit pursuant to the 1985 City of Woburn Zoning Ordinance, as amended, as follows: 1. Section 5.1 (45) (69) and 7.3 to allow for the sale or rental of automobiles, trucks, truck trailers, and motorcycles including accessory repair and storage facilities; 2. That

the new site plan of record be the plan entitled "Site Plans for Woburn Foreign Motors Proposed Redevelopment, 394 Washington Street, Woburn, MA 01801" dated August 7, 2014, prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01801 (the Plan); and 3. In addition, the Petitioner seeks approval of the following modifications to the existing Site Plan of record: to allow for a stand-alone car wash within the interior of the building, additional parking spaces, transformer; dumpsters and fuel pump, all as shown on the Plan, at 394 Washington Street. PUBLIC HEARING OPENED. A communication dated November 25, 2014 was received from Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Woburn Foreign Motors, 394 Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for December 2, 2014 be continued to the City Council meeting on January 6, 2015. If you need any further information, please contact me. Thank you.

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

Motion made and 2nd that the communication be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 20, 2015, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

On the petition by Woburn Foreign Motors, 394R Washington Street, Woburn, Massachusetts 01801 for special permits pursuant to the 1985 City of Woburn Zoning Ordinance, as amended, as follows: 1. Section 5.1 (45) to allow for the sale or rental of automobiles, trucks, truck trailers, and motorcycles including accessory repair and storage facilities; 2. Section 5.1 (69) and 7.3 to allow for the replacement of the existing non-conforming six (6) foot fence as shown on the plan with a six (6) foot wall; 3. Section 8.7 to allow for a reduction in the off street loading requirements; 4. Sections 5.1 (69), 7.3 and 13.5 to allow for the alteration of the existing non-confirming signage; 5. Footnote 8 to Section. 6.1 to allow for an increase in the building height from thirty-five (35) feet to forty-five (45) feet, more or less; 6. Section 8.6.3 to allow for an exception to the area and landscaping requirements to allow for alternate landscaping equal or superior in visual appearance; and 7. Sections 12.2.4 and 12.3.2 to allow for the replacement of the existing buildings on the property with a new building containing approximately 152,600 square feet in gross floor area, more or less, at 394R Washington Street. PUBLIC HEARING OPENED. A communication dated November 25, 2014 was received from Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Woburn Foreign Motors, 394 Washington Street, Woburn, Massachusetts

I respectfully request that the City Council public hearing on this matter presently scheduled for December 2, 2014 be continued to the City Council meeting on January 6, 2015. If you need any further information, please contact me. Thank you.

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

Motion made and 2nd that the communication be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 20, 2015, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

On the petition by Jennifer Hardin and Scott Hardin, 35 Avalon Road, Reading, Massachusetts 01867 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 residential units within two structures on one lot) to allow for the addition to one of the structures to provide for a total of four (4) dwelling units (two in each structure) and for a finding the such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood, at 19 Traverse Street. PUBLIC HEARING OPENED. A communication dated November 25, 2014 was received from Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Jennifer and Scott Hardin, 19 Traverse Street, Woburn, MA

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for December 2, 2014 be continued to the City Council meeting on January 6, 2015. If you need any further information, please contact me. Thank you.

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

Motion made and 2nd that the communication be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 6, 2015, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

On the petition by NSTAR Electric Company for a grant of right in a way to install conduit a distance of about 40 feet in Wyman Street southwesterly from pole 242/20 approximately 37 feet north of Brae Circle, to install conduit a distance of about 22 feet in Wyman Street easterly from pole 242/21 approximately 25 feet west of Brae Circle, and to install conduit a distance of about 2274 feet in Brae Circle at and southerly at intersection of Wyman Street. PUBLIC HEARING OPENED. Appearing for the petitioner was Renee Banks-Clark of NSTAR and she stated that the petitioner will be replacing the existing cable with a more reliable system, that electrical lines will be removed, and that conduit will be installed. Alderman Gately stated that he wants to review the plan. Alderman Drapeau stated that there is time to review this matter as no excavation can take place after November 15th in city streets. PUBLIC COMMENTS: Gary Ryan, 25 Brae Circle stated that he just installed a new driveway at his home and he wants to know whether this will be dug up by the petitioner while installing the line. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 6, 2015 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON INFRASTRUCTURE AND PUBLIC LANDS, all in favor 9-0.

On the petition by NSTAR Electric Company for a grant of right in a way to install conduit a distance of about 11 feet on Wildwood Avenue easterly from pole 583/11 approximately 1490 feet southeast of Olympia Avenue. PUBLIC HEARING OPENED. Appearing for the petitioner was Renee Banks-Clark of NSTAR and she stated that the petition is to provide service to 475D Wildwood Street, and that she believes the building is under construction. Alderman Gately stated that the Superintendent of Public Works reviewed the petition, that he has no concerns with the petition, and that he will support approval of the petition at this meeting. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). PUBLIC HEARING CLOSED. Motion made and 2nd that the GRANT OF RIGHT IN A WAY be APPROVED, AS AMENDED with the amendment as follows: 1. That the plan of record shall be the plan dated 10/27/14, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

Presented to the Mayor: December 5, 2014 s/Scott D. Galvin December 5, 2014

On the petition by Madison Properties, 20 Park Place Plaza, Suite 433, Boston, Massachusetts 02116 for special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended, to allow for the construction at 369 Washington Street of a Mixed Use Hotel/Restaurant Use as follows: 1. Special Permit pursuant to Section 5.1.20a to allow for a Mixed Use Hotel/Restaurant Use; 2. Special Permit pursuant to Section 5.1.29 and Section 11.6.10 to allow for a fast food restaurant with a drive up customer service facility; 3. Special Permit pursuant to Section 5.1.28, Note 16 to allow for restaurant hours in excess of 11:00 p.m.; 4. Special Permit pursuant to Section 5.7.6 to allow alternative screening devices; 5. Special Permit pursuant to Section 6.1, Note 8 to allow for the height of the proposed hotel to be in excess of thirty-five (35) feet; 6.

Special Permit pursuant to Section 8.7.6 to allow for a reduction in off street loading requirements; 7. Site Plan Approval pursuant to Section 12.2.1 and 12.3.2 to allow for a fast food restaurant; and 8. Site Plan Approval pursuant to Section 12.2.4 and 12.3.2 to allow for construction in excess of 15,000 square feet and more than 100 parking spaces, all at 369 Washington Street. PUBLIC HEARING OPENED. A communication dated December 2, 2014 was received from Alderman Darlene Mercer-Bruen as follows:

Dear Fellow City Council Members and constituents:

Unfortunately I cannot be present tonight as the Flu has gotten the best of me.

As many of you know, there have been two neighborhood meetings in Ward 5 regarding the Madison Properties proposed development at the former WR Grace Property. As such, I am familiar with the proposal. While I am glad to see that this property may finally be potentially developed, I would like to publicly express my concern about some of the components of this proposal. First and foremost, I am very concerned about the "Fast Food Component" as this is clearly driving the massive amount of traffic that will be coming and going from this site. Additionally, the mitigation as proposed does not address the biggest problem we currently face on Washington Street which is the inadequacy of the Washington Street Bridge.

Although the bridge comes under the jurisdiction of Mass Highway, in fact most of the corridor that Madison Properties is proposing mitigation for also comes under the Mass DOT jurisdiction. Leaving the Washington Street Bridge off the table for discussion should not be an option if we are seriously considering this proposal.

As most of you know by now, with your support, Alderman Haggerty, Alderman Gately and myself have ordered a peer review of the traffic improvements proposed not only by Madison Properties, but by Woburn Foreign Motors as well. The purpose of the peer review is not necessarily to validate traffic counts, but to review the mitigation as proposed as well as review all of the additional suggestions that this council and the community has provided for improvements. The Washington Street Corridor, which stretches from the Salem St and Washington Street intersection to the Kohl's traffic light, is long over due for major improvements. It is my hope that working in collaboration with all of the petitioners, local businesses, and the city council, that we can final make those improvements a reality.

I will be holding additional neighborhood meetings moving forward to review revised mitigation proposals and I look forward to discussing all of the details during our future special permits meetings on this matter.

Thank you, Alderman Mercer-Bruen, Ward 5

Alderman Mercer-Bruen also submitted a communication on behalf of John Beauchamp regarding the petition. Motion made and 2nd that the communications be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

Appearing for the petitioner was Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the allowable height for buildings in the zoning district is 80 feet but within 700 feet of a residential district a special permit is required if the height is in excess of 35 feet, that based on the size of the building a certain amount of loading spaces are required but the loading spaces are not needed for this project, that the locus is located in the O-P zoning district, that there have been a number of meetings with parties in interest prior to this meeting, that there was a meeting with the Mayor, Planning Board Director, Building Commissioner, City Engineer, Senior Engineer and Superintendent of Public Works to discuss the plan and improvements for the betterment of the city, that two neighborhood meetings were held and attended by over fifty area residents at each meeting, that Joseph LeMay of the U.S. Environmental Protection Agency stated that the EPA supports development of this site, that in 1960 W.R. Grace finished constructing a building on the site for the assembly of stainless steel equipment, that prior to 1960 the parcel was farmland, that between 1964 and 1966 the building was expanded, that in 1970 W.R. Grace expanded its operations on the site, that the W.R. Grace continued to operate at the property until 1987, that the building was demolished in 2006, that in the late 1970s the EPA investigated contaminated groundwater near the property, that the EPA identified the property as a source of contamination, that in 1989 the EPA required a groundwater remedy for the property, that a small treatment building was constructed in 1992, that according to Mr. LeMay the recovery well system has worked well in ameliorating the issue, that there was a reduction in contamination from 9,000 parts per billion to 50 parts per billion, that contaminated soil was removed from the site, that the property is in a position to be developed, that the proposal is for a mixed use hotel and restaurant use on the parcel, that the restaurant is allowed by right under the zoning, that the hotel and fast food use requires a special permit, that a recently adopted ordinance allows all the components of this project to be built on the one site but a special permit is required even for the restaurant use, that the new ordinance allows for there to be a coordination of the mitigation for the projects, that the hotel will have no function room, that the petitioner will apply for a liquor license for service to the hotel guests, that the fast food use will be a Chick-fil-A restaurant, that Chick-fil-A is the largest quick serve chicken restaurant in the United States and will be closed on Sundays, that there will be two full serve restaurants on the site as well, that Section 18 of the Woburn Zoning Ordinances requires a development impact statement, that the report assesses the impact of the project on traffic and utilities and mitigates the impact of the project on both the traffic and utilities, that the project will increase the stormwater quality and there will be diminished runoff from the site, that there will be improvements to traffic, that this area of Washington Street is under the jurisdiction of MassDOT which will have to approve the traffic improvements, that the project will eliminate the stigma of the property, that the project provides jobs, improves traffic, provides roadway improvements, and provides real estate, personal property, hotel/motel and meals taxes in excess of \$1,000,000.00, that he has toured a dual brand hotel in Los Angeles, and that there was a shared pool and gym but each brand had a certain number of floors and there were separate registration desks. Attorney Tarby offered a copy of a PowerPoint presentation and a Conceptual Improvement Plan for the City Council to review. Motion made and 2nd that the documents be received and made part of the record, 8 in favor, 0 opposed, 1 absent

(Mercer-Bruen absent). Timothy Williams, P.E., Allen & Major Associates, Inc., 100 Commerce Way, Woburn, Massachusetts 01801 stated that they are the site civil engineers for the project, that a petition was filed with the Conservation Commission on August 8, 2014, that the petitioner will be before the Conservation Commission on December 18, 2014 and is expected to close out their review at that meeting, that the petitioner received a certification from the Massachusetts Environmental Protection Agency and must file an impact report with that office in January 2015, that the property is a twelve acre site bounded by Washington Street, Cummings Park, Tower Park Drive and I-93, that the buildings on the parcel were razed in 2006, that the property abuts a residential district, that the proposal abides by the wetland buffer requirements, that there will be a six-story hotel, that there will be full pedestrian access between each building, that there will be a total of 529 parking spaces which meets the zoning requirements, that the project will use the existing curb cut on Washington Street but only for right turn in and right turn out of the parcel, that the petitioner will use access from Tower Park Drive, that there is a lot of infrastructure in the ground that must remain in place, that the landscaping was designed with the infrastructure in mind, that the water lines will come in from Washington Street, that there are several water lines along Washington Street in that area, that there will be full lighting and landscaping on the parcel, that the buildings will be connected with sidewalks and crosswalks, that each building has its own dumpster, that there will be no function facilities in the hotel, that this will be a dual brand hotel with few amenities beyond a place to stay for the night, that the Chick-fil-A restaurant wants two order boards and will conform to the zoning code and will have outdoor seating, that there are no renderings available of the other two restaurants as they are in negotiation, that the petitioner is working with the EPA regarding the development, that the groundwater recovery operations will continue to operate and a vapor barrier will be installed, that there will be a soil management plan, that the project will stay away from the groundwater which is between five and twenty feet deep, that the soil management plan will address all issues during and after construction, that there will be a drive aisle that will keep vehicles away from pedestrians at the fast food drive-thru, that the pump station draws out the groundwater, filters out the contaminants and discharges the water to the wetlands, that the EPA cannot give a definitive time frame as to when W.R. Grace can shut down the well, that there have been significant improvements of the Superfund sites and this property is the farthest along, that W.R. Grace is tied to the pumping station in perpetuity, that there is a grade between the property and the Cummings Property site, that a retaining wall will be constructed between the properties, that there is a recovery well to draw the groundwater, that the site is peppered with monitoring wells, that there are approximately 90 to 100 monitoring wells on site, that only a few of the monitoring wells are tested and that a number of the monitoring wells will be decommissioned, that none of the monitoring wells that have to remain will be in any building footprint, and that the petitioner has prepared an ANR plan and will be turning a portion of the parcel over to Cummings Property. Giles Ham, P.E., Vanasse & Associates, Inc., 10 New England Business Center Drive, Suite 314, Andover, Massachusetts 01810 stated that there will be two hotels combined into one building, that the hotel will serve business travelers, that the restaurants will serve residents and businesses in that area, that the main access is at the signalized Tower Park Drive, that there will be a right in and right out only access on Washington Street, that the traffic

control signals will not be functionally changed, that Tower Park Drive has its own traffic control phase which will not change, that the petitioner will provide \$2,000,000.00 in roadway improvements, that the traffic control signals at Olympia Avenue will be updated and upgraded with the latest system, that Washington Street will be widened on the easterly side, that a left turn lane will be established on Olympia Avenue in a northerly direction, that the project will take turn lanes out of the through lanes, that there will be a new left turn into Tower Park Drive, that sidewalks will be added along the frontage of the property, that a crosswalk will be added at the Olympia Avenue intersection, that the traffic improvements are still being reviewed by MassDOT, that widening the bridge over I-95/Route 128 is a \$10,000,000.00 to \$13,000,000.00 project, that MassDOT does not expect the petitioner to perform the bridge widening work, that the bridge will be improved by MassDOT before the I-93/I-95/Route 128 cloverleaf project is completed although there is no timeline, that they are looking at possibly striping the bridge to three lanes, that the bridge is too narrow to stripe currently to two lanes, that MassDOT did not feel that eliminating one sidewalk on the bridge was a viable solution as the sidewalks provide pedestrian safety, that the goal of MassDOT is for complete streets which includes pedestrian access and safety, that the petitioner will design, construct and pay for the roadway work, that there will be an estimated 5,000 to 7,000 vehicle trips at the site each day, that there may be new traffic to the site but this will not be all new traffic to the area as vehicles may come out of the traffic to visit the restaurant, and that the lack of function space at the hotel reduces the amount of traffic. Denis Dowdle of Madison Properties stated that there has been significant interest from national chains in the two restaurant spaces, that the negotiations are not far enough along to disclose the potential tenants, that the negotiations with Chick-fil-A are far enough along to disclose at this time, that Outback Steakhouse, Olive Garden and other quality family restaurants are being considered for the site, that the petitioner will own the hotel and engage a manager to operate the hotel, that the hotel may be a Hampton Inn/Homewood Suites combination through Hilton Hotels, that the petitioner is a real estate company based in Boston, that the petitioner was an investor in the Woburn Mall from 2001 to 2012, that the petitioner is involved in several hotels and shopping plazas primarily, that the trend in hotels is to have a large hotel with some shared facilities such as exercise equipment but different guest experiences in terms of room décor, that there are not a lot of these dual brand hotels in this area, and that this is a newer trend. Alderman Drapeau stated that he is concerned about who the tenants will be in the other two restaurant buildings, and that he has no issue with Chick-fil-A but it is not a high level restaurant to be located near the hotel. Alderman Gately stated that he would like to see W.R. Grace to be responsible for the water system as part of the plan of record. Alderman Concannon stated that he understands that the bridge widening may be a \$10,000,000.00 to \$13,000,000.00 project however removing one of the bridge sidewalks may give enough room to widen the lanes, that the need for space for travel is needed as there is an hour glass formation of traffic at this location, and that he believes a connection between this parcel and the Cummings Property parcel may be beneficial in keeping vehicles from Cummings Park to the hotel and restaurants off of Washington Street. Alderman Raymond does not understand where the back of the building is, that it appears that Cummings Property is parking trucks on the property, and that he will look closely at the mitigation offered against the traffic to the site and current traffic in the

area. PUBLIC COMMENTS: Nelson Doherty, 11 Carlena Terrace stated that he is concerned about the safety of vehicles traveling on the bridge, that MassDOT has a requirement that any roadway with thirty residences, trucking and a speed limit of 35 m.p.h. has to have ten foot lanes, that the road does not meet these standards, and that the bridge should be addressed. John Farino, 353 Salem Street stated that the bridge is a main concern, that the petitioner must work with MassDOT and the city to find a remedy for the issues at the bridge, that the fast food drive thru use should be eliminated as it will generate a lot of traffic, that access from Cummings Park to the locus should be available, that Cummings Park is a seven day a week operation, that people from Cummings Park would be better served with access to the locus, that the Washington Street and Salem Street intersection needs to be redesigned and improved, that other than one turning lane the intersection layout has not been improved in fifty years, and that this area is a gateway to the city. John Beauchamp, 224 School Street stated that he has submitted written questions and comments regarding the project, that the peer review must be conducted by the city, that there must be a peer review of the entire area with cost estimates to complete each aspect of the projects, that he is concerned about the impact of the project on the residential property values in the area, that he does not believe that the residents of the residential neighborhoods were notified of the hearing and should be even if beyond the 300 feet, that the city should borrow funds to make the needed infrastructure improvements, that there has been some project based improvements such as at the Woburn Mall and Lowe's properties, that there are funds sitting in mitigation accounts that have sat in the accounts for 20 to 25 years the value of which is being eaten up by inflation, that Section 18 of the Woburn Zoning Ordinances requires developers to mitigate conditions from its project, that MassDOT requirements have nothing to do with Section 18 mitigation requirements, that there are two components to the project and they are the State requirements and the local requirements, that merely adding a crosswalk does nothing for pedestrian safety without a pedestrian actuated traffic control signal, and that he is not opposed to the project but has to protect his family's property in the area. Sophie Morrison, 17 Dewey Avenue stated that pedestrian safety in the area must be improved. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 20, 2014 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

CITIZEN'S PARTICIPATION: None.

Motion made and 2nd to suspend the rules for the purpose of adding the following late filed matter to the Order of the Day, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

ORDERED Supplemental Appropriation Fiscal 2015: That the amount of \$300,000.00 be and is hereby appropriated under MGL 40 Sec. 5A - Reserve Fund Acct #0119557-578400 \$300,000.00 – Purpose: Utility Reserves.

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

s/President Haggerty

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

Motion made and 2nd to return to the regular order of business, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

COMMITTEE REPORTS:

PUBLIC SAFETY AND LICENSES:

On the Petition for new Livery License by Kelley Towncar, Inc, committee report was received “ought to pass, as amended with the amendment as follows: 1. Subject to the granting of a special permit to the petitioner to allow the overnight parking of commercial vehicles at 888 Main Street.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

Presented to the Mayor: December 5, 2014 s/Scott D. Galvin December 5, 2014

On the Renewal of First Class Motor Vehicles Licenses by Lannan Chevrolet, Inc.; Lawless Inc.; Northeast Tree, Inc.; R.C. Olsen Cadillac, Inc.; and Woburn Foreign Motors, 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 (Mercer-Bruen absent).

Presented to the Mayor: December 5, 2014 s/Scott D. Galvin December 5, 2014

On the Renewal of Second Class Motor Vehicle Sales Licenses by Anchor Auto Sales, Inc.; Capelo’s Auto Service, Inc. dba J.C. Auto Sales; Capelo’s Garage, Inc.; Kenneth L. O’Connor dba City Line Motors; Enterprise Rent-a-Car Company of Boston, LLC; Francis Garbino dba Tom’s Auto Body; Joseph P. Mahoney Company, Inc.; Nicolas Saba dba Montvale Service; Ollies Service Center; Velozo Enterprises, Inc. dba Rogers Radiator; Louis Jean Brunet dba Woburn Motors; and Wassim (Sam) Nicolas dba Woburn Square, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

Presented to the Mayor: December 5, 2014 s/Scott D. Galvin December 5, 2014

On the Renewal of Third Class Motor Vehicles Sales License by Woburn Truck and Auto, Inc, committee report was received “ought to pass, as amended with the amendment as follows: 1. That there is not to be a scrap metal operation on site other than motor vehicle scrap.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).
Presented to the Mayor: December 5, 2014 s/Scott D. Galvin December 5, 2014

NEW PETITIONS:

Petition by ecoATM, Inc., 10121 Barnes Canyon Road, San Diego, California 92121 for a new Second-Hand and Personal Articles of Value and Collectibles License at 2 Elm Street. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

Petition by ecoATM, Inc., 10121 Barnes Canyon Road, San Diego, California 92121 for renewal of a Second-Hand and Personal Articles of Value and Collectibles License at 296 Mishawum Road. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

Petitions for renewal of Second Class Motor Vehicles Sales Licenses by EC Inc. dba Xpress Fuel, 505 Main Street; George J. Hamilton dba George’s Auto Body, 19 Jefferson Avenue; Robert Khouzami, 317 Montvale Avenue; Murray’s Enterprises, Inc. dba Murray’s Auto & Truck Sales, 88 Winn Street; and Tracy M. Batten dba Tracy’s Auto, 62R Winn Street. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

Petition by Capco Energy Supply Inc., 10 Industrial Parkway, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.42, 51.57b, 7.3, 8.63 and 12 to allow for alteration of existing nonconforming use and structure as follows: 1. Continuation of preexisting nonconforming use as a distribution business; 2. Overnight parking of commercial vehicles; 3. Construction of an addition containing approximately 3,888 square feet to rear of existing building; 4. Elimination of one (1) of the three (3) loading docks in front of the building; and 5. Allow for continuance of existing area and landscaping requirements, at 3 Rath Road. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

Petition by Constitution Park Eight LLC, Robert W. Murray, Manager, 27 Cambridge Street, Burlington, Massachusetts 01803 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.30b to allow construction of a new 97,200 sq. ft. general office building with an additional 55,420 sq. ft. of under building parking space with associated improvements and landscaping at Constitution Way and Dragon Court. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

Petition by Eleftheria Exarchos, 422-426 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.5 and 11.6.11 to amend Condition 1 of special permit issued January 31, 2014 for new plan of record at 422-426 Main Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

COMMUNICATIONS AND REPORTS:

A communication dated November 21, 2014 was received from Charles O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 90, Section 20½, I am submitting the following parking ticket report. Figure cited below are for the month of October 2014: number of violations issued 956, number of violations paid 504, number of violations outstanding 312, amount collected and submitted to the Collector's Office \$41,604.60. Parking fines referred to the Handicapped Commission \$9,400.00. There is a backlog of 1,791 unpaid tickets dating from January 2004 to May 2014. A 21 day late notice is sent to vehicle owners who have not paid the fine. After 28 days, if the fine still has not been paid, that information is forwarded to the Registry of Motor Vehicles for administrative action.

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

Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

A copy of a communication dated November 17, 2014 with attachments to the Massachusetts School Building Authority (MSBA) was received from Patrick J. Saitta, President, Municipal Building Consultants, Inc., 200 Sutton Street, North Andover, Massachusetts 01845 along with the project teams consolidated response to the MSBA's comments on the Preferred Alternative Submittal for the Wyman-Hurld Elementary School Project. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

A copy of a communication dated November 19, 2014 to His Honor the Mayor Scott D. Galvin was received from John K. McCarthy, Executive Director, Massachusetts School Building Authority, 40 Broad Street, Suite 500, Boston, Massachusetts 02109 advising the that the Board of the Massachusetts School Building Authority voted to approve the City as part of its invitation to Feasibility Study, to proceed into schematic design to replace the existing Wyman Elementary School and the existing Daniel P. Hurl Elementary School with a new K-5 facility on an alternative site. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

UNFINISHED BUSINESS OF PRECEDING MEETING:

On the notice of intent to move for reconsideration by Alderman Anderson relative to his vote in support of the motion to approve the petition by Linear Retail Woburn #1 LLC for a modification of a Special Permit issued March 27, 2014, as modified by a Special Permit issued August 7, 2014, to authorize a revision to show a refrigeration storage unit to the Tenant Space A in a plan entitled "Layout & Materials Plan" dated November 20, 2013 revised February 20, 2014 and November 5, 2014 prepared by Allen & Major Associates, 100 Commerce Way, Woburn, MA 01801. Motion made by Alderman Anderson and 2nd to allow reconsideration of the vote to approve the petition by Linear Retail Woburn #1 LLC for a modification of a Special Permit issued March 27, 2104, as modified by a Special Permit issued August 7, 2014, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Alderman Anderson stated that there was a misunderstanding as to what was to be added at the property, that it appeared there would be a storage trailer but this is not the case, and that there does not need to be a requirement that the special permit expire in one year as this is not a storage container. Motion made and 2nd that MINOR MODIFICATION be GRANTED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That start time of the Regular Meeting of the City Council scheduled for December 16, 2014 is hereby changed to 6:30 p.m.

s/President Haggerty

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

ORDERED WHEREAS, there presently exists a structure or structures located in the City of Woburn, Massachusetts known and numbered as 119 Eastern Avenue; 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 Gately and President Haggerty

Motion made and 2nd that the ORDER be ADOPTED and that the matter be referred to public hearing, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

Presented to the Mayor December 5, 2014 and ten days having elapsed without same being approved, said Order became effective without his signature on December 16, 2014.

From the Traffic Commission:

ORDERED CHURCH STREET – A handicapped restricted parking space shall be established at 5 Church Street.

Alderman Concannon stated that there was a condition that the Handicapped Commission also approve the regulation. Alderman Anderson stated that he is not certain that the Handicap Commission actually voted on the matter as they have not been able to secure a quorum, that the individual who requested the parking space is securing the documents necessary to utilize the handicapped parking space, and that when the parking space is no longer needed he will see that the restriction is removed. Alderman Drapeau stated that the Ward Alderman has identified a need and therefore he will support the request.

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

Presented to the Mayor: December 5, 2014 s/Scott D. Galvin December 5, 2014

RESOLVED That the City Council requests the Mayor take exploratory steps to determine the cost and project details of installing limited light walking lights on the interior roadway of the Woburn Parkway at Horn Pond;

Be it further Resolved that such lighting be installed and placed on a timer to be shut off no later than 8:00 p.m. and that all associated fixtures be donated to the City of Woburn and coordinated by the Woburn Redevelopment Authority.

s/Alderman DiTucci and President Haggerty

Motion made and 2nd that the RESOLVE be ADOPTED and the matter be referred to Committee on Infrastructure and Public Lands, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

Presented to the Mayor December 5, 2014 and ten days having elapsed without same being approved, said Resolution became effective without his signature on December 16, 2014.

Motion made and 2nd to ADJOURN, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Meeting adjourned at 8:41 p.m.

A TRUE RECORD ATTEST:

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