CITY OF WOBURN
DECEMBER 4, 2007 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL

Roll Call

Denaro	Gately
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Galvin	Raymond
Doherty	

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE, all in favor, 9-0.

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of $500.00 be and is hereby transferred as so stated from Treasurer Lock Box Fees Acct #0113852-539001 $500.00 to Treasurer – Prof. Development Acct #0113857-571000 $500.00.

I hereby approve the above. s/Thomas L. McLaughlin, Mayor
I have reviewed the above. s/Gerald W. Surette, City Auditor
I recommend the above. s/Donald N. Jensen, Treasurer

s/President Doherty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 9-0.

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ORDERED That the amount of $625,000.00 be and is hereby appropriated to Mayor Acct #0112151-511019 $625,000.00 purpose: negotiations.

I hereby approve the above: s/Thomas L. McLaughlin, Mayor
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Doherty (per request)

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 9-0.

PUBLIC HEARINGS:

On the petition by Alderman Dwyer and Alderman Galvin concerning the building or buildings located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 10 Lowell Street, Woburn, Massachusetts for the purposes of determining whether said building or buildings are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts 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. A communication dated October 3, 3007 was received from Joseph T. Garbino, Grant Writer, as follows:

Re: 10 Lowell Street

Let me start by informing you that there are no grants available to assist the landowner in improving the property at 10 Lowell Street, Woburn, MA. I have researched the grant opportunities available in this case and found there are none. I conferred with the WRA Director, Don Borchelt and he confers with my finding.

The only suggestions I have to help assist the landowner in improving the property is a Mass Housing low interest loan which I believe is now 5 percent. See attached documentation for qualifications and procedures.

A home equity loan is also another alternative to borrowing funds to improve the property that can be obtained through local banks or mortgage companies.

A reverse mortgage is available to acquire funds to improve the property and also should be addressed by the property owner. Of course, there has to be no present mortgage on the property to acquire a reverse mortgage and the property would have to be sold to pay the loan off when the property owner passes on.

The last alternative I can think of, which is a good will effort, is to get volunteers to do the needed repairs to improve the property. Volunteers through the property owner's church or just the solicitation of volunteers by the city Alderman.

I hope some of these suggestions help the property owner and answer your questions about assisting in obtaining a grant to assist the landowner in improving the property.

Alderman Dwyer stated that he received a communication from the building department concerning the matter, that the landowner is an elderly man, that some work has been done to make the property safer, and that he wants to allow the landowner additional time to allow work to be continued. Alderman Dwyer offered a copy of a communication date December 4, 2007 from Thomas C. Quinn, Jr., of the Inspectional Services Department for review by the City Council. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. IN FAVOR: None. OPPOSED: None. Motion

made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MARCH 18, 2007, all in favor 9-0.

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Motion made and 2nd that the public hearings on the following two matters be held collectively, all in favor, 9-0.

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On the petition by A.L. Prime Energy, 319B Salem Street, Wakefield, Massachusetts 01880 for a special permit pursuant to Sections 5.1.46a, 51..46b and 5.1.22a of the 1985 Woburn Zoning Ordinances, as amended, to allow for a self service gasoline station and convenience store with hours in excess of 7:00 a.m. to 10:00 p.m. at 1 Hill Street. PUBLIC HEARING OPENED. A communication dated November 29, 2007 was received from Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of A.L. Prime Energy, 1 Hill Street, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the public hearing on this matter be continued to the City Council meeting scheduled for December 18, 2007 in order to provide the City of Woburn's traffic consultant, VHB, additional time to complete its peer review of my client's Traffic Impact Study. If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

A communication dated November 26, 2007 with attachment was received from Attorney Joseph Tarby as follows:

Re: Petition of A.L. Prime Energy, 1 Hill Street, Woburn, Massachusetts

Dear Mr. Campbell:

Enclosed please find eight (8) copies of the revised Site Improvement Plan which have been revised consistent with comments received from VHB in its peer review dated November 1, 2007. Also, I am enclosing a copy of the Truck Turning Plan as requested by VHB. Please note that I delivered copies of both plans to the Planning Board and Jay Corey. If you need any further information please do not hesitate to contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

A communication dated November 19, 2007 was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 1 Hill Street AL Prime Gas Station & Convenience Store Special Permit – Special Permit Application Dated September 24, 2007, Plans Dated September 20, 2007 – Traffic Study September 2007 – Development Impact Statement Dated October 16, 2007 – Drainage Report Dated October 17, 2007 – Previous Memo Dated October 22, 2007 – Site Improvement Plan Dated November 16, 2007 – Turning Radius Plan Not Dated

The applicant has submitted a special permit application for a gas station with a convenience store. The submitted plans show the proposed site configuration, grading and utilities. The comments below are based on a review of the subject matter and a meeting with the applicant and his attorney on October 17, 2007

Water
The office building and convenience store will be serviced by a proposed 6" water line. This connection will need to be cut in to the existing main with the appropriate shutoff's to isolate the main.

Sewer
The sewer service for the office building and convenience store is being serviced by a proposed 6" PVC sewer line that connects to an existing 6" clay main on Montvale Avenue. The applicant will need an easement over the Commonwealth of Massachusetts property. The applicant has indicated that they are working with Mass Highway to obtain this easement.

Drainage
The site utility plan shows the onsite drainage will be mitigated by a new catch basin and drain manhole on the southerly side of the property which runs along Hill Street. These structures connect into an existing 12" RCP drain pipe which discharges into a resource area on the southwesterly side of Hill Street behind the McDonalds' building.

Additionally there is an underground infiltration system to collect the office building and gas pump canopy roof drainage. This area will discharge into the underground infiltration system. The submitted drainage calculations demonstrate that the site runoff would be equal or will be reduced from predevelopment conditions. The report also state that there was no perc test performed and that a 15 minutes per inch exfiltration rate was used. A perc test will need to be conducted to validate that design.

All proposed catch basis have been designed with deep sumps and hoods which will comply with stormwater management requirements.

Traffic
A peer review was conducted by Vanesse Hangen Brustlin (VHB) for the potential traffic impacts. There are several issues that need to be addressed by the applicant's engineer. These issues should be forwarded to VHB for review.

We are in receipt of a plan showing a vehicle turning through the site. There needs to be certification on the plan that states that this meets the minimum turning radius.

There are several items from our previous memo dated October 22, 2007 that need to be addressed. This office will complete its review when the additional information has been submitted.

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

A communication dated November 30, 2007 was received from Alderman Raymond as follows:

Certification Pursuant to G.L. c.39, Section 23D of Participation in a Session of an Adjudicatory Hearing Where the Undersigned Member Missed a Single Hearing Session

[Note: Can only be used for missing one single hearing session; cannot be used for missing more than one hearing session. Inquiries concerning this form and your ability to participate in a matter where you missed a single hearing session should be addressed to the City Solicitor.]

I, Michael Raymond, hereby certify under the pains and penalties of perjury as follows:

1. I am a member of said board.

2. I missed a hearing session on the matter of a petition for a special permit filed with the Woburn City Clerk on September 24, 2007 by A.L. Prime Energy for real estate located at 1 Hill Street, Woburn which was held on October 16, 2007.

3. I have reviewed all evidence introduced at the hearing session I missed, which included a review of (initial which one(s) applicable):

   a. _____ audio recording of the missed hearing session; or
   b. _____X_____ video recording of the missed hearing session; or
   c. _____ a transcript of the missed hearing session.

This certification shall become a part of the record of the proceedings in the above matter.

Signed under the pains and penalties of perjury this 30th day of November, 2007.

s/Michael Raymond

Received as part of the record of the above matter:
Date: December 4, 2007 at 7:14 p.m.
By: s/William C. Campbell, City Clerk

Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Joseph Tarby and he stated that the Planning Board will not completed review of the matter before the December 18, 2007 City Council meeting, and that he asks that the matter be continued to the Regular Meeting of the City Council on January 2, 2008. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 2, 2008 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

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On the petition by Rennaissance Development Corp., 35 Sockanosset Cross Road, P.O. Box 8819, Cranston, Rhode Island 02920-0819 for an Inflammable License to allow the storage of flammable fluids as follows: 1. 30 gallons of gasoline aboveground in two motor vehicles, and 2. 30,000 gallons underground in three (3) 10,000 gallon tanks, at 1 Hill Street. PUBLIC HEARING OPENED. A communication dated November 7, 2007 with attachments was received from Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Inflammable License – Nassar Buisier d/b/a Woburn Prime, 1 Hill Street, Woburn, Massachusetts

Dear Bill:

Enclosed please find the green certified mail receipts in connection with the public hearing scheduled for December 4, 2007 as required under M.G.L. Chapter 148, Section 13. Please call if you have any questions. Thank you.

Very truly yours, s/Joseph R. Tarby III

A communication dated December 4, 2007 was received from Attorney Joseph Tarby as follows:

Re: Petition of Renaissance Development Corp. for Inflammable License – 1 Hill Street, Woburn, Massachusetts

Dear Mr. Campbell:

Due to the fact that the Public Hearing on the related Petition of A.L. Prime Energy will be further continued, I respectfully request that the Inflammable License Application be further continued to the same date of December 18, 2007. Thank you.

Very truly yours, s/Joseph R. Tarby III

SEE RECORD NOTES FROM THE PRECEDING PUBLIC HEARING. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 2, 2008 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

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Motion made and 2nd that the public hearings on the following two matters be held collectively, all in favor, 9-0.

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On the petition by Woburn Armory LLC, 286 Main Street aka 300 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.69 and Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for change, extension and alteration of the Woburn Armory building to allow twenty-five (25) residential dwelling units at 286 Main Street aka 320 Main Street. PUBLIC HEARING OPENED. A communication dated December 3, 2007 was received from Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Petition of Woburn Armory LLC, 320 Main Street, Woburn, Massachusetts

Dear President Doherty:

Please be advised that I represent Woburn Armory LLC of 175 Summer Street, Somerville, MA 02143. Pursuant to Section 11.11.6 of the 1985 City of Woburn Zoning Ordinance as amended, my client respectfully requests a waiver from the requirement of providing three units of affordable housing as a result of the hardship involved with renovating a structure of historical value, i.e. the Woburn Armory. My client respectfully requests that the affordable housing requirement be reduced from three units to one unit.

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

Very truly yours, s/Joseph R. Tarby III

A communication dated December 4, 2007 was received from Attorney Joseph R. Tarby, III as follows:

Re: Petition of Woburn Armory LLC/ Special Permit – 286 Main Street a/k/a 320 Main Street, Woburn, Massachusetts

Dear Mr. Campbell:

On behalf of my client I respectfully request that the above-referenced Petition be given leave to withdraw without prejudice. 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 documents be received and made part of the record, all in favor, 9-0. Alderman Gately stated that this has been a long process, that the density of the project was an issue, that he would like to see a smaller project come forward by this petitioner in the future, and that with the costs and the current housing market the petitioner could not make the costs of a smaller project work at this time. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the MATTER be GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE, all in favor, 9-0.

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On the petition by Woburn Armory LLC, c/o John D'Ovidio, 175 Summer Street, Somerville, Massachusetts 02143 for an Inflammable License to store 615 gallons of gasoline underground in 41 cars with fifteen (15) gallons of gasoline each in parking level of residential condominium building at 286 Main Street a/k/a 320 Main Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "back for action." A communication dated November 7, 2007 was received from Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Inflammable License – Woburn Armory LLC, 286 Main Street a/k/a 320 Main Street, Woburn, Massachusetts

Dear Bill:

Enclosed please find the green certified mail receipts in conjunction with the public hearing scheduled for November 19, 2007 as required under M.G.L. Chapter 148, Section 13. Please call if you have any questions. Thank you.

Very truly yours, s/Joseph R. Tarby III

A communication dated December 4, 2007 was received from Attorney Joseph R. Tarby, III as follows:

Re: Petition of Woburn Armory LLC/ Inflammable License Application – 286 Main Street a/k/a 320 Main Street, Woburn, Massachusetts

Dear Mr. Campbell:

On behalf of my client I respectfully request that the Inflammable License Application be given leave to withdraw without prejudice. If you need any further information please contact me. Thank you.

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

SEE RECORD NOTES FOR THE PRECEDING PUBLIC HEARING. Motion made and 2nd that the MATTER be GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE, all in favor, 9-0.

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On the petition by Michael Tyminski, 14 Otis Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow earth removal or filling to level off yard at 14 Otis Street. PUBLIC HEARING OPENED. A copy of a communication dated November 21, 2007 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 14 Otis Street – Fill Special Permit – Special Permit Application Dated October 26, 2007 – Revised Site Plan Dated September 17, 2007

This office has reviewed the revised site plan for the above referenced location and offers the following comments.

The revised plan shows a 1 to 1 side slope with rip rap stone for destabilization. The grades have been designed so that runoff from the proposed work will be directed onto the subject property.

The plans shows a splash pad on the existing drainage outlet from Otis Street. The applicant should have a maintenance plan in place to ensure that runoff from this outlet flows unobstructed.

This office takes no exception to the revised plan as submitted.

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

Motion made and 2nd that the city engineer's recommendation be received and made part of the record, all in favor, 9-0. Appearing was the petitioner Michael Tyminski and he stated that the Planning Board has not finished review, that the individual who is doing the work is not available for this meeting, that he requests the matter be continued, that he would not bring contaminated soil on the site, and that he had a permit to fill the poll but went to a greater extent than expected with the fill. Alderman Drapeau stated that the would like to review this matter in committee, that no additional fill will be brought onto the site, and that the petitioner will deal with the soil currently on the site, stabilize it and deal with the runoff. Alderman Gately stated that the committee needs an engineer's plan of the work. President Doherty stated that the source of the fill is a necessary inquiry with fill permits. IN FAVOR: None. OPPOSED: Ronald Manoogian, 55 Revere Road stated that he wants to be aware of what work is going to be done, that the water runoff is significant, that his basement is now dry but with the change in grade he is concerned that the water will go into the basement, that he has not been made aware by the petitioner as to what the plan is, that the prior petition was withdrawn without notice to the neighbors,

that the soil was brought onto the property before without having a permit, that he wants to know the fill is clean and where it came from, and that six to ten dump trucks were dumped onto the site. Dyann Carlson, 57 Revere Road stated that there is an open culvert easement in her back yard that she wants to be certain that nothing further comes over the edge of the culvert than has in the past, and that stagnant water in the culvert has been a result. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 2, 2008 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

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On the petition by Amy Ryan and Scott Ryan, 15 Samoset Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.5 of the 1985 Woburn Zoning Ordinances, as amended, to fill in backyard to bring to level grade at 15 Samoset Road. PUBLIC HEARING OPENED. A copy of a communication dated November 21, 2007 to Edmund Tarallo, Planning Director from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 15 Samoset Road – Fill Special Permit – Special Permit Application Dated July 25, 2007 – Site Plan Dated October 16, 2007

This office has reviewed the revised site plan for the above referenced location and offers the following comments.

The applicant is proposing to fill to level the back yard and install a retaining wall at the right side of the house. The submitted plans show proposed grading and details of the riprap slope for the rear yard and retaining wall by the driveway. There is no existing grading plan accompanying this submission.

The applicant should also indicate the amount of fill that is required for this project.

The fill in the rear of the property appears to be within 150 feet of the wetlands and would be subject to Chapter 131 or the wetlands ordinance. A notice of intent would need to be filed with the conservation commission for their approval.

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

Motion made and 2nd that the report of the city engineer be received and made part of the record, all in favor, 9-0. Appearing was the petitioner was Amy Ryan and she stated that they have dealt with the Conservation Commission and are dealing with the State relative to rivers and streams. Alderman Drapeau stated that this has been an ongoing issue for many years, that there is a pile of fill in the yard that has been brought in without a permit, that he has had no objections from the neighbors, that the petitioners want to spread the fill and clean the backyard, that he is in full support of the petition, and that the petitioners have performed work in the front of the property and that he is looking

forward to improvement of the backyard. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the condition as follows: 1. That the special permit shall be contingent upon approval by the Conservation Commission, all in favor 9-0.

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On the petition by Alderman Galvin to amend the 1985 Woburn Zoning Ordinances as follows: "Be it ordained by the City Council of the City of Woburn that Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, be further amended by adding a new second sentence to Paragraph 2 as follows: "This paragraph shall not apply to single family structures in the R-1, R-2, R-3, R-4, and S-1 zoning districts or two family structures in the R-2, R-3, R-4, and S-1 zoning districts built prior to April 24, 1985." PUBLIC HEARING OPENED. A communication dated December 3, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Alderman Galvin – to amend Section 7.3 by adding a new second sentence to paragraph two as follows: "This paragraph shall not apply to single family structures in the R-1, R-2, R-3, R-4, and S-1 zoning districts or two family structures in the R-2, R-3, R-4, and S-1 zoning districts built prior to April 24, 1985."

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on November 27, 2007, the Board voted to forward a favorable recommendation to the City Council regarding the proposed amendment to Section 7.3 proposed by Alderman Galvin because it removes a rigid standard for the single and two family homeowners that maybe difficult to achieve, by no longer requiring a petitioner to prove that the pre-existing non-conforming structure or use was validly and legally established. Petitioners have had difficulty in providing the proof required by the current Section to the Board of Appeals based on city records for structures over twenty years old.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

Alderman Galvin stated that the City Council has been struggling with the issue for several meetings, that this will lessen the burden on owners of single and two family dwellings to make extensions to their residences, that the language in the preceding section makes clear that this refers to nonconforming structures, and that this gives the Board of Appeals some flexibility to get a matter before them. Alderman Gonsalves stated that she is concerned with the reference to April 1985, that the date of 1985 should be reference as to when the nonconformity was created not when the house was built, and that a the issue of single family dwellings could be clarified by adding the phrase "that applies to nonconforming structures" or "single family structures that are

nonconforming" or "to single family structures that were non-conforming" or by changing "built" to "altered or built creating a nonconformity prior to April 24, 1985". Alderman Denaro stated that this issue has been considered for some time, that if a landowner builds something in 2006 then it will not benefit from this amendment, and that he would prefer to adopt the language as proposed. Alderman Drapeau stated that the intent of the language change is adequate, that the petitioner will have to come before the Board of Appeals for review which will examine the legitimacy of the petition, and that this allows the petitioner an audience before the Board of Appeals but the petitioner still needs to make their case before the Board of Appeals. IN FAVOR: Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn stated that he is in favor of the language as proposed, that if the Journal contains language about the intent of the ordinance then this would be sufficient, and that his client Harout Avakian does not have a nonconforming structure and therefore changing this language does not benefit him. Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that he is in support of the language as presented, and that the Board of Appeals would have to make their decision on these matters. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the ORDER be ADOPTED, 8 in favor, 1 opposed (Gonsalves opposed).
Presented to the Mayor: Dec. 6, 2007 s/Thomas L. McLaughlin Dec. 10, 2007

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On the petition by Harout Avakian to further amend the 1985 Woburn Zoning Ordinances, as amended, as follows: that Section 7.1 of the 1985 Woburn Zoning Ordinance, as amended, be further amended by adding a new paragraph to the end of this Section as follows: "A residential structure used as a residence and conforming to the zoning district in which it lies, that is protected by the ten (10) year statute of limitations under Massachusetts General Laws Chapter 40A, Section 7 shall be considered for the purposes of this Section 7.1 a legal non-conforming structure." PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that based on the action of the City Council in adopting the previous amendment to the zoning code that his client requests this matter be given leave to withdraw. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the MATTER be GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE, all in favor, 9-0.

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On the petition by Allied Building Products Corp., 15 East Union Avenue, East Rutherford, New Jersey 07073 for special permits pursuant to Section 5.1.42, 5.1.43 and 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to allow for a wholesale establishment, warehouse and distribution center, outside storage of new or used building materials and equipment and the accessory parking of commercial motor vehicles at 41 Atlantic Avenue. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass with the conditions as follows: 1. That the Planning Board's recommendations be made conditions of the special permit as amended on condition #3 by adding the words "and dumpster" after "The outside

storage areas", 2. That the special permit is not transferable, 3. That the special permit is to be reviewed in one year, and 4. Petitioner will develop a snow management plan." A communication dated December 3, 3007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Allied Building Products Corp. – 41 Atlantic Avenue – To allow for a Wholesale Establishment, Warehouse, and Distribution Center; Outside Storage of new and old building materials and equipment; and the Accessory Parking of Commercial Motor Vehicles pursuant to Sections 5.1.42, 5.1.43, and 5.1.57b

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on November 27, 2007, the Board voted to send a favorable recommendation to the City Council on the Special Permit application of Allied Building Products Corp., regarding the property at 41 Atlantic Avenue because the proposal complies with the conditions outlined in Section 11.5 of the Woburn Zoning Ordinance. The favorable recommendation is based on the following conditions:

1. The Plan of Record shall be the plan entitled "41 Atlantic Avenue, Woburn, MA." prepared by Allen & Major Associates Inc., 100 Commerce Way, Woburn, MA dated September 25, 2007 as revised October 18, 2007 (the "Plan").
2. All building materials stored outside the building on the premises shall be stored only in the areas shown on the Plan as "Proposed Material Storage Area" (the "Outside Storage Areas").
3. The Outside Storage Areas shall be completely enclosed by means of a solid fence or wall not less than eight (8) feet in height, with the exception of entrances and exits.
4. That no more than four (4) commercial vehicles shall be parked at the premises and all registered vehicles to be parked on the premises overnight shall be registered in the City of Woburn.
5. The Planning Board shall review and approve a landscaping plan and shall retain jurisdiction over landscaping.
6. The Petitioner shall post signs within its customer pick up areas and loading areas requesting both its customers and delivery companies to obey the rules of the road if traveling on City of Woburn streets.

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

Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that he requests that the committee report be adopted with the following amended language concerning condition 2 relative transferability: "That the special permit is granted to Allied Building Products Inc. ("Allied") and is not transferable except to any affiliate of Allied; any corporation into which or with Allied or its parent corporation may merge; or to any corporation or

any other business entity or to any company which may result from a reorganization or consolidation by or with Allied; this permit is not transferable if Allied is sold, purchased or taken over by a non-affiliate." IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that the petitioner company has been in business in Woburn for a long time, that this is not an easy site or an easy area to work in, that it is a hazardous site, that it is a vacant building, and that he would like to see the special permit be granted. OPPOSED: None. Motion made and 2nd that public hearing be closed, all in favor, 9-0. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, AS AMENDED, by amending condition to relative to transferability to read: "That the special permit is granted to Allied Building Products Inc. ("Allied") and is not transferable except to any affiliate of Allied; any corporation into which or with Allied or its parent corporation may merge; or to any corporation or any other business entity or to any company which may result from a reorganization or consolidation by or with Allied; this permit is not transferable if Allied is sold, purchased or taken over by a non-affiliate.", all in favor, 9-0.

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On the petition by Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless and NSTAR Electric Company, 400 Friberg Parkway, Westborough, Massachusetts 01581 for a special permit pursuant to Section 5.1,80b, Section 11 and Section 5.6 of the 1985 Woburn Zoning Ordinances, as amended, to install three flushed mounted antennas at a center line of 73 feet on a 75 foot replacement of the existing 65 foot utility pole with 12 feet by 30 feet equipment shelter and diesel emergency back up generator inside a fenced telecommunications compound with the antennas relocated at a height of 63 feet on the replacement pole, and to install a single omni-directional whip antenna on the companion 65 foot utility pole on the H frame power stanchion at Waltham Street Rear-Power Easement. PUBLIC HEARING OPENED. A communication dated December 3, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Bell Atlantic – Waltham St. – To erect a 75' utility pole with antennas and equipment shelter pursuant to Section 5.1.80b, 5.6, and 11

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on November 27, 2007, the Board voted to send a favorable recommendation to the City Council subject to the assurances provided in the application for the Special Permit dated 10/25/07 and in accordance with the Plans in Exhibit 5 revised 10/25/07.

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 November 21, 2007 was to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: Waltham Street Verizon Wireless Special Permit – Special Permit Application Dated October 29, 2007 – Plans Dated October 25, 2007

The applicant has submitted a special permit application for a proposed equipment shelter and wireless communications on a utility pole at the above referenced location and this office offers the following comments.

The site plan shows a proposed equipment cabinet, proposed utility pole and electrical lines. The equipment shelter shows fencing and plantings for screenings.

The design is similar to a previously approved shelter adjacent from this one on the same lot. This office takes no exception to the plans as submitted.

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

A communication dated December 3, 2007 from Attorney Daniel D. Klasnick, Duval & Associates LLC, 10 Cedar Street, Suite 17, Woburn, Massachusetts 01801 as follows:

Re: Application for Special Permit – Applicant: Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless – Co-Applicant: NSTAR Electric Company

Dear Council Members:

On October 29, 2007, Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless and NSTAR Electric Company ("Applicants") filed an Application for Special Permit to install and operate a Wireless Communications Link: Building Mounted Wireless Communications Link on an H frame power stanchion within the easement on the property off of Waltham Street, Woburn, Massachusetts ("Application").

The Applicants' Application for a special permit currently appears on the December 4, 2007 City Council agenda. Because of the continuing review of site issues and the preparation of supplemental application materials will not be completed by the December 4th Hearing, the Applicant formally requests a continuance of its Application until the next regular meeting on December 18, 2007.

In the event that the City Council has any questions concerning this request for a continuance or requires any additional information, please contact me. Thank you.

Very truly yours, Duval & Associates LLC by s/Daniel E. Klasnick, Attorney at Law

Alderman Drapeau stated that he spoke to all parties in this matter including the petitioner, the neighbors and the landowner, that issues have been raised that the petitioner was not comfortable addressing at this meeting, and that without going into specifics how would like to allow the continuance requested. Alderman Dwyer stated that he was privy to the meeting with Alderman Drapeau and that he sees no objection to continuing the matter to the City Council Regular Meeting on January 2, 2007. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 2, 2008, all in favor 9-0.

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On the petition by CFRI/CQ Woburn LLC c/o Campanelli Companies, One Campanelli Drive, Braintree, MA 02185 for a special permit pursuant to Section 5.1 (30b) of the 1985 Woburn Zoning Ordinances, as amended, to allow for additional office space of approximately 135,000 square feet with the total office space of approximately 171,700 square feet at 8 Presidential Way. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass with the conditions as follows: 1. That the Planning Board's recommendations be made conditions of the special permit, and 2. that the mitigation funds be deposited into the Ward Five Infrastructure improvements." A communication dated December 3, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: CFRI/CQ Woburn LLC – 8 Presidential Way – To allow for additional office space of approximately 135,000 S.F. for a new total of 171,700 S.F. pursuant to Section 5.1.30b

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on November 27, 2007, the Board voted to send a favorable recommendation to the City Council in accordance with the revised Layout Plan Sheet 3 and Utility Plan Sheet 5 entitled "CFRI/CQ Woburn LLC, 8 Presidential Way, Woburn, Massachusetts" prepared by Kelly Engineering Group dated 10/12/07 revised 11/21/07 and Sheets 1, 2, 4 and 6 dated 10/12/07 subject to the following conditions:

1. That the recommendations included in the GPI traffic report, subject to any necessary Traffic Commission approvals, shall be provided by the petitioner.
2. That the recommendations of the engineering department shall be complied with.
3. That the Planning Board shall approve the landscaping plan and shall retain jurisdiction over the landscaping.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

A copy of a communication dated November 21, 2007 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 8 Presidential Way Expansion Special Permit – Special Permit Application Dated October 15, 2007 – Plans Dated October 12, 2007 – Traffic Study Dated October 2007 – Development Impact Statement – Drainage Report Dated October 11, 2007

The applicant has submitted a special permit application for the expansion of the existing facility and a change in use form Manufacturing and office space to first class office space. The applicant has submitted the above referenced materials and this office offers the following comments.

Water
The site is serviced by an existing water main and the only change is the addition of a new fire hydrant. This office takes no exception to the water connection as shown.

Sewer
There is no new sewer connections proposed for this project. The new addition will generate an additional 7,090 gallons per day of sewer flow which is subject to a sewer I/I fee which the applicants engineer has calculated. This office takes no exception to the sewer as shown.

Drainage
The submitted drainage computations and plan show that there will be modifications to the original onsite drainage to mitigate the additional impervious pavement and addition. The addition roof runoff will be mitigated through a underground infiltration system with an over flow to the existing detention pond. There are proposed catch basins and new drain lines to accommodate the additional pavement. The applicants engineer demonstrated that the drainage design meets storm quality management standards for TSS removal and that there is a reduction in post development runoff from predevelopment conditions. This office takes no exception to the drainage calculations submitted.

Traffic
The submitted traffic report outlines the existing and proposed conditions and the amount of traffic that will increase due to the change in use. There are several recommendations and conclusions that are outlined in the report. One is to install a W18-3 warning sign be installed on Presidential Way south of the site to warn that there are vehicles turning ahead. This new sign and or any improvements being made to signal timing will need the approval of the traffic commission.

Miscellaneous

This project is subject to Section 18 of the Woburn Mitigation Ordinance. The report does not include in the total project cost, therefore this office cannot calculate the mitigation percentage accordance with section 18. A total cost breakdown should be submitted to this office for review.

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

A copy of a communication dated November 27, 2007 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 8 Presidential Way Expansion Special Permit – Special Permit Application Dated October 15, 2007 – Plans Dated October 12, 2007 – Traffic Study Dated October 2007 – Development Impact Statement – Drainage Report Dated October 11, 2007 – Project Cost Summary Dated November 26, 2007 Received November 27, 2007 – Previous Memo Dated November 21, 2007

This office has reviewed the total project cost estimate for the above referenced project and takes no exception to the estimate as submitted. The mitigation fee will be allocated for Commerce Way infrastructure improvements.

All other items from our previous memo dated November 21, 2007 have been addressed.

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

Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that he asks that the committee report be adopted. Alderman Denaro stated that ward specific mitigation conditions may minimize the opportunity to complete other projects in the city which may never be funded, that he cannot support this condition, that he represents residents in all areas of the city as Alderman at Large, that there may be a project on the border with Ward 5 that would benefit from particular mitigation funds that would be prevented from being improved, that the city has abused the mitigation ordinance since its inception and that is why he has had issues with it, and that this is a city and cannot direct money to just one area and not another. Alderman Mercer-Bruen stated that this project and the improvements are in Ward 5, that east Woburn has many issues that must be addressed including a lack of sidewalks, that it does not help east Woburn to take the impact of projects but no benefit from the mitigation, that if there is a place in the city that this building can be moved to then that area can have the building and the mitigation money, that there are existing Ward 7, Ward 4 and Ward 6 mitigation accounts, that this is no precedent, that this terminology has been used before, that the City Council has the power to use unused mitigation funds, and that the title of the account can be changed to “Ward 5/Commerce Way Improvements.” Alderman Galvin stated that the money should improve the impact of the office building but not be used in other areas of the ward.

Alderman Drapeau stated that he joked about the Ward 5 Alderman having a mitigation checkbook to fund her projects, that in the past money was taken from the Ward 1 Whole Foods project and used elsewhere in the city, that it gets a little crazy when there are separate ward mitigation accounts being established, that the money should be spent where the project is, and that the City Council can spell out in the special permit where the funds should be spent. Alderman Raymond asked if this will set a precedent, and stated that on future Ward 6 projects he would like the opportunity to have a similar condition for those projects. President Doherty stated that there is a Ward 5 mitigation account already, that the money will go into that account, that this may have created a precedent, that mitigation funds should be kept as close to the subject as possible, that sometimes the full impact of a project is not known until the full site build out and the mitigation need to be set aside for the time, and that if the intent is to establish a fund for the redevelopment of Commerce Way there was discussion at the committee meeting last night to establish a Commerce Way fund. Alderman Gonsalves stated that a mitigation fund account should be established for Commerce Way improvements. Alderman Dwyer stated that the petitioner is a good company, that he hopes this debate does not impact the petitioner's decision to come to the city, that he will support this petition tonight, that future development will likely be in that area, and that the mitigation funds can be used to improve that area. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that he does not like the mitigation ordinance, that this is an arena that demonstrates why, that a new company is spending millions of dollars to come into the city and the City Council is discussing mitigation of $200,000.00, that there is no work needed in that area, that Presidential Way is the best of the best, that the mitigation ordinance was sixteen pages long and was whittled down to three pages, that the percentage was originally twice the amount that it is now, that mitigation takes money out of the developer's pocket, that it is not right for Aldermen to argue of it being his or her money, and that the City Council should get the petitioner in the building to benefit all of the city's taxpayers. OPPOSED: None. Motion made and 2nd to close the public hearing, all in favor, 9-0. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, AS AMENDED, with the conditions as follows: 1. That the traffic improvements outlined on pages 26 and 27 of the report entitled "Traffic Impact and Access Study – Proposed Office Expansion, Woburn, Massachusetts" by GPI dated October 2007 be adopted as conditions of the special permit, 2. That the recommendations of the Planning Board be adopted as conditions of the special permit, 3. That the estimated mitigation summary of 8 Presidential Way in the amount of 3% of the development costs or approximately $205,000.00 be accepted, 4. That the recommendations of the city engineer be accepted, 5. That the Planning Board shall approve the landscaping and shall retain jurisdiction over the landscaping, all in favor, 9-0. Motion made and 2nd to add an additional condition as follows: 6. That the mitigation funds shall be deposited into the Ward 5 Infrastructure Improvement Account, ROLL CALL: Denaro – No, Drapeau – Yes, Dwyer – Yes, Galvin – No, Gately – Yes, Gonsalves – Yes, Mercer-Bruen – Yes, Raymond – Yes, Doherty – Yes.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

POLICE AND LICENSES:

On the following petitions for renewal of First Class Motor Vehicle Sales Licenses by C.N. Wood Company, Inc.; Lannan Chevrolet, Inc.; R.C. Olsen Cadillac, Inc.; Woodco Machinery, Inc.; and Woburn Foreign Motors; committee reports were received "ought to pass." Motion made and 2nd that the COMMITTEE REPORTS be ADOPTED, all in favor, 9-0.
Presented to the Mayor: Dec. 6, 2007 s/Thomas L. McLaughlin Dec. 10, 2007

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On the following petitions for renewal of Second Class Motor Vehicle Sales Licenses by Capelo's Auto Service, Inc.; Enterprise Rent-a-Car Company of Boston, Inc.; Francis Garbino dba Tom's Auto Body; J.C. Auto Sales; Larade's Collision Repair Center, Inc.; McSheffrey Auto Sales, Inc.; New Boston Auto Exchange; Donald J. Socorelis dba Woburn Glass Co.; Velozo Enterprises, Inc. dba Rogers Radiator; and Woburn Gas & Service, Inc.; committee reports were received "ought to pass." Motion made and 2nd that the COMMITTEE REPORTS be ADOPTED, all in favor, 9-0.
Presented to the Mayor: Dec. 6, 2007 s/Thomas L. McLaughlin Dec. 10, 2007

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On the petition for renewal of Third Class Motor Vehicle Sales License by Woburn Truck and Auto, Inc., committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.
Presented to the Mayor: Dec. 6, 2007 s/Thomas L. McLaughlin Dec. 10, 2007

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On the petition for a new Taxi Cab License by Mohamad S. Moharam, committee report was received "ought to be denied." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.
Presented to the Mayor: Dec. 6, 2007 s/Thomas L. McLaughlin Dec. 10, 2007

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On the petition for a new Taxi Cab License by Ahmad Abbas, committee report was received "ought to be denied." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.
Presented to the Mayor: Dec. 6, 2007 s/Thomas L. McLaughlin Dec. 10, 2007

NEW PETITIONS:

Petitions for renewal of Second Class Motor Vehicle Sales Licenses by Tracy M. Batten dba Tracy's Auto Sales, 62R Winn Street; Richard Cail dba Winn Street Motor Sales, 104 Winn Street; EC Inc. dba Xpress Fuel, 505 Main Street; William R. Garvey dba

Garvey's Auto Repair, 289 Salem Street; Joseph P. Mahoney Co., Inc., 293 Salem Street; Olive McDermottroe and Bridget McDermottroe dba McDermottroe, 229 Lexington Street; Robert McSheffrey dba Bob McSheffrey Auto Sales, 306 Montvale Avenue; Wassim (Sam) Nicolas dba Woburn Square Mobil, 23 Pleasant Street; Kenneth L. O'Connor dba City Line Motors, 30 Rear Torrice Drive; Ollies Service Center, 310 Main Street; O'Rourke's Service Station, Inc., 183 Cambridge Road; Jeffrey Pollock dba Exclusive Automobiles, 7 Independence Drive; and Southside Associates, Inc. dba Burke's Garage. Motion made and 2nd that the MATTERS be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

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Petition by Lowe's Companies, Inc., 15 Commerce Way, Woburn, Massachusetts 01801 for special permits pursuant to Section 5.1.45, 5.1.57a and 5.1.57b to allow for the rental of moving trucks; accessory storage or parking of storage containers, storage trailers or commercial trailers; and the accessory storage or parking of commercial motor vehicles at 15 Commerce Way. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by Draper Realty LLC, 201 Chadwick Drive, Bradford, Massachusetts 01835 for a special permit pursuant to Section 5.1.57a of the 1985 Woburn Zoning Ordinances, as amended, to allow for the accessory storage or parking of two storage/commercial trailers on the property located at 31 Draper Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by Draper Realty LLC, 201 Chadwick Drive, Bradford, Massachusetts 01835 for a special permit pursuant to Section 5.1.57a of the 1985 Woburn Zoning Ordinances, as amended, to allow for the accessory storage or parking of two storage/commercial trailers on the property located at 27 Draper Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated November 28, 2007 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the November meeting of the Council on Aging and the Director's report for the month of November. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication dated November 15, 2007 was received from Attorney Lauren F. Goldberg and Attorney Shirin Everett, Kopelman and Paige, P.C., relative to Community Preservation Act Funds – The Implications of Seideman v. Newton. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication dated November 28, 2007 with attachment was received from Donald J. Borchelt, Executive Director, Woburn Redevelopment Authority relative to the monthly meeting package of the Woburn Redevelopment Authority for November 27, 2007. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication dated November 19, 2007 was received from Representative Edward J. Markey, Congress of the United States, House of Representatives, Washington, D.C. 20515-2107 inviting the aldermen to an information session on the New England Community Energy Challenge on December 10, 2007 at 9:30 a.m. at Medford City Hall, Council Chambers to learn about ways to increase the communities energy efficiency and usage from renewable sources. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication was received from the Town of Winchester Planning Board concerning a public hearing to be held on Thursday, December 6, 2007 at 8:00 p.m. in the Winchester Room at Winchester Town Hall, 71 Mt. Vernon Street, Winchester on the Area Comprehensive Plan for the Winchester Hospital Expansion at 620 Washington Street. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication was received from the Town of Winchester Planning Board concerning a public hearing to be held on Thursday, December 20, 2007 at 8:00 p.m. in the Winchester Room at Winchester Town Hall, 71 Mt. Vernon Street, Winchester on the Area Comprehensive Plan for the Winchester Hospital Expansion at 620 Washington Street. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication dated October 2007 was received from the United States Environmental Protection Agency entitled "W.R. Grace (Acton Plant) Superfund Site, Action & Concord, Massachusetts, Community Update". Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication dated November 26, 2007 was received from Attorney John D. McElhiney, McElhiney and Matson, 607 Main Street, Woburn as follows:

Re: Special Permit – pION, Inc. – 5 Constitution Way, Woburn, MA

Dear Members of the Council:

You had approved a Special Permit for the above entity at your meeting on October 16, 2007. Unfortunately, the application mistakenly misstated the name of the legal entity (trust) which owns the property, varying the name of the trust slightly. Your decision thus lists the owner as "Robert W. Murray, Trustee of Constitution Four Trust," whereas the correct name is "Robert W. Murray, Trustee of Constitution Park Trust Four."

In order to record the Decision at the Registry of Deeds, I will need the Decision to reflect the proper legal name. I am requesting that you vote to amend the Decision to properly reflect the owner's name as "Robert W. Murray, Trustee of Constitution Park Four Trust."

Thank you for your anticipated cooperation in this matter.

Sincerely, s/John D. McElhiney

Motion made and 2nd that the SPECIAL PERMIT be AMENDED TO REFLECT THE NAME OF THE OWNER OF THE PROPERTY AS "ROBERT W. MURRAY, TRUSTEE OF CONSTITUTION PARK FOUR TRUST", all in favor, 9-0.

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A communication dated November 26, 2007 with attachments was received from Attorney Mark J. Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 as follows:

Re: Moreno Drive Subdivision

Dear President Doherty and Council Members:

Request is made for an Assent regarding the approval of plan for the subdivision of the property owned by Moreno Drive LLC at 170 Russell Street. The subdivision plan has been approved and signed by the Woburn Planning Board and submitted to the Land Court for registration. However, because a small area of Russell Street was abandoned after the relocation of the Street by the County, the owners of the abutting property claimed ownership and an assent to the approval has been requested by the Land Court. Please be advised that the City's legal counsel has reviewed the plan and the petition for approval and has forward a recommendation that the City assent to the plan.

Thank you for your cooperation and please call with any questions.

Very truly yours, s/Mark J. Salvati

Motion made and 2nd that the MATTER be REFERRED TO THE COMMITTEE ON MUNICIPAL LANDS/HIGHWAYS, all in favor, 9-0.

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A communication dated November 12, 2007 with attachment was received from John DeAngelis, Lisa DeAngelis, Paul DeAngelis and Bi-Mei DeAngelis requesting authorization to purchase or rent property from the city of Woburn to allow the creation of parking spaces to serve their three-family residence located at 7R Center Street. Motion made and 2nd that the MATTER be REFERRED TO THE COMMITTEE ON MUNICIPAL LANDS/HIGHWAYS, all in favor, 9-0.

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A communication dated November 26, 2007 with attachment was received from David J. Carroll, Hopkinton Area Manager, Tennessee Gas Pipeline Company, 54 Wilson Street, Hopkinton, Massachusetts 01748 relative to the Tennessee Gas Pipeline Emergency Personnel List whom to notify in case of an emergency. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A petition with twenty-eight pages was received indicating that the signatories were Woburn Public School Employees and asking that the City Council accept Section 19 of M.G.L. Chapter 32B coalition bargaining for health insurance and to immediately begin putting together RFP's (request for proposals) to get bids on quality health insurance. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated December 3, 2007 was received from President Charles Doherty as follows:

Re: Michael Raymond – Committee Assignments

Please be advised that Alderman Michael Raymond is hereby appointed to the following committees of the Woburn City Council: Accounts/Audit; Open Space and Recreation; Police/License; Hazardous Waste/Recycling; Interstate-93 Interchange/Industri-Plex Committee; Public Safety; Historical Commission Liaison; Water; Conservation Commission Liaison

These appointments fill the committee vacancies resulting from the resignation of former Alderman John Ciriello.

s/Charles Doherty, President

Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication dated November 29, 2007 was received from Mayor Thomas L. McLaughlin as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Steven Jeune, a student member of the Woburn Memorial High School's Gay-Straight Alliance, as a Member of the Human Rights Commission as required in the City of Woburn Municipal Code Title 2-236. Please be advised that the term will expire on August 31, 2008. The effective date of this appointment will be the date of confirmation by the City Council.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PERSONNEL, all in favor, 9-0.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Be it Ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinances, as amended, be further amended as follows:

1. By adding to Section 2 Definitions in the appropriate alphabetical order a new definition for "Restaurant, Formula Fast Food" as follows:

   "Any building, room, space or portion thereof where food or beverage is sold for consumption on-site or off-premises within a short period of time, orders are made at either a walk-up window or counter, payment for food or beverage is made prior to consumption, and the packaging of food is done in disposable containers, or is not a "Restaurant, full-service". A fast food restaurant may provide "accessory" related retail sales items and delivery service.

   "Formula Fast Food Restaurant maintains either by contractual or other arrangement, established or recognized business practice or membership affiliation, any of the following: 1. Business name common to a similar business located elsewhere, 2. Standardized menus, ingredients, food preparation, uniforms, or other standardized features common to restaurant located elsewhere, 3. Interior and

exterior décor and/or signage common to a similar business located elsewhere, and 4. Use of trademark or logo common to a similar business located elsewhere."

2. By amending line 5.1.29 by striking all current designations and inserting in their place an "X" under the B-N, B-H, B-I, I-P, IP-2, I-G, O-P and OP-93 zoning districts meaning that the use is allowed by right, a "P" under the B-D zoning district meaning that a special permit is required and a "-" under the R-1, R-2, R-3, R-4, S-1, S-2 and O-S zoning districts meaning that the use is not allowed, and by inserting a reference to "Note 16; Section 18.3.4" under the column "Notes; other sections" and inserting a reference to "Section 12" under the column "Site Plan Requirements".

3. By amending Note 16 of Section 5.1 by adding in the third sentence after the words "Restaurant, full-service" the words ", Restaurant, Formula Fast Food".

4. By amending Section 12.2.1 by striking the reference to "Restaurant, Fast Food" and inserting in its place "Restaurant, Formula Fast Food".

5. By amending Section 18.3.4 by striking it in its entirety and inserting in its place the following: "All uses permitted by special permit under line 5.1.29a of Section 5.1 Table of Uses 'Restaurant, Formula Fast Food".

6. By adding a new line 5.1.29a Restaurant, Formula Fast Food and inserting a "-" under the R-1, R-2, R-3, R-4, S-1 and O-S zoning districts meaning that the use is not allowed and a "P" under the B-H, B-D, B-I, I-P, I-P2, I-G, S-2, O-P and OP-93 zoning districts meaning that a special permit is required, and by inserting a reference to "Note 16; Section 18.3.4" under the column "Notes; other sections" and inserting the reference to "Section 12" under the column "Site Plan Requirements."

s/Alderman Galvin and Alderman Gately

Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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ORDERED Whereas, the Woburn School Department desires to enter a food service management contract for three years with two one year options with Aramark Educational Services LLC to provide school lunch services, and

Whereas, this contract which has been approved by the Woburn School Committee is considered to be a contract in excess of three years,

Now, therefore, the City Council hereby authorizes the Woburn School Department to enter into the contract.

s/President Doherty

Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.
Presented to the Mayor: Dec. 6, 2007 s/Thomas L. McLaughlin Dec. 10, 2007

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ORDERED Whereas, at its Regular Meeting on October 30, 2007, the City Council authorized the Building Commissioner to dispose of a 1999 Ford Taurus which was determined the be of no value to the department, and

Whereas, the City Engineer has expressed a need for the use of the vehicle in the Engineering Department,

Now, therefore, the Building Commissioner is hereby authorized pursuant to 1989 Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6 to transfer possession and control of the vehicle to the custody of the City Engineer.

s/President Doherty

Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.
Presented to the Mayor: Dec. 6, 2007 s/Thomas L. McLaughlin Dec. 10, 2007

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ORDERED That His Honor the Mayor arrange a presentation before the City Council, including the City Solicitor, concerning the process and impact of coalition bargaining for health insurance as provided in Massachusetts General Laws Chapter 32B, Section 19.

s/President Doherty

Motion made and 2nd that the ORDER be ADOPTED, AS AMENDED, with the amendment as follows: 1. That all section of M.G.L. Ch. 32B be included in the presentation, all in favor, 9-0.
Presented to the Mayor: Dec. 6, 2007 s/Thomas L. McLaughlin Dec. 10, 2007

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ORDERED That the Committee on Personnel meet with His Honor the Mayor concerning the establishment of a salary and the qualifications of a new superintendent of public works.

s/Alderman Galvin

Alderman Galvin stated that there is no doubt that the Mayor can make the appointment, that the City Council has the right to determine the salary, that he wants to determine the education and experience of the new superintendent to decide the salary, that there is a hiring freeze now however the Mayor has made an appointment in the office of assistant to the mayor, that the hiring freeze did not apply to non-essential employees which would be police and fire personnel, and that he wants to know how the assistant to the mayor position is essential. Alderman Gately stated that the funding for the superintendent and assistant to the mayor has been approved in the budget. Alderman Galvin stated that the salary for the assistant to the mayor and veterans' agent will be changed, that the Mayor should justify how the assistant to the mayor is an essential position, and that the Mayor has the right to hire who he chooses but the salary being paid to the superintendent is the City Council's decision. President Doherty stated that the deputy auditor position is not being filled. Alderman Galvin stated that the assistant treasurer position is not being filled. Alderman Drapeau stated that the superintendent's position was approved in the budget at the current salary, and he asked whether the City Council can review salaries when there is a change in the incumbent of that office. Alderman Galvin stated that the former superintendent was the city engineer for ten years, had a civil engineering degree and worked as the superintendent for six or seven years which was reflected in the current salary of $105,000.00, that the new superintendent may warrant that salary but the City Council needs to know his qualifications, that anytime someone new is put in a position the salary is reviewed, and that the appointment of the superintendent and the assistant to the mayor are related issues. Alderman Dwyer offered a motion with no second that the human resources director be present at the Committee on Personnel meeting when these issues are discussed, and stated that comparative salaries should also be provided. Alderman Denaro stated that the data would be helpful in making an appropriate determination of salary, but that if the data is sufficient would there be a need to have the human resources director at the meeting. Alderman Dwyer stated that there may be other issues that the human resources director could address in committee. Alderman Denaro stated that this may place the human resources director between the mayor and the city council and that in a public forum she will be the one beaten up. Alderman Dwyer stated that this is not his intent and that he hopes the issues will be handled cordially. Alderman Drapeau stated that the City Council had tried to clarify the roles and responsibilities of the department heads and the qualifications needed for the positions for performance review and to determine whether an incumbent was deserving of a raise, that this would allow the City Council to assess the positions, that the city will now have a new department head entity to bargain these issues, that while the city was in the mode of getting this vote done the City Council could not address these issues, that whenever the issue is brought up it is unsettling to not have an adequate job description with goals and responsibilities to look as the performance of a department head, that he had solicited data from other municipalities but this effort was short circuited, that the City Council has to determine whether these individuals are being judged fairly as compared to other people, that this can be clarified by comparing the positions with like cities such as Peabody, and that it should not be based on cities or towns that do not have

the same demographic. Alderman Gately stated that the City Council should give the Mayor the opportunity to come into the meeting to discuss the salaries and what his plan is for the positions, that if needed to bring the human resources director into the discussion, and that the City Council should determine what the Mayor's goals and intentions are regarding the salary first. Alderman Dwyer stated that intention to have the human resources director at the meeting was not for salary purposes only, and that issues such as qualifications for the positions could also be provided by the human resources director. Alderman Denaro stated that the Mayor's right to appoint the superintendent is inviolate however the Mayor should be able to explain the other positions. Alderman Galvin stated that it would be useful to see what comparable positions are paid and that the human resources director can assist in these issues. Alderman Raymond asked whether the human resources director should perform these reviews. Alderman Dwyer stated that the Committee on Personnel can give the Mayor the first opportunity to address this matter and then bring the human resources director is necessary. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PERSONNEL, all in favor, 9-0.

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RESOLVED Whereas, the current winter overnight parking ordinance does not allow vehicles to be parked on City streets on the even numbered side between 2:00 a.m. and 6:00 a.m. between November 15th and March 31st each year, and

Whereas, this ordinance tends to cause inconvenience in many of the thickly settled areas of the city,

Now, therefore, be it resolved that the Woburn Traffic Commission review the current winter overnight parking ordinance with the intention of establishing regulations that provide fairness to the residents of the city and which protect public safety.

s/Alderman Dwyer

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.
Presented to the Mayor: Dec. 6, 2007 s/Thomas L. McLaughlin Dec. 10, 2007

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RESOLVED Be it Resolved that the City Council of the city of Woburn hereby amends the vote taken by the City Council on May 2, 2006 to appropriate certain funds from the Overlay Reserve Acct #01-322000 to the Mayor-Capital Project Program, to permit funds appropriated for the Engineering Dept #0410 Salem/Wildwood Traffic Light project to be expended for costs associated with the alteration of the layouts of Salem Street, Wildwood Avenue, and Wood Street, including without limitation, engineering costs, construction costs, and the cost of acquiring land or interests in land, and for all uses incidental thereto; or take any other action relative thereto.

s/Alderman Mercer-Bruen

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.
Presented to the Mayor: Dec. 6, 2007 Returned Unsigned December. 12, 2007

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RESOLVED Be it Resolved that the City Council of the city of Woburn hereby votes to authorize the Mayor to acquire, on behalf of the City, by gift or purchase, easements for all purposes for which public ways are used in the city of Woburn, and other associated easements, in, over, along, across and under the parcels of land on Salem Street, Wildwood Avenue, and Wood Street, as shown on plans entitled "Plan of Land Easement for Roadway Purposes Location Wildwood Avenue-Salem Street, Woburn, Massachusetts" and "Plan of Land Land Transfer Purposes Easement for Roadway Purposes Location Wildwood Avenue-Salem Street Woburn Massachusetts," both plans dated March 14, 2007, prepared by city of Woburn engineering Department, and filed with the City Clerk; or take any other action relative thereto.

s/Alderman Mercer-Bruen

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.
Presented to the Mayor: Dec. 6, 2007 s/Thomas L. McLaughlin, Dec. 10, 2007

Motion made and 2nd to suspend the rules for the purposes of adding the following matter to the Order of the Day, all in favor, 9-0.

ORDERED That the Regular Meeting of the City Council scheduled for January 8, 2008 be changed to January 2, 2008.

s/President Doherty

Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:37 p.m.

A TRUE RECORD ATTEST:

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