

**CITY OF WOBURN
FEBRUARY 5, 2013 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Gaffney	Raymond
Denaro	

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

MAYOR'S COMMUNICATIONS:

A communication dated January 31, 2013 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear President and Members of the Woburn City Council:

I am submitting an appropriation order in the amount of \$3,450,235.69 from the Debt Service Reserve Fund to be applied to the planned advance refunding of the \$30,000,000.00 general obligation bond dated November 15, 2005.

In accordance with Section 15 of the Charter, I am also recommending that City Council vote on such appropriation at a special meeting that I am calling for Thursday, Feb. 7, 2013, at 7 p.m. for a second reading to be held on the appropriation, and for the City Council to approve the appropriation order by a 2/3 roll-call vote. In addition, I am requesting that the City Council, by a 2/3 roll call vote under Rule 33 of its Rules and Orders, suspend the requirement of Rule 25 that the appropriation order be sent to the Council's Committee on Finance and instead, lay the matter on the table so that it may be taken up for a vote during the Feb. 7, 2013 meeting.

I look forward to discussing this matter with the City Council on Feb. 7, 2013, and have arranged for both the City Auditor and our Financial Advisor from First Southwest to attend the meeting. Please feel free to call with any questions regarding this matter.

Respectfully, s/Scott D. Galvin, Mayor

Attached thereto was the following:

ORDERED WHEREAS, the City has previously created a yield-restricted Exempt Debt Service Reserve Fund (the “Fund”) in connection with the payment of debt service on its General Obligation Bonds dated November 15, 2005 (the “2005 Bonds”); and

WHEREAS, the City intends to advance refund a portion of the 2005 Bonds, maturing in the years 2016 through 2025, inclusive (the “2005 Refunded Bonds”), through the Issuance of advance refunding bonds issued under Chapter 44, Section 21A of the General Laws (the “Refunding Bonds”), and

WHEREAS, the 2005 Bonds maturing in the years 2013, 2014 and 2015 (the “2005 Nonrefunded Bonds”) will not be refunded with the Refunding Bonds and will remain outstanding until their respective maturity dates; and

WHEREAS, the City intends to appropriate a portion of the Fund to the payment of the 2005 Nonrefunded Bonds and appropriate the balance of the Fund to provide a portion of the funds needed to establish a refunding escrow fund (the “Refunding Escrow Fund”) on the issuance date of the Refunding Bonds for the payment of debt service on the 2005 Refunded Bonds, it is hereby

ORDERED: That the entire \$3,450,235.69 currently on deposit in the City’s Exempt Debt Service Reserve Fund (the “Fund”), or such amount as may be on deposit on the effective date of this order, be hereby appropriated and applied, together with the earnings thereon accruing thereon from and after the date of issuance of the Refunding Bonds, by the City Auditor and City Treasurer, without further direction, as follows (i) on each date that a principal payment on the 2005 Nonrefunded Bonds comes due, to the payment of a portion of the debt service due on each such date on the 2005 Nonrefundable Bonds in the amounts on each such date as is deemed necessary to produce a debt service payment that is as near as practicable to the current debt service payment with respect to such 2005 Nonrefundable Bonds, in an amount not to exceed \$1,750,000 in the aggregate, and (ii) on the delivery date of the Refunding Bonds, the portion of the Fund not necessary for the provision of debt service on the 2005 Nonrefunded Bonds as described above, to the payment of the 2005 Refunded Bonds by deposit in the Refunding Escrow Fund; and further, the amounts to be applied pursuant to this Order shall be determined by the City Auditor and the City Treasurer upon the sale date of the Refunding Bonds in consultation with the City’s Financial Advisor, such determination to be conclusively evidenced by the City Auditor’s application of such funds to the purposes identified herein; and

FURTHER ORDERED: that the Council acknowledges that the earnings on the investment of the portion of the Fund allocable to the payment of debt service on the 2005 Nonrefunded Bonds which will be held as a fund separate and apart from the Refunding Escrow Fund, shall be restricted to the arbitrage yield on the 2005 Bonds, that the City Auditor and City Treasurer are hereby directed and authorized to engage a qualified rebate analyst and take all the other actions in order to ensure that the interest on the 2005 Bonds is and continues to be exempt from federal income tax under the Internal Revenue Code; and that this order shall take effect upon the sale and award of the Refunding Bonds.

s/Mayor Scott D. Galvin

s/President Denaro

Motion made and 2nd that the communication be received and referred to the Committee on Finance, all in favor, 9-0. Motion made and 2nd that the ORDER be LAID ON THE TABLE UNTIL THE CITY COUNCIL SPECIAL MEETING TO BE HELD ON FEBRUARY 7, 2013 AT 7:00 P.M., ROLL CALL: Anderson – Yes, DiTucci – No, Drapeau – Yes, Gaffney – Yes, Gately – No, Haggerty – Yes, Mercer-Bruen – Yes, Raymond – No, Denaro – No, Motion Passes.

ORDERED That the sum of \$50,000.00 be appropriated as follows: From Unreserved Fund Balance Acct #01-356000 \$50,000.00 to Legal Assistance Acct #0115152-530400 \$50,000.

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

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

s/President Denaro

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

PUBLIC HEARINGS:

On the petition by R.C. Olsen Cadillac, Inc., 201 Cambridge Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.7.71 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a commercial parking lot at 280 Salem Street. PUBLIC HEARING OPENED. A communication dated January 30, 2013 was received from Attorney Joseph R. Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petitioner of R.C. Olsen Cadillac, Inc., 280 Salem Street, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for February 5, 2013 be continued to the City Council meeting on February 19, 2013. 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, 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 FEBRUARY 19, 2013, all in favor 9-0.

On the petition by Woburn Auto Sales LLC, P.O. Box 158, North Billerica, Massachusetts 01862 for a special permit pursuant to Sections 5.1.45 and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the sale or rental of automobiles, trucks, truck trailers and motorcycles and for a Second Class Motor Vehicles Sales License at 1095R Main Street. PUBLIC HEARING OPENED. A communication dated January 30, 2013 was received from Attorney Joseph R. Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petitioner of Woburn Auto Sales LLC, 1095 Main Street, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for February 5, 2013 be continued to the City Council meeting on February 19, 2013. 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, 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 FEBRUARY 19, 2013, all in favor 9-0.

Alderman Haggerty abstained from participating in the following matter and left the Council Chamber.

On the petition by Boys & Girls Club of Woburn, Charles Gardner Lane, Woburn, Massachusetts 01801 for a special permit pursuant to section 5.1.75 of the 1985 Woburn Zoning Ordinances, as amended, to conduct a carnival from May 7, 2013 through May 12, 2013 at 25 Middlesex Canal Park (Showcase Cinemas site). PUBLIC HEARING OPENED. A communication dated February 1, 2013 was received from Planning Director Edmund P. Tarallo, Woburn Planning Board as follows:

Re: Boys and Girls Club of Woburn, Inc. – 25 Middlesex Canal Park – To conduct a six-day carnival from May 7 – May 12 at the National Amusement Showcase Cinemas site for fundraising purposes pursuant to Section 5.1.14

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on January 29, 2013, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Boys and Girls Club of Woburn, Inc., regarding the property at 25 Middlesex Canal Park to conduct a six-day carnival from May 7 – May 12 at the National Amusement Showcase Cinemas site for fundraising purposes pursuant to Section 5.1.14 subject to the condition that the petitioner comply with Note 14 of the Notes to Section 5.1 of the 1985 Zoning Ordinance as amended.

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 James D. Haggerty, III, Carnival Chair and he stated that they will have the same carnival operator Dean & Flynn from Salisbury, that the carnival is one of the community's assets, that the club serves 2,200 boys and girls throughout the year, and that many companies in the community support the carnival fundraiser. Mr. Haggerty offered a report of last year's carnival activity to the City Council for review. 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 closed, all in favor, 9-0. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the recommendations of the Planning Board be adopted as conditions of the special permit, all in favor, 9-0.

Alderman Haggerty entered the Council Chamber.

On the petition by John Baldasaro, Manager, IsabellaB LLC, 21G Olympia Avenue, Suite 20, Woburn, Massachusetts 01801 for a special permit pursuant to the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Pursuant to Section 5.1.43 for outside

storage of earthen materials and paving materials used, or recovered for recycling, in connection with Petitioner's commercial paving and site preparation business, and 2. Pursuant to Section 5.1.57b for accessory storage and parking of commercial contractor trucks, other vehicles and equipment in designated parking spaces on the premises, both at 210 New Boston Street. PUBLIC HEARING OPENED. A communication dated February 1, 2013 was received from Planning Director Edmund P. Tarallo, Woburn Planning Board as follows:

Re: IsabellaB LLC – 210 New Boston Street - To allow for outside storage of earthen materials and paving materials uses, or recovered for recycling and to allow accessory storage and parking of commercial contractor trucks, other vehicles and equipment pursuant to Sections 5.1.43 and 5.1.57b

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on January 29, 2013, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of IsabellaB LLC, regarding the property at 210 New Boston Street to allow for outside storage of earthen materials and paving materials and to allow accessory storage and parking of commercial contractor trucks, other vehicles and equipment pursuant to Section 5.1.43 and 5.1.57b subject to the following conditions:

1. That the Plan of Record shall be "Plot Plan, 210 New Boston Street, Woburn, Mass." Dated October 30, 2012 and stamped 1/4/13 and prepared by Edward J. Farrell, Professional Land Surveyor, 110 Winn Street, Suite 203, Woburn, MA.
2. The applicant shall maintain the existing storm water catch basins and detention facility and periodically remove and dispose of captured sediments.
3. The applicant shall provide a mechanical sweeper to remove sediments from the pavement on a quarterly basis or more frequently if needed.
4. The applicant shall apply calcium chloride or other means of dust control as necessary to minimize the potential for air blown materials.
5. All outside storage shall be contained in the area bounded by the proposed exit/entrance gate on Merrimac Street, by the property line on Merrimac Street, southerly property line and the "broken concrete bin" label which shall be fenced on 4 sides by sight impervious slated fence.
6. That all material shall be stored in the loam, gravel, broken asphalt, stone and broken concrete bins within the fenced area identified in condition 5.
7. Dumpster shall be enclosed by a sight impervious fence.
8. That there shall be no truck traffic to and from the site by way of Merrimac Street southerly and westerly of the entrance/exit gate on Merrimac Street.

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 January 28, 2013 to Ed Tarallo, Planning Director was received from John E. Corey, Jr., PE, City Engineer as follows:

Subject: Special Permit – 210 New Boston St. – Commercial Paving and Site Preparation Business

The engineering department has reviewed materials submitted in conjunction with the above referenced special permit application. The project description is recited in a memorandum dated January 8, 2013 from Attorney Malcolm Houck

In answer to the engineering department's memorandum of January 8, 2013, Attorney Houck submitted a memorandum describing the materials to be stored, the approximate quantities and disposition and the manner in which they will be stored. The engineering department takes no exception to the types of materials or the vehicles that will be stored on the site. We do have concerns relative to storm water management that could be conditioned as part of the permit. They are as follows:

- The applicant shall maintain the existing storm water catch basins and detention facility and periodically remove and dispose of captured sediments.
- The applicant shall provide a mechanical sweeper to remove sediments from the pavement on a quarterly basis or more frequently if needed.
- The applicant shall apply calcium chloride or other means of dust control as necessary to minimize the potential for air blown materials.

I trust the foregoing information is sufficient for your needs. Should you have any questions or comments regarding this matter, please do not hesitate to contact this office.

A report was received from the Committee on Special Permits as follows: "Back for action." Appearing for the petitioner was Attorney Malcolm Houck, 7 Winn Street, Woburn, Massachusetts 01801 and he stated that the City Engineer reviewed the matter and concerns regarding stormwater management were addressed, that he is concerned that Planning Board recommendation number 4 regarding the calcium chloride could be an issue and asks that the condition be amended to allow materials as permitted by DEP and EPA Operational Unit 2 Industri-Plex Super Fund Site, that the Operational Unit addresses snow removal issues, and that there could be a condition that no snow will be imported to the site and that snow from the locus will be exported after the snow stops. John Baldasaro of Asphalt Services stated that the company has upwards of 34 vehicles in total, that many of the vehicles will be off the site during the day. Alderman Mercer-Bruen stated that she twice requested the petitioner provide her with a list of vehicles, and that the special permit can be limited to 34 vehicles or the matter can be sent back to committee so that a detailed list of vehicles can be provided before the special permit issues. Alderman Raymond stated that there can be a condition that a list of vehicles be filed before the special permit issues, that a snow removal plan should be filed with the Department of Public Works, that he wants to be certain how snow is managed and that the snow is not pushed back into the street or into drains, that he does not want snow removed from another site and deposited on the locus where it can enter the drains, and

that the business is a good fit for the location. IN FAVOR: None. OPPOSED: Russ Richardson, 184 Mishawum Road stated that he is concerned about trucking in the city. 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 conditions as follows: 1. That the recommendations of the Planning Board as further amended be adopted as conditions of the special permit, 2. That the hours of operation shall be 5:00 a.m. to 7:00 p.m. Monday to Saturday, 10. That the petitioner's vehicles are to be registered in Woburn, 11. That a snow removal plan shall be filed with the Woburn Department of Public Works, 12. That there shall be a limit of thirty-four (34) vehicles garaged on site, and 13. That Planning Board recommendation number 4 shall be amended to read as follows: 4. That the applicant shall apply calcium chloride or other materials as permitted by the Massachusetts Department of Environmental Protection or Operational Unit 2 Industri-Plex Superfund Site by the U.S. Environmental Protection Agency or other means of dust control as necessary to minimize the potential for air blown materials, all in favor, 9-0.

On the petition by Lawless Chrysler Jeep, Inc., 196 Lexington Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.71 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a commercial parking lot at 9 Forbes Road. PUBLIC HEARING OPENED. A communication dated February 1, 2013 was received from Planning Director Edmund P. Tarallo, Woburn Planning Board as follows:

Re: Lawless Chrysler Jeep, Inc. – 9 Forbes Road – To allow for a commercial parking lot pursuant to Section 5.1.71

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on January 29, 2013, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Lawless Chrysler Jeep, Inc., regarding the property at 9 Forbes Road to allow for a commercial parking lot pursuant to Section 5.1.71 subject to the following condition:

1. That the site be limited to 100 cars and utilize the spaces as shown on the Allen & Major plan dated 10/4/11 provided that there are sufficient parking spaces under the Woburn Zoning Ordinance to comply with Section 8 of the Ordinance for the use of the building.

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 January 28, 2013 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer as follows:

Subject: 9 Forbes Road – Commercial Parking Lot Special Permit – Special Permit
Application Dated January 10, 2013 – Site Plan Dated October 11, 2011

The applicant is seeking a special permit to allow a commercial parking lot at the above referenced location. Upon review of the special permit application, this office finds that the submitted site plan does not indicate the location of where the proposed parking will be on the existing site nor the number of spaces being sought after. This information should be submitted for review.

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 R. Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the property is located in the I-G zoning district, that a special permit is required for the use, that the property is five acres in area with a building that is presently vacant, that the petitioner proposes to park as many as 180 new vehicles in the lot and will reduce the number of vehicles as the building is occupied, that the vehicles will be dropped off and picked up by the petitioner's employees, that the vehicles will not be delivered to the locus by tractor trailer, that no sales will take place at the locus, that he reviewed the matter with the Building Commissioner today, that the Building Commissioner believed that the Planning Board condition would be difficult to enforce, the Building Commissioner requested a plan showing where the vehicles will be parked, that he requests the plan be accepted as a condition of the special permit, and that the petitioner has no objection to submitting a monthly report to the Building Commissioner relative to the number of vehicles on the site if required by the City Council. Attorney Tarby offered a plan entitled "9 Forbes Road, Woburn, MA" dated 10/04/11 prepared by Allen & Major Associates, Inc. and a document entitled "Proposed Conditions to Special Permit Lawless Chrysler Jeep, Inc. City Council Public Hearing February 5, 2013" for the City Council to review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Alderman Drapeau stated that the two proposed conditions should be substituted for the condition suggested by the Planning Board, that the petitioner is a good business, and that the city should provide the petitioner with leeway to continue to operate in Woburn. Alderman Anderson stated that the issue of the conditions needs more discussion. Alderman Mercer-Bruen stated that she spoke to the Building Commissioner, that the Building Commissioner suggested a third condition, that the Building Commissioner stated that he does not have manpower to police this proposal, that the only way to police the matter would be to require a monthly report from the petitioner to the Building Commissioner as to the number of vehicles on site, that the zoning code limits the number of vehicles to 100, that the report is required as the building may be rented, and that the city should be notified if there is a new occupant of the building otherwise the city would never know that there was a new occupant. Alderman Gately stated that the matter should be reviewed if the building is occupied but he is not opposed to the conditions as suggested. Alderman DiTucci stated that the monthly reporting requirements would notify the city of a new occupancy of the building. Alderman Raymond stated that there should be a condition that the city be notified if there is a new

occupancy. Alderman Anderson stated that 180 vehicles can fit on the lot, and that there could be a condition that states in order to accommodate all occupants as required by the Woburn Zoning Code there shall be no further occupants until such time as the special permit is modified. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON FEBRUARY 19, 2013 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS TO BE HEARD AT THE FEBRUARY 11, 2013 MEETING, all in favor 9-0.

On the petition by Preferred Meal Systems, Inc., 5240 St. Charles Road, Berkeley, Illinois 60163 for a special permit pursuant to Sections 5.1.42 and 57B to allow for warehouse and distribution center and parking of commercial vehicles at 242 Salem Street. PUBLIC HEARING OPENED. A communication dated February 1, 2013 was received from Planning Director Edmund P. Tarallo, Woburn Planning Board as follows:

Re: Preferred Meal Systems, Inc. – 242 Salem Street – To allow for a warehouse and distribution center and to allow accessory parking of commercial vehicles pursuant to Sections 5.1.42 and 5.1.57b

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on January 29, 2013, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Preferred Meals Systems, Inc., regarding the property at 242 Salem Street to allow for a warehouse and distribution center and to allow accessory parking of commercial vehicles pursuant to Sections 5.1.42 and 5.1.57b subject to the following conditions:

1. That this special permit shall be exclusive to Preferred Meal Systems, Inc. and shall not be transferrable.
2. This special permit shall be for warehouse and distribution use only.
3. All dumpsters and waste containers shall be enclosed, by means of a sight impervious fence, wall or landscaping.
4. No tractor trailer deliveries shall occur between 7 pm and 7 am.
5. No more than four box truck vehicles shall be parked overnight on-site.
6. That all commercial vehicles parked overnight at the site shall be registered in the City of Woburn.

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 Mark Goodman, Senior Vice President of Supply Chain, and he stated that the company has been in business for forty year provided meals to school students, that they serve 1,000,000 students a day, that they have been operating in

the area for 35 years, that the operate in multiple locations, that the intent is to consolidate in the Woburn location, that Worcester, Lynn and Boston are some of the larger communities that they serve, that manufactured goods come from other locations and are delivered to the locus by tractor trailer trucks, that the meals are delivered in box trucks to the schools, that the trucks will use the main roads of the city, that they are concerned about the requirement of registering the vehicles in Woburn as they vehicles are leased, and that they will be the only tenant in the building and have no intention to have additional tenants in the building. Paul Graham, New England General Manager stated that four box trucks operate from the building and there are approximately three to four tractor trailer deliveries to the locus each week, that the delivery box trucks leave the building and return to the building once each day, and that most of the drivers have been with the company for twenty to twenty-five years. Alderman Mercer-Bruen stated that the petitioner should be cautious with the trucks due to the residential uses in the area. Alderman Gately stated that he is not concerned about the vehicles being registered in Woburn if the vehicles are leased. PUBLIC COMMENTS: Robert Seliger, High Rpm LLC, 5 Walnut Hill Park stated that the intersections on Salem Street in this area are extremely congested with traffic during the day, and that there should be a condition that traffic control signals be installed for the expansion of the distribution center due to the congestion. President Denaro stated that one traffic light is almost ready to be installed in this area. 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 conditions as follows: 1. That the recommendations of the Planning Board be adopted as conditions of the special permit, all in favor, 9-0.

On the petition by KMP, Holdings, 45 Main Street #3, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended, to operate a café with no onsite kitchen at 494 Main Street. PUBLIC HEARING OPENED. A copy of a communication dated January 28, 2013 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer as follows:

Subject: 494 Main Street – Fast Food Special Permit – Special Permit Application Dated January 2, 2103

The applicant is seeking a special permit to allow for a café at the above referenced location. Upon review of the special permit application, this office finds that the special permit application does not include a site plan. A site plan showing property lines, buildings, parking spaces, and physical site features should be submitted for review.

This special permit is subject to section 18 of the Woburn Zoning ordinance and the applicant will need to submit a development impact statement in accordance with the ordinance.

This office will complete its review when the above information is submitted.

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

No representative appeared for the petitioner. 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 5, 2013 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

On the matter pursuant to M.G.L. c.82, §§1-13, inclusive, and Chapter 120 of the Acts of 2011 “An Act Relative to the Acceptance of Streets as Public Ways in the City of Woburn” to consider whether to lay out as public ways the following streets: Belford Circle, Bradford Road, Briarwood Road, Burlwood Lane, Chandler Street, Columbus Road, Commonwealth Avenue, Emeline Street, Henry Avenue, Heritage Drive, Industrial Parkway, Katie Lane, Lake Circle, Lake Terrace, Laurel Street, Lydon Court, Morningside Drive, McDevitt Drive, Morningside Circle, Nason Terrace, Oak Knoll Drive, Ridgewood Lane, Stephanie Circle, Stevin Drive, Sylvanus Wood Lane, Tedesco Drive f/n/a Temple Street, Tory Row, Westview Terrace, William Avenue, Windsor Circle, Windsor Drive. PUBLIC HEARING OPENED. President Denaro stated that these roads have not been publically accepted and therefore are not eligible for maintenance reimbursement from the State, that this will help the city continue to maintain the streets, and that previously the city did not receive as much reimbursement as it may have for road repairs. PUBLIC COMMENTS: Donna Rizzo, 5 Emeline Street, Patricia McMahon, 6 Emeline Street and Mary Jane Carew, 15 Emeline Street appeared collectively at the podium and expressed concern about whether their street would be opened through to Wildwood Street, whether they would have to pay for sidewalks to be installed, how the roads had been paved in the past if there was no money for the maintenance of the roads, and whether this was part of a larger plan to open roads up to additional traffic. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MARCH 5, 2013 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON INFRASTRUCTURE AND PUBLIC LANDS, all in favor 9-0.

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS:

SPECIAL PERMITS:

On the petition by Great Dog Rescue NE, Joanne Reck, 9 Bartlet Street #316, Andover, Massachusetts 01810 for a special permit pursuant to Sections 35 and 35a of the 1985 Woburn Zoning Ordinances, as amended to operate a kennel or pet care facility at 34 Holton Street, committee report was received as follows: “ought to pass, as amended with

the following conditions: 1. That the Pet Care Facility pursuant to Section 5.1.35a be denied. (A request to withdraw the request for a Pet Care Facility pursuant to Section 5.1.35a was filed by petitioner's attorney by letter dated January 28, 2013); 2. That the kennel pursuant to Section 5.1.35 be allowed for an isolation facility in accordance with the May 26, 2005 Massachusetts Department of Agricultural Resources Emergency Order to strengthen animal import laws; 3. That this permit shall be limited to Great Dog Rescue New England, an approved isolation facility licensed by the Department of Agricultural Resources and not be transferable; 4. That the facility shall be limited to no more than 36 dogs in accordance with the plan dated 1/2/2013 Sheet A1 prepared by Joanna Reck Architect, 15 Rockridge Rd., Andover, MA 01810 for "Great Dog Rescue NE, 34D Holton Street, Woburn, MA 01801; 5. That there the City Council review in six months from the date the Special Permit issues; 6. That the hours of operation be Thursday through Saturday from 7:00 am through 9:00 pm; 7. That animal waste be removed daily from the site; 8. That the Petitioner be responsible for outside pest control as needed; 9. That no dogs be housed outside at the site; 10. That no more than one dog be walked at one time; and 11. That this Special Permit be non-transferable." Motion made and 2nd that the petition pursuant to Section 35a of the 1985 Woburn Zoning Ordinances, as amended to operate a pet care facility at 34 Holton Street be given leave to withdraw without prejudice, all in favor, 9-0. Motion made and 2nd to delete proposed Condition number 1 and renumber each succeeding section respectively and to delete proposed Condition number 11 relative to non-transferability as it is duplicative of proposed Condition number 3, all in favor, 9-0. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, AS AMENDED, 8 in favor, 1 opposed (Drapeau opposed).

FINANCE:

On the Order to transfer the sum of \$155,000.00 from BLS Receipts Acct to various Fire Department Accounts, 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: February 8, 2013 s/Scott D. Galvin February 8, 2013

On the Order to transfer the sum of \$180,000.00 from New Woburn Memorial High School Account to New WMHS Security Account, 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: February 8, 2013 s/Scott D. Galvin February 8, 2013

ORDINANCE:

On the Order to further amend the 1985 Woburn Zoning Ordinances, as amended by adding a new definition under Section 2 for "Medical Marijuana Treatment Center" and by adding a new line to Section 5.1 Table of Use Regulations line 33c "Medical Marijuana Treatment Center", committee report was received "to impose a one year

moratorium on Medical Marijuana Treatment Centers in accordance with the following Order:

ORDERED Be it Ordained by the City Council of the City of Woburn that Section 5, Use Regulations, of the 1985 Woburn Ordinances as amended, be further amended by adding a new Section 5.8, Interim Regulations for Medical Marijuana Treatment Centers, as follows:

Section 5.8 Interim Regulations for Medical Marijuana Treatment Centers

1) Purpose

At the November 6, 2012 state election, the voters of the Commonwealth approved legislation regulating the cultivation, distribution, possession and use of marijuana for medical purposes, which legislation became effective on January 1, 2013. The legislation requires the state Department of Public Health to issue regulations regarding implementation of the legislation by May 1, 2013 which are expected to provide guidance in regulating medical marijuana, including medical marijuana treatment centers. As the regulation of medical marijuana raises novel and complex legal and planning issues, the City requires adequate time to consider whether to allow facilities associated with the medical use of marijuana, to the extent that such facilities are permitted under state laws and regulations, and, if so, where and under what conditions should such facilities be located in the City of Woburn. Therefore, the City adopts this temporary moratorium on the use of land and structures in the City for medical marijuana treatment centers in order to allow the City sufficient time to engage in a planning process to address the potential impacts on adjacent uses and on general public health, safety and welfare, and to develop and enact zoning ordinances and other applicable regulations that appropriately address these considerations consistent with statewide regulations and permitting procedures, and in a manner consistent with sound land use planning goals and objectives.

2) Definition

A “Medical Marijuana Treatment Center” as defined under state law as a Massachusetts not-for-profit entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana or products containing marijuana and/or related supplies, or educational materials to qualifying patients or their personal caregivers, which is properly licensed and registered by the Massachusetts Department of Public Health.

3) Exclusion of Other Marijuana Uses

Any establishment that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana or products containing marijuana and/or related supplies, or educational materials to qualifying patients or their personal caregivers shall not be permitted if such establishment has not been properly licensed and registered by the Massachusetts Department of Public Health, or is not operated as a not-for-profit entity, or otherwise fails to meet the definition of a Medical Marijuana Treatment Center.

4) Exclusion of Accessory Uses

In no case shall the acquisition, cultivation, possession, processing, transference, transportation, sale, distribution, dispensing, or administration of marijuana, products containing or derived from marijuana, or related products be considered accessory to any use.

5) Interim Restriction/Moratorium

Medical Marijuana Treatment Centers shall not be permitted in any zoning district in the City of Woburn so long as this section remains in effect, as set forth below. Use variances are strictly prohibited. During this moratorium period, the City will undertake a planning process to address the potential impacts of medical marijuana in Woburn, consider the Department of Public Health regulations regarding medical marijuana treatment facilities and related uses, and enact zoning ordinances to address the impact and operation of medical marijuana treatment centers and their related uses.

5) Expiration

This section shall be effective for a period of twelve (12) months beginning January 1, 2013, or until such future time that the Woburn City Council enacts superseding zoning ordinances that set forth the allowed zoning districts, dimensional, parking and other requirements applicable to medical marijuana treatment centers and their related uses.

s/Alderman Anderson

Alderman Haggerty stated that he will vote against this proposal as he believes the use should be banned outright. Alderman DiTucci stated that she is concerned that the bans imposed on the use in other communities will not withstand judicial scrutiny, and that this proposal allows the city to await the State guidelines and then deal appropriately with the matter. Alderman Anderson stated that he believes that the use should be banned but

he also sees value in imposing the moratorium as well. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 7 in favor, 2 opposed (Anderson, Haggerty opposed).

Presented to the Mayor: February 8, 2013 **s/Scott D. Galvin February 8, 2013**

Motion made and 2nd to take the next five matters collectively and to adopt the committee reports, ROLL CALL: Anderson – No, DiTucci – Yes, Drapeau – No, Gaffney – Yes, Gately – Yes, Haggerty – Yes, Mercer-Bruen – Yes, Raymond – Yes, Denaro – No, Motion Passes.

On the Order to further amend Section 2-180 of the 1989 Woburn Municipal Code, as amended relative to the base salary of the City Council Members and City Council President, committee report was received “ought not to pass”. Order not adopted (see above for collective roll call vote).

On the Order to further amend Section 2-180 of the 1989 Woburn Municipal Code, as amended relative to the base salary of School Committee Members and School Committee Chair, committee report was received “ought not to pass”. Order not adopted (see above for collective roll call vote).

On the Order to further amend Section 2-180 of the 1989 Woburn Municipal Code, as amended relative to a method of adjusting the base salaries of the Mayor, City Council and School Committee based on the consumer price index, committee report was received “ought not to pass”. Order not adopted (see above for collective roll call vote).

PUBLIC SAFETY AND LICENSES:

On the petition by Northeast Tree, Inc. for renewal of a First Class Motor Vehicle Sales License, committee report was received “ought to pass”. License granted (see above for collective roll call vote).

Presented to the Mayor February 8, 2013 and ten days having elapsed without same being approved, said License became effective without his signature on February 19, 2013.

On the petition by Robert Fucarile dba Classic Auto Sales for renewal of Second Class Motor Vehicle Sales License, committee report was received “ought to pass”. License granted (see above for collective roll call vote).

Presented to the Mayor February 8, 2013 and ten days having elapsed without same being approved, said License became effective without his signature on February 19, 2013.

NEW PETITIONS:

Petition for by Dave’s Automotive, Inc., 640 Boston Avenue, Medford, Massachusetts 02155 for a new Livery License for two (2) vehicles. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petition by Ali A. Saleh dba Metro Cab, 106 Roessler, Road, Woburn, Massachusetts 01801 for renewal of Taxi Cab License for one (1) vehicle. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petition by College Street Partners, LLC, 900 Cummings Center, Suite 3010, Beverly, Massachusetts 01915 for special permits pursuant to Sections 7.3 and 57b of the 1985 Woburn Zoning Ordinances, as amended, and for modification of a special permit dated January 12, 2011 to allow for the alteration of a pre-existing non-conforming use (shopping center) and structure containing approximately 53,379 square feet of gross floor area to allow for: 1. A retail store in Unit 3 consisting of approximately 8,000 square feet of net floor area, 2. A reduction in the square footage of Unit 1 from approximately 26,400 square feet of net floor area to approximately 15,532 square feet of net floor area for a retail store, 3. A retail store in Unit 2 containing approximately 28,099 square feet of net floor area, 4. The overnight parking of commercial vehicles, and 5. To provide for 231 parking spaces, all at 335 Washington Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING AT THE MARCH 5, 2013 CITY COUNCIL REGULAR MEETING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated January 25, 2013 was received from Charles L. O’Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 90, Section 20½, I am submitting a report to you on the parking violations in the City of Woburn for the period ending December 2012: number of parking violations issued 975, number of violations paid 497, number of violations outstanding 414, amount collected and submitted to the Office of the Collector \$36,876.00. There exists a backlog of 5,838 tickets for 1982 through 2011. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$6,250.00.

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

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

A communication dated January 23, 2013 was received from the Woburn Traffic Commission as follows:

Re: No Heavy Trucking

The Woburn Traffic Commission from time to time receives requests for action on regulating heavy trucking in the city. Earlier, the Traffic Commission forwarded a communication to the Woburn City Council requesting support for funding of a citywide truck traffic study. At this time, the Traffic Commission renews its request for such a study. The Traffic Commission is of the opinion that the city will be better served with a citywide response to truck traffic issues.

Thank you for your attention to this matter.

s/William C. Campbell, City Clerk

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

A communication dated January 17, 2013 with attachments was received from Larry Guiseppe, Veterans' Agent as follows:

Dear President Denaro

We received a request for a new memorial square, honoring Woburn's first casualty of the Revolutionary War – Daniel Thompson, and the United Veteran's Council approved it unanimously (see enclosed letter).

I am writing to you and the council to have this letter, as well as the enclosed letter, to be placed on the agenda under "Communications." When you plan to address the matter, I am available to attend the meeting and answer any questions that you and the council may have.

Thank you for your time and consideration.

Sincerely, s/Larry Guiseppe

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

Motion by Alderman Gately duly 2nd to reconsider his vote referring the petition by College Street Partners, LLC for special permits pursuant to Sections 7.3 and 57b of the 1985 Woburn Zoning Ordinances, as amended, and for modification of a special permit for the property located at 335 Washington Street, all in favor, 9-0. Alderman Gately stated that he would not participate in this matter. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING AT THE MARCH 5, 2013 CITY COUNCIL REGULAR MEETING, 8 in favor, 0 opposed, 0 absent, 1 abstained (Gately abstained).

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication was received from Robert J. Morgan as follows:

Dear Paul,

For the past thirty-five years I have happily served the City of Woburn on the Recreation Committee. I have had the pleasure of working with many wonderful people who have made better the programs for our children. I have seen many improvements to our fine city. I have worked with many mayors and two directors, the late Tom Jones and now Rory Lindstrom. However, due to an unforeseen illness I am asking you to replace me on the commission. I will miss attending the many programs and sports activities our commission provides for the children and citizens of our city. Please accept my resignation, as of April 1, 2013, Thank you for supporting me over the past thirty-five years.

Thank you for your cooperation.

Sincerely, s/Robert J. Morgan

Alderman Haggerty thanked Mr. Morgan for this 35 years of service to the community. Motion made and 2nd to accept the resignation of Robert Morgan as a Member of the Woburn Recreation Commission and to refer the matter of the appointment to the Committee on Personnel, all in favor, 9-0.

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED Whereas, the Traffic Commission received a request to improve traffic and pedestrian safety in the area of Leland Field on Washington Street;
and

Whereas, the Traffic Commission determined that the parking lot located in the Leland Field area was dirt and gravel, did not have parking space striping and was in a condition that did not encourage residents using the field to regularly use the parking lot thereby leading to vehicles parking along Washington Street and neighborhood streets; and

Whereas, the Traffic Commission determined that improving the parking lot would lead to pedestrian safety in the area,

Now, therefore, be it Resolved by the City Council of the City of Woburn that His Honor the Mayor instruct the Superintendent of Public Works, the Superintendent of Parks, the Recreation Commission or other department having jurisdiction over Leland Field to pave and stripe the parking lot located on the easterly side of Leland Field.

s/Alderman Drapeau

Alderman Mercer-Bruen stated that this is a good recommendation but remediation at Leland Park must be addressed, that the City Council should consult with the City Engineer to determine if remediation is feasible so as not to waste money on this project if remediation begins, and that the Police Department should actively enforce the parking regulations in the area. Alderman Drapeau stated that there is no intention to prohibit remediation at the park, and that improving the parking lot will encourage people to use the parking lot rather than park along the street. Alderman Gately stated that the paving may be a waste of money until the remediation is addressed. Motion made and 2nd that the RESOLVE be ADOPTED, 6 in favor, 3 opposed (Anderson, Gately, Mercer-Bruen opposed).

Presented to the Mayor February 8, 2013 and ten days having elapsed without same being approved, said Resolve became effective without his signature on February 19, 2013.

RESOLVED Whereas, the Traffic Commission received many requests for traffic safety improvements including the control of heavy trucking in the neighborhoods of the city; and

Whereas, the Traffic Commission has determined that the most effective method of addressing the issue of heavy trucking in the city is by way of a citywide truck traffic study,

Now, therefore, be it Resolved by the City Council of the City of Woburn that His Honor the Mayor appropriate the funds necessary to allow the Traffic Commission to conduct a citywide truck traffic study.

s/Alderman DiTucci

Alderman DiTucci stated that it is frustrating that the city does not have a comprehensive trucking plan, that the Traffic Commission has made the is request in the past, that the City Council has approved this request in the past, that it is time to set trucking restrictions, that there are some no heavy trucking signs in the city that are not legal, and that the issue has to be addressed. Alderman Mercer-Bruen stated that the traffic study has to provide proposed truck routes, that there are some major streets in the city that people do not believe should allow trucking, that there will be some changes as to where the trucking traffic can and cannot be, and that there should be parameters set that proposed truck routes be the result of the truck traffic study. Alderman Raymond stated that the City Council has been dealing with this issue for approximately six years, that the study will cost \$55,000.00 and it is not clear what the traffic study will provide, that Mountain Street is too narrow for even centerline striping yet it is used as a cut through between Burlington and Wilmington for trucks, and that even the City of Boston has established truck routes. Alderman Gately stated that utility wires have been pulled down multiple times by trucks traveling on Carter Street, that his ward has two industrial areas between Holton Street and Conn Street, and that GPS devices are suggesting these neighborhood routes to the truck drivers. Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.

Presented to the Mayor February 8, 2013 and ten days having elapsed without same being approved, said Resolve became effective without his signature on February 19, 2013.

RESOLVED Whereas, the Traffic Commission having determined that a crosswalk should be installed at the crest of the hill on Willow Street at the intersection with Acorn Street owing to a significant public safety issued presented when children are unable to safely cross Willow Street in order to attend the Joyce Middle School

Now, therefore, be it Resolved by the City Council of the City of Woburn that His Honor the Mayor instruct the City Solicitor to coordinate and submit a waiver request to the Massachusetts Architectural Access Board for handicap accessibility at the crosswalk.

s/Alderman DiTucci

Alderman DiTucci stated that she is asking the City Solicitor to seek a waiver from the ADA requirements with respect to the construction of a crosswalk, that there is no crosswalk for school children in the area, that a crosswalk at the crest of the hill is the only acceptable location, and that to install the crosswalk at that location will require a waiver from the ADA requirements. Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.

Presented to the Mayor February 8, 2013 and ten days having elapsed without same being approved, said Resolve became effective without his signature on February 19, 2013.

RESOLVED That His Honor the Mayor authorize the Department of Public Works to perform the work as outlined on the attached plan to return the Playground at Fleming Field, adjacent to the Clapp School, to its previous state as agreed with the residents and the Attorney General's Office. This work includes removal of the drop off, moving the fence to its original position, re-grading, reseeding and the removal/repair of the damaged playground equipment from the former Goodyear School. The work should be performed this Spring 2013.

s/Alderman DiTucci

Alderman DiTucci stated that she asks that the Fleming Field at the former Clapp School property be restored to the condition as it was before the school consolidation at the locus, that two years ago the portable classrooms were removed, that there is still no suitable park for the area, and that it is not acceptable that it has taken so long for this work. Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.

Presented to the Mayor February 8, 2013 and ten days having elapsed without same being approved, said Resolve became effective without his signature on February 19, 2013.

RESOLVED That His Honor the Mayor and the City Solicitor prepare a memorandum for the next City Council meeting to be held on February 19, 2013 as to the steps required for the taking of property at 1042 Main Street, 0 Briarwood Road and 7 Driftwood Drive by Eminent Domain. The public purpose to be served is the protection of the rights of Woburn citizens as granted under Article 97 of the Constitution of the Commonwealth. The proposed quarry and rock mining activities will infringe upon those rights directly in that it will produce noise, befouling of the air, disruption to the groundwater, and general disruption of the environment for several years. As quarry operations are not allowed in residential areas or in watershed protection areas the potential damages are significant and normally protected by city ordinance and state law.

s/Alderman Raymond, Alderman Haggerty,
Alderman Gately, Alderman DiTucci

Alderman Raymond stated that this concerns the project at 1042 Main Street, that 400,000 yards of dirt is to be removed from the locus over as much as two years, that the proposal is to remove stone and to grind the stone on site, that for eight to ten hours per day diesel engines will be running at the site with associated dust, that the is told that all issues can be mitigated but he asks how you mitigate misery, that stone will be ground on site from 8:00 a.m. to 5:00 p.m. daily, that trucks will be on the property and others staged to go to the property, that trucks will be constantly running with diesel plumes over the locus, that is controversial because it is a Chapter 40B project, that the city has a

10% rule for projects over three units, that this project will be 25% affordable, that he is not concerned about the affordable component of the project but about the misery that the project will cause, and that he wants the City Solicitor to state what is needed and for the City Council to have a clear understanding. Alderman Haggerty stated that asking the City Solicitor to prepare a memorandum regarding eminent domain will be a better option, and that the city can also retain outside counsel to properly and professionally represent the Board of Appeals concerning the matter. Alderman Mercer-Bruen stated that she will support a memorandum being drafted but has concerns about the eminent domain procedure. Alderman Anderson stated that is it appropriate to obtain an opinion from the City Solicitor, that the Chapter 40B public policy is to allow the development of affordable housing and that is what the city will be up against, that eminent domain may not be appropriate in this case, and that the City Council can go directly to the City Solicitor with this request and does not have to go through the Mayor, and that he is not certain that Article 97 is the correct citation. Alderman DiTucci stated that Article 97 is correct as it protects access to light and air, that the taking of the land is for the greater public good, and that this is an issue of public health. Alderman Gately stated that this battle has been raging for quite a while, that the city is not against the Chapter 40B project but against the conditions that will be caused by the development, that the developer is taking all legal steps to overturn the Board of Appeals decision, and that the city should take all legal steps as well. Motion made and 2nd that the RESOLVE be ADOPTED, AS AMENDED with the amendment as follows: 1. By adding at the end of the resolution “ And in addition, pursuant to Section 2-53 of the 1989 Woburn Municipal Code, as amended, a communication be forwarded from the City Solicitor to the City Solicitor requesting that the City Solicitor respond directly to the City Council concerning the issues raised in the resolution”, all in favor, 9-0.

Presented to the Mayor February 8, 2013 and ten days having elapsed without same being approved, said Resolve became effective without his signature on February 19, 2013.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 8:41 p.m.

A TRUE RECORD ATTEST:

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