

**CITY OF WOBURN
JULY 14, 2015 – 6:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gaffney
Concannon	Gately
DiTucci	Mercer-Bruen
Drapeau	Raymond
Haggerty	

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

MAYOR'S COMMUNICATIONS: None.

PUBLIC HEARINGS:

On the petition by Oclen Realty LLC, an individual owning land to be affected by change or adoption, and Seaver Properties LLC to amend the Zoning Map of the City of Woburn by changing the zoning district for the property located at 98 and 100 Baldwin Avenue, Dexter Avenue and Warren Avenue; referenced on the Assessors Maps at Map 09, Block 13, Lot 01; Map 09, Block 12, Lot 02; Map 09, Block 12, Lot 01; Map 09, Block 11, Lot 02 and Map 09, Block 11, Lot 01; and further described as the entire parcel of land known as 98 and 100 Baldwin Avenue, to the centerlines of Chester Avenue, Dexter Avenue and Monks Street containing approximately 253,214 square feet of land as shown on a plan by Keenan Survey entitled "Proposed Rezoning Plan in Woburn, Massachusetts" dated October 17, 2014 from R-2/OP zoning district to R-3 zoning district. PUBLIC HEARING OPENED. A communication dated July 1, 2015 was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Petition to Amend Zoning Map/Oclen Realty LLC/Seaver Properties LLC/Baldwin Avenue/Dexter Avenue/Warren Avenue, Woburn, MA

Dear Mr. Campbell:

Due to the fact that the Zoning Ordinance Review Committee has not yet made a recommendation on the proposed Zoning Amendment, I respectfully request that the City Council public hearing on this matter presently scheduled for July 14, 2015 be continued to the City Council meeting on August 11, 2015. If you need any further information, please contact me. Thank you.

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

Motion made and 2nd that the communication be accepted and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON AUGUST 11, 2015, all in favor, 9-0.

On the petition by Comcast of Massachusetts I, Inc. for a grant of right in a way to install two four-inch conduits starting at pole no. 161/65 on New Boston Street a distance of approximately 441 feet and continuing on Presidential Way a distance of approximately 4,431 feet ending at the entrance to number 300 Presidential Way. PUBLIC HEARING OPENED.

A communication dated July 14, 2015 was received from Dave Flewelling, Specialist 2 Construction, Comcast Cable Communications, 12 Washer Street, Lowell, Massachusetts 01852 as follows:

Dear Mr. Campbell,

I would like to respectfully ask that the Comcast Petition for Presidential Way in Woburn be continued tonight and placed on the August 11th Woburn City Council Agenda? We are currently still working with Jay Duran regarding the specific details and location of the proposed Comcast underground within the right of way of Presidential Way.

We are confident that the plans will be approved by Mr. Duran prior to the next hearing. In the hope that the city council members vote to approve the project and therefore allow Comcast to provide our services to the businesses of Presidential Way in Woburn.

Therefore Comcast will not be attending tonight's city council meeting.

Please feel free to call me with any questions.

Sincerely, s/Dave Flewelling, Specialist 2 Construction

Motion made and 2nd that the communication be accepted and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON AUGUST 11, 2015, all in favor, 9-0.

On the petition by Superior Contracting Services LLC, 201 Prospect Avenue, Revere, Massachusetts 02150 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57b to allow for overnight parking of petitioner's commercial vehicles at 31 Draper Street. PUBLIC HEARING OPENED. A report was received from

the Committee on Special Permits as follows: “ought to pass, as amended, with the conditions as follows:

1. The Petitioner shall post a sign on the interior of the door next to the loading dock stating "NOT AN EXIT";
2. The Petitioner shall park the two (2) box trucks at the loading docks shown on the Plan at Bay 3. The van shall park in the parking lot;
3. All Dumpsters shall be enclosed within the building and emptied between the hours of 7:00 a.m. and 5:00 p.m.;
4. Signage on the building shall not be internally illuminated;
5. All lighting on the premises shall be reflected downward to avoid any impact on surrounding properties;
6. There shall be no outside storage of materials allowed on the premises other than the single exterior storage container authorized by this Special Permit;
7. The hours of operation shall be limited to 6:00 a.m. to 8:00 p.m., Monday through Friday; Saturdays from 7:00 a.m. to 4:00 p.m.; and Sundays from noon to 4:00 p.m.;
8. Loading activities shall be limited to 7:00 a.m. to 7:00 p.m., Monday to Friday; 8:00 a.m. to 1:00 p.m. on Saturdays and not at all on Sunday;
9. No deliveries shall be allowed on the site prior to 7:30 a.m. or after 5:00 p.m., Monday to Friday and there shall be no deliveries on Saturday or Sunday;
10. The Petitioner shall post signs within its customer pickup area and loading area requesting both its customers and delivery companies to obey the rules of the road while traveling on City of Woburn streets and to use caution while traveling on Nashua Street to and from Draper Street;
11. The Petitioner's commercial vehicles shall not use the section of Nashua Street between Draper Street and Holton Street when traveling to and from the site;
12. The Petitioner shall instruct its employees not to use the section of Nashua Street between Draper Street and Holton Street when traveling to and from the site; and
13. All snow shall be stored as shown on the Plan entitled “Sketch Plan Showing Snow Storage Area” dated May 1, 2015 prepared by Hayes Engineering.
14. That all of the Petitioner’s commercial vehicles shall be registered in the City of Woburn.
15. That this Special Permit shall be non-transferrable.”

Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner has no issues with the proposed conditions, and that he asks that the committee report be adopted. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the conditions as follows: 1. That the fifteen recommendations in the Committee on Special Permits report be adopted as conditions of the special permit, all in favor, 9-0.

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

On the petition by Woburn Foreign Motors, 394R Washington Street, Woburn, Massachusetts 01801 for a special permit to modify a special permit dated December 5, 2002 which Decision allowed for the alteration of an existing non-conforming structure by the construction of a covered service drive at 394 Washington Street and Special Permit pursuant to the 1985 City of Woburn Zoning Ordinance, as amended, as follows:

1. Section 5.1 (45) (69) and 7.3 to allow for the sale or rental of automobiles, trucks, truck trailers, and motorcycles including accessory repair and storage facilities; 2. That the new site plan of record be the plan entitled "Site Plans for Woburn Foreign Motors Proposed Redevelopment, 394 Washington Street, Woburn, MA 01801" dated August 7, 2014, prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01801 (the Plan); and 3. In addition, the Petitioner seeks approval of the following modifications to the existing Site Plan of record: to allow for a stand-alone car wash within the interior of the building, additional parking spaces, transformer; dumpsters and fuel pump, all as shown on the Plan, at 394 Washington Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass, as amended, with the conditions as follows:

1. The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit entitled: "Site Plan for Woburn Landing, 369 Washington Street, Woburn, MA 01801" dated August 7, 2014; revised September 25, 2014; October 14, 2014; November 21, 2014; December 16, 2014; December 13, 2014 and May 1, 2015, Sheets EX-1A, EX-1B, ABB-1-ABB-3, C-1, C-2A, C-2B, C-3A, C-3B, C-3C, C-4, C-5, C-6A, C-6B, C-6C, C-7, C-8, C-9A, C-9B, C-10A, C-10B, C-11, P-1, UP-1, D-1 and D-10, prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01801 (hereinafter the "Site Plan") although design adjustments and modifications generally associated with: (i) preparing so-called "working drawings" or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan.
2. All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting any abutting properties.
3. Exterior construction activities on the Site shall not commence prior to 6:00 a.m. and shall cease no later than 7:00 p.m. Monday through Friday, 8:00 a.m. to 6:00 p.m. Saturday and not all on Sundays. This does not include off site utility work.
4. During the Site redevelopment and construction phases, the Petitioner shall maintain all adjoining roadways free and clear of all debris.

5. Upon final approval of design plans by MassDOT and issuance of a Permit to Access State Highway, the Applicant shall implement prior to site occupancy traffic signal timing and phasing improvements at the intersection of Washington Street with the I-95 Northbound Ramps and Tower Park Drive, including installation of traffic signal heads at the 394-408 Washington Street driveway substantially as shown on the plan entitled "Proposed Geometric and Traffic Signal Improvements to Proposed Design" dated May 28, 2015.
6. The Petitioner shall provide regular updates, in letter format, to the City Engineer, Department of Public Works, Building Commissioner and the City Council, and the Petitioner will notify the City Council immediately upon approval from the MassDOT."
7. That mitigation for rodent control shall be provided by the Petitioner both during and after construction.
8. All dumpsters and waste containers shall be enclosed, by means of a fence, wall or landscaping in compliance with the Woburn Zoning Ordinances.
9. Prior to site occupancy the City Council shall approve a landscape plan.
10. The Petitioner shall install on the premises a generator to provide backup power for the sewer injector system.
11. All curbing within the site shall be precast concrete curbing. All curbing at the site entrance shall be six (6) inch vertical granite curbing or slope granite curbing as required by MassDOT.
12. Wheel stops shall be installed at each handicap parking space and spaces not being used for display of vehicles.
13. The Petitioner shall install three (3) hydrants on the premises as shown on the Plan.
14. Prior to commencement of construction the Petitioner shall meet with the Chief of Police to determine the level of police detail that will be required during the construction process, and that all police details are the financial responsibility of the petitioner.
15. No sale of gasoline to the public shall be allowed on the premises.
16. The gas pump installation shall be approved by the Woburn Fire Department prior to installation.
17. All signage shall comply with the signage plans dated July 11, 2014 prepared by Enseignes Pattison Sign Group.
18. That there shall be no car carriers onto site during peak hours.
19. That there shall be a six-month review of the Special Permit.
20. That the car wash shall not be open to the public.
21. That the widening of Washington Street from the bridge south to Route 128 (highway) ramp shall provide as much vehicle storage as possible and be considered a preferred alternative as proposed to MassDOT for its review of reasonable design plan.
22. That Aldis Cameras shall be installed at the intersection of Washington Street and Route 128 and Washington Street and Mishawum Road to allow the applicant to collect traffic volume data and turning movements following occupancy.
23. Upon final approval of design plans by Mass DOT, City of Woburn Engineer and other municipal boards or agencies as appropriate, the Applicant shall install traffic improvements as required by the MassDOT and provide the coordination and

synchronization of signals of Mishawum Road/Washington Street and Washington Street/Salem Street and all signals in between.”

After review, City Engineer John Corey suggested the following additional conditions:

24. That the applicant shall provide traffic assessments at six months and one year after occupancy and shall take remedial measures as necessary to mitigate unforeseen traffic impacts.
25. That substantial changes in the traffic improvements and traffic mitigation plan as may be required by MassDOT shall be reviewed by the City Council.

Appearing for the petitioner was Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the Committee on Special Permits had suggested 23 conditions, and that the petitioner has reviewed the conditions and included requested amendments to those conditions in a memorandum dated July 13, 2015. Alderman Mercer-Bruen stated that she wants the petitioner to request in writing that MassDOT inform that City Council as to what improvements will be required and that the report be filed with the City Council, and that the petitioner address the suggestion of a deed restriction on the use of the property as suggested by an abutter. Attorney Tarby stated that the petitioner will not agree to put a covenant on the property forever that the only use of the property be as a car dealership, and that such a restriction would impede the sale of the property in the future for other allowed uses. Alderman Mercer-Bruen stated that it would be a sign of good will for the petitioner to put the requested restrictive covenant on the property. Attorney Tarby stated that he would not recommend to this petitioner to agree to a covenant in a special permit process to restrict their property. Alderman Gately stated that there should be protection to ensure the completion of the required mitigation work. Attorney Tarby stated that the roadway improvements required by MassDOT will have to be completed, and that if the mitigation costs more than anticipated then the petitioner will have to pay these additional costs. George Albrecht of Woburn Foreign Motors stated that when property is restricted the value of the property is diminished which makes it harder to finalize a deal. Alderman Concannon stated that it is a reasonable restriction that the special permit not be transferable unless to a similar business operation. Motion made and 2nd for a two minute recess, all in favor, 9-0. President Haggerty called the meeting back to order. Attorney Tarby stated that he would not object to a proposed condition restricting transferability of the special permit. Motion made and 2nd to accept and make part of the record an email dated July 14, 2015 from Alderman Mercer-Bruen with proposed conditions, a communication dated July 13, 2015 from Attorney Joseph R. Tarby III with attachments, and a communication dated July 14, 2015 from Dennis A. Clarke, President and CEO, Cummings Properties, all in favor, 9-0. PUBLIC COMMENTS: John Farino, 353 Salem Street stated that he wants the reference to the Washington Street/Salem Street intersection added back into Condition 23. John Beauchamp, 224 School Street stated that the right turn onto I-95 has been advocated from the beginning and is important, that the 3% mitigation is supposed to go into a fund for traffic mitigation in the area, that the traffic signals will be a great addition, that adding language restricting the transferability

of a special permit has become common on many special permits issued by the City Council, that there are four total uses on this parcel of land, and that all users should contribute to these roadway improvements. Nelson Doherty, 11 Carlena Terrace stated that he supports the right turn lane but not the slip lane. Attorney Tarby stated that he spoke to the City Engineer, and that the intention of Condition 23 was to synchronize the cameras installed under Condition 22. Alderman Anderson stated that if MassDOT makes no changes to the roadway then the City Council should retain jurisdiction over the project, and that the City Council should not give up any rights to approve the project if there are substantial changes to the roadway plans approved by the City Council. Alderman Concannon stated that the City Council should retain the right to review the project if there are substantial changes in the roadway conditions approved by the City Council, that the City Council should be certain that matters are not made worse with the project, and that he believes with this petition the conditions will be made better. Motion made and 2nd to accept amendments of the report of the Committee on Special Permits as amended in the document entitled "Proposed Conditions Woburn Foreign Motors per Special Permits Committee Meeting of June 22, 2015 as revised by Murtha Cullina LLP on July 10, 2015, all in favor, 9-0. Motion made and 2nd to amend Condition 5 by striking the words ""prior to site occupancy"" and inserting in their place the words ""prior to receiving an occupancy permit (temporary or permanent)"" , all in favor, 9-0. Motion made and 2nd to amend Condition 14 by adding a second sentence as follows: ""The petitioner will file a copy of the police detail plan, as available, as created by Woburn Police Department in collaboration with the Petitioner, with the city clerk's office prior to construction commencement."" , all in favor, 9-0. Motion made and 2nd to amend Condition 21 by adding second and third sentences as follows: ""The Petitioner will request in writing that the City Council will receive a final report from MassDOT indicating what road improvements have been approved by them or not approved, and why. All road improvements are the sole financial responsibility of the Petitioner"" , all in favor, 9-0. Motion made and 2nd to amend Condition 25 to read as follows: ""25. That substantial changes in the traffic improvements and traffic mitigation plan as may be required by MassDOT shall be reviewed by the City Council and may subject this special permit to amendment as may be reasonably necessary to compensate for such substantial changes, 8 in favor, 1 opposed (DiTucci opposed). Motion made and 2nd to add Condition 26 as follows: ""That this permit is non-transferrable unless to a like or similar business operation and approved by the Woburn City Council"" , all in favor, 9-0. Motion made and 2nd to amend Condition 23 to read as follows: ""Upon final approval of design plans by Mass DOT, City of Woburn Engineer and other municipal boards or agencies as appropriate, the Applicant shall install traffic improvements as required by the MassDOT and provide the coordination and synchronization of signals of Mishawum Road/Washington Street and Washington Street/Salem Street and all signals in between."" , all in favor, 9-0. Motion made and 2nd that the following findings be accepted and made part of the record: "1. The the project has a significant impact upon motor vehicle safety and traffic flow in the area; 2. The project has a significant impact upon pedestrian safety and convenience in the area; 3. The project has a significant impact upon the neighborhood, 4. The site plan, together with the traffic improvements and mitigation measures as provided as part of the list of conditions satisfactorily addresses: a. Ingress and egress to the property and the proposed structures thereon with particular

reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire; b. The adequacy of the capacity of water, sewerage and drainage facilities; c. Adequate off-street parking; d. Exterior lighting; e. Generally compatible in scale and character with the adjacent properties; and f. Will not be adverse to the general purposes of the ordinance; and 5. The site plan together with the traffic mitigation and the improvements and the list of conditions are reasonably necessary to safeguard the neighborhood and the traffic created by the project”, all in favor, 9-0. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED with the 26 conditions as amended as follows:

1. The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit entitled: “Site Plan for Woburn Landing, 369 Washington Street, Woburn, MA 01801” dated August 7, 2014; revised September 25, 2014; October 14, 2014; November 21, 2014; December 16, 2014; December 13, 2014 and May 1, 2015, Sheets EX-1A, EX-1B, ABB-1-ABB-3, C-1, C-2A, C-2B, C-3A, C-3B, C-3C, C-4, C-5, C-6A, C-6B, C-6C, C-7, C-8, C-9A, C-9B, C-10A, C-10B, C-11, P-1, UP-1, D-1 and D-10, prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01801 (hereinafter the “Site Plan”) although design adjustments and modifications generally associated with: (i) preparing so-called “working drawings” or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan.
2. All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting any abutting properties.
3. Exterior construction activities on the Site shall not commence prior to 6:00 a.m. and shall cease no later than 7:00 p.m. Monday through Friday, 8:00 a.m. to 6:00 p.m. Saturday and not all on Sundays. This does not include off site utility work, conduit installation or any work subject to MassDOT requirements.
4. During the Site redevelopment and construction phases, the Petitioner shall maintain all adjoining roadways free and clear of all debris.
5. Upon final approval of design plans by MassDOT and issuance of a Permit to Access State Highway, the Applicant shall implement prior to receiving an occupancy permit (temporary or permanent) traffic signal timing and phasing improvements at the intersection of Washington Street with the I-95 Northbound Ramps and Tower Park Drive, including installation of traffic signal heads at the 394-408 Washington Street driveway substantially as shown on the plan entitled “Proposed Traffic Signal Woburn Foreign Motors Entrance” dated June 22, 2015.

6. The Petitioner shall provide regular updates, in letter format, to the City Engineer, Department of Public Works, Building Commissioner and the City Council, and the Petitioner will notify the City Council immediately upon approval from the MassDOT.
7. That mitigation for rodent control shall be provided by the Petitioner both during and after construction.
8. All dumpsters and waste containers shall be enclosed, by means of a fence, wall or landscaping in compliance with the Woburn Zoning Ordinances.
9. Prior to site occupancy the City Council shall approve a landscape plan.
10. The Petitioner shall install on the premises a generator to provide backup power for the sewer injector system.
11. All curbing within the site shall be precast concrete curbing. All curbing at the site entrance shall be six (6) inch vertical granite curbing or slope granite curbing as required by MassDOT.
12. Wheel stops shall be installed at each handicap parking space and spaces not being used for display of vehicles.
13. The Petitioner shall install three (3) hydrants on the premises as shown on the Plan.
14. Prior to commencement of construction the Petitioner shall meet with the Chief of Police to determine the level of police detail that will be required during the construction process, and that all police details are the financial responsibility of the petitioner. The petitioner will file a copy of the police detail plan, as available, as created by Woburn Police Department in collaboration with the Petitioner, with the city clerk's office prior to construction commencement.
15. No sale of gasoline to the public shall be allowed on the premises.
16. The gas pump installation shall be approved by the Woburn Fire Department prior to installation.
17. Except for temporary signage to be installed during the Phase I renovation of 394 Washington Street, all signage shall comply with the signage plans dated July 11, 2014 prepared by Enseignes Pattison Sign Group.
18. That there shall be no car carriers onto site during peak hours.
19. That there shall be a six-month review of the Special Permit.
20. That the car wash shall not be open to the public.
21. Subject to final approval of design plans by MassDOT and issuance of a Permit to Access State Highway, the Applicant shall widen Washington Street from the bridge south to Route 128 (highway) ramp and shall provide as much vehicle storage as possible and this shall be considered a preferred alternative as proposed to MassDOT for its review of reasonable design plan. The Petitioner will request in writing that the City Council will receive a final report from MassDOT indicating what road improvements have been approved by them or not approved, and why. All road improvements are the sole financial responsibility of the Petitioner.
22. That Aldis Cameras shall be installed at the intersection of Washington Street and Route 128 and Washington Street and Mishawum Road to allow the applicant to collect traffic volume data and turning movements following occupancy.
23. Upon final approval of design plans by Mass DOT, City of Woburn Engineer and other municipal boards or agencies as appropriate, the Applicant shall install traffic improvements as required by the MassDOT and provide the coordination and

synchronization of signals of Mishawum Road/Washington Street and Washington Street/Salem Street and all signals in between.

24. That the applicant shall provide traffic assessments at six months and one year after occupancy. The traffic assessment results will be subject to review by MassDOT with input from the City Engineer. If the results are not to the satisfaction of MassDOT, some or all of the improvements may be modified.
25. That substantial changes in the traffic improvements and traffic mitigation plan as may be required by MassDOT shall be reviewed by the City Council and may subject this special permit to amendment as may be reasonably necessary to compensate for such substantial changes.
26. That this permit is non-transferrable unless transferred to a like or similar business and approved by the Woburn City Council.

And the following findings be made part of the special permit:

1. The project has a significant impact upon motor vehicle safety and traffic flow in the area;
2. The project has a significant impact upon pedestrian safety and convenience in the area;
3. The project has a significant impact upon the neighborhood;
4. The site plan, together with the traffic improvements and mitigation measures as provided as part of the list of conditions satisfactorily addresses:
 - a. Ingress and egress to the property and the proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire;
 - b. The adequacy of the capacity of water, sewerage and drainage facilities;
 - c. Adequate off-street parking;
 - d. Exterior lighting;
 - e. Generally compatible in scale and character with the adjacent properties; and
 - f. Will not be adverse to the general purposes of the ordinance; and
5. The site plan together with the traffic mitigation and the improvements and the list of conditions are reasonably necessary to safeguard the neighborhood and the traffic created by the project.

all in favor, 9-0.

On the petition by Woburn Foreign Motors, 394R Washington Street, Woburn, Massachusetts 01801 for special permits pursuant to the 1985 City of Woburn Zoning Ordinance, as amended, as follows: 1. Section 5.1 (45) to allow for the sale or rental of automobiles, trucks, truck trailers, and motorcycles including accessory repair and storage facilities; 2. Section 5.1 (69) and 7.3 to allow for the replacement of the existing non-conforming six (6) foot fence as shown on the plan with a six (6) foot wall; 3. Section 8.7 to allow for a reduction in the off street loading requirements; 4. Sections 5.1 (69), 7.3 and 13.5 to allow for the alteration of the existing non-conforming signage; 5. Footnote 8 to Section. 6.1 to allow for an increase in the building height from thirty-five

(35) feet to forty-five (45) feet, more or less; 6. Section 8.6.3 to allow for an exception to the area and landscaping requirements to allow for alternate landscaping equal or superior in visual appearance; and 7. Sections 12.2.4 and 12.3.2 to allow for the replacement of the existing buildings on the property with a new building containing approximately 152,600 square feet in gross floor area, more or less, at 394R Washington Street. PUBLIC HEARING OPENED. See record notes from preceding matter. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED, all in favor, 9-0.

On the petition by Clear View Eye Associates, 546 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 7.3 to allow alteration of a pre-existing nonconforming lot and structure to change the use to a by-right optometrist office at 546 Main Street. PUBLIC HEARING OPENED. A communication dated July 8, 2015 was received from Neil Cronin, City Planner/Grant Writer as follows:

Re: Planning Department Comments on Special Permit Application for Clear View Eye Associates at 546 Main Street

Dear President Haggerty and Aldermen:

The Planning Department has reviewed the request to allow for an optometrist office at 546 Main Street pursuant to Section 7.3 (Extension or alteration of non-conforming structures or uses) of the Woburn Zoning Ordinance. The property is located in the S-1 zoning district and the requested use is allowed by right.

A discussion with the petitioner's attorney and review of the provided plan indicates the petitioner would alter the floor plan of the existing building to create a medical office, limited to general outpatient care and diagnosis, of not more than 5,000 square feet. The office will support one optometrist and two staff members. The plan submitted as part of the application was revised to show the area where snow will be stored seasonally.

The Planning Department finds one issue with the application; an optometrist office falls under Section 33(a) of the Woburn Zoning Ordinance (medical office, limited to general outpatient care and diagnosis, of not more than 5,000 square feet), and thus would apparently be subject to Section 12 (Site Plan Review). The Planning Department recommends that the Council inquire of the Building Inspector as to whether Site Plan Review is also necessary. Otherwise the Planning Department recommends the Council consider imposing the following as conditions of the Special Permit:

1. Unless otherwise authorized, all construction shall conform to the Plan of Record which for this project shall be "Plot Plan 546 Main Street Woburn, Massachusetts; Scale: 1"=20'; Dated June 22, 2015, revised July 7, 2015; Prepared by Edward J. Farrell Professional Land Surveyor 110 Winn Street, Suite 203 Woburn, MA."

2. All signage must comply in all respects with the provisions of Section 13 (Sign Regulations) of the Woburn Zoning Ordinance. All signage is subject to a separate application and approval process by the Department of Municipal Inspections.
3. The hours of operation shall be Monday through Saturday 9 a.m. to 7 p.m.
4. The Special Permit shall be issued to Clear View Eye Associates only and shall not be transferrable.

If you have any questions or comments please do not hesitate to contact me.

Sincerely, s/Neil Cronin, City Planner/Grant Writer

A communication with attachment was received from Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 as follows:

Re: Clear View Special Permit, 546 Main Street

Dear President Haggerty and Aldermen:

Enclosed please find the following supplemental information for the above special permit petition:

1. Revised plot plan with a revision date 7/7/15 showing snow storage as requested by the Planning Board.
2. Proposed Floor Plan

Thank you for your attention to this matter.

Very truly yours, s/Mark J. Salvati

A communication dated July 13, 2015 was received from Attorney Mark Salvati as follows:

Re: Clear View Special Permit – 546 Main Street

Dear President Haggerty and Aldermen:

Request is made for leave to withdraw this petition without prejudice.

Thank you for your attention to this matter.

Very truly yours, s/Mark J. Salvati

Motion made and 2nd that the communication be accepted and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the MATTER be GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE, all in favor, 9-0.

On the petition by Madison Properties, 20 Park Place Plaza, Suite 433, Boston, Massachusetts 02116 for special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended, to allow for the construction at 369 Washington Street of a Mixed Use Hotel/Restaurant Use as follows: 1. Special Permit pursuant to Section 5.1.20a to allow for a Mixed Use Hotel/Restaurant Use; 2. Special Permit pursuant to Section 5.1.29 and Section 11.6.10 to allow for a fast food restaurant with a drive up customer service facility; 3. Special Permit pursuant to Section 5.1.28, Note 16 to allow for restaurant hours in excess of 11:00 p.m.; 4. Special Permit pursuant to Section 5.7.6 to allow alternative screening devices; 5. Special Permit pursuant to Section 6.1, Note 8 to allow for the height of the proposed hotel to be in excess of thirty-five (35) feet; 6. Special Permit pursuant to Section 8.7.6 to allow for a reduction in off street loading requirements; 7. Site Plan Approval pursuant to Section 12.2.1 and 12.3.2 to allow for a fast food restaurant; and 8. Site Plan Approval pursuant to Section 12.2.4 and 12.3.2 to allow for construction in excess of 15,000 square feet and more than 100 parking spaces, all at 369 Washington Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: “back for action.” Appearing for the petitioner was Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner has provided a list of proposed conditions, revised traffic plans and has eliminated the request for that fast food restaurant use and the drive-thru use, and that the petitioner has purchased the property and asks that the name of the petitioner be amended to Madison Woburn Holdings LLC. Tim Williams, Allen & Major Associates, Inc., 100 Commerce Way, Woburn, Massachusetts 01801 stated that the petitioner has eliminated the fast food restaurant use from the proposal, that all utilities will be run to the pad site so in the future all utilities will be available without disruption if another use is developed on the parcel, that the location of the sidewalk remains as planned in the event of a future road widening so that the sidewalks would not have to be moved, that the light poles in the parking area will be 25 feet in height, that they have retained the philosophy of the landscaping design, and that 95% of the plan remains the same except for the elimination of the drive-thru use and the fast food use. Gils Ham, Vanasse & Associates, Inc., 35 New England Business Center Drive, Suite 140, Andover, Massachusetts 01810 stated that the elimination of the fast food use and drive-thru use leads to a reduction in the impact on traffic, that this is a substantially smaller project than was originally presented, and that the proposal eliminates the widening of an additional northbound right turn lane due to the reduction in traffic. Attorney Tarby stated that nineteen conditions were presented in committee, that an additional Condition 20 has been proposed setting out the mitigation, that an additional Condition 21 refers to the lighting fixtures, and that an additional Condition 22 is relative to reserving an easement area for future road widening. A communication dated July 14, 2015 to the City Council Committee on Special Permits was received from City Engineer John E. Corey Jr., PE as follows:

Subject: Woburn Landing – Revised Traffic Study Review

A revised traffic study was received on July 7, 2015 for the above referenced project. The study indicates that the project will be phased to incorporate all of the proposed facilities with the exception of the fast food restaurant and appurtenant drive through. The applicant's engineer indicates in the revised study that, initially, there will be a reduction in traffic volumes over that noted in the FEIR for the full build out. There is a corresponding reduction in the traffic mitigation being offered for the initial phase of the project.

The modified proposal will require review and approval from the MassDOT. As a phased project, the FEIR is still binding and the DOT could require all or some of the improvements to be constructed in conjunction with the initial phase of the project. There has been no detailed formal review of the revised study and therefore, we cannot form an opinion as to whether or not the mitigation is sufficient for the project.

On a cursory review, one point in particular stands out in that unless the land necessary for the use widening is secured ahead of time, there may be impediments obtaining the land and installing the widening in the future.

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. A copy of a communication dated July 14, 2015 to Alderman Merecer-Bruen was received from Planning Director Tina Cassidy as follows:

Re: Madison Properties

Good afternoon Alderman. Attorney Tarby had told me of the plan to eliminate the Chick-Fil-A in response to comments and issues raised by the City Council over the course of the hearing. In that context he'd also mentioned that the list of planned mitigation measures would change if the fast food restaurant was stricken from the site plan.

It's understandable that eliminating a fast food restaurant would affect (reduce) traffic impacts that would otherwise derive from the project. Suggesting the planning mitigation measures be modified therefore makes sense.

My concern would be whether the mitigation measures the applicant is proposing to "cut" are in fact appropriate and no longer necessary.

Was anyone other than the applicant's engineers/representatives involved in deciding which mitigation measures should be stricken? Has the State's highway engineer or Jay Corey reviewed and commented on the revised site plan and mitigation package now being proposed and if so, do they concur with the revised mitigation package? Are any of the mitigation measures being proposed for elimination in fact needed due to other elements of the proposed development?

Tina P. Cassidy, Planning Director/WRA Administrator

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Alderman Mercer-Bruen stated that she spoke to the Planning Director about the matter, that the City Council has to be certain of the mitigation package presented, that the city's officials should be able to comment on the proposed mitigation reductions, and that the matter needs more time for review in committee. Alderman Gately stated that the mitigation for traffic improvements was in excess of \$3,000,000.00, that the mitigation was based on that fast food restaurant use and the drive-thru use as part of the project, and that when those uses were eliminated from the project some of the mitigation was eliminated. Alderman Anderson stated that the petitioner is treating this as a phased project by placing utilities on the parcel for future development, and that the city should plan for the future as well and mitigate the future impact. Alderman Concannon stated that elimination of the fast food use led to a 40% to 45% reduction in traffic but the mitigation is being reduced upwards of 75%, and that one of the biggest pieces of the mitigation was the widening of Washington Street and that is being taken off the table. Alderman Raymond stated that the biggest concern has been the traffic, and that decisions must be made based on documents presented but at the moment only one side is before the City Council. Attorney Tarby stated that the traffic improvements with the full proposal would make conditions better, that the drive-thru was removed due to objections, and that the proposed mitigation is sufficient to reduce the impact of this reduced proposal. Alderman Mercer-Bruen stated that the petitioner will come back and the city should be prepared for the future with appropriate mitigation, and that the petitioner should not be allowed to cherry pick which mitigation it will perform. Denis Dowdle, Madison Properties stated that the original mitigation was valued at \$3,000,000.00, that \$500,000.00 of the mitigation was to move utility poles, that approximately \$2,500,000.00 was for roadwork, that the mitigation is now valued at between \$800,000.00 and \$1,000,000.00, and that estimate of costs represents the mitigation to be performed. Alderman Drapeau stated that it is appropriate for this project to include the widening of Washington Street, that there will be a proposal for another use on the site are the utilities are being brought to the site for future development therefore it is appropriate to widen Washington Street now for the future development, and that widening Washington Street has to be done to improve traffic in the area. Mr. Dowdle stated that the petitioner would have to come back to the City Council for any future special permit, and that the petitioner wants to do all the utility work now to limit disturbing the property in view of its environmental history. Alderman Mercer-Bruen stated that her understanding is that the level of service will not be better but will be the same or worse. Mr. Dowdle stated that the city's peer review consultant stated and put in writing his opinion that post-build traffic conditions will be improved. Alderman Mercer-Bruen stated that there could be a condition that if the petitioner's petitions for the fast food restaurant in the future that the original mitigation will be required, and that no one really knows how this project will affect that area. Alderman Gately stated that this is a piece of junk site that had environmental problems and no one wanted to develop the parcel, that putting in the utilities is a good practice to avoid disturbing the parcel in the future, and that the project will be an improvement. Alderman Anderson stated that it is good construction practice and good municipal planning practice to plan for the future,

that the City Council can add a condition requiring a right lane and MassDOT will decide the issue, that there can be a condition that if there is a substantial change in the roadway improvements that the special permit comes back to the City Council, that the petitioner, the city and MassDOT have a substantial stake in this matter, that ultimately the roadway improvements are up to MassDOT, that this is a significant project, that the special permit can be approved with what the City Council wants including the lane on the right side and MassDOT will decide, that MassDOT will do what is necessary to protect the public, that the City Council can approve the special permit with the City Council preferred alternative including the widening of Washington Street with an additional lane from the petitioner's southerly property line up to Tower Office Park Drive, a dedicated left turn lane into Olympia Avenue, an additional left turn lane into Route I-95 north, and the widening of the Route I-95 ramp. PUBLIC COMMENTS: Margaret Bose, 70 Pine Street stated that the peer review did not serve the city well but served the proponent by being able to state that the peer review approved the petitioner's study, that the peer report said that the petitioner used industry standards but not that they approved the plan, that the data collected was after schools were out, that she disagrees with the traffic analysis in the reports, that the traffic in that area is complex, and that the traffic is busy all day. Ms. Bose offered a document 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. John Farino, 353 Salem Street stated that there matter requires further review in committee, that the widening of Washington Street is important, and that the City Council does not have enough information to make an educated decision tonight. Nelson Doherty, 11 Carlena Terrace stated that the petitioner could push the project back and create more buffer for the residents however instead the petitioner is planning for future development, and that the city should get mitigation now because the city will not get the mitigation in the future. John Beauchamp, 224 School Street stated that the special permit should contain the conditions that the City Council wants as MassDOT will make the final decision relative to traffic improvements, that mitigation is necessary, and that the mitigation on Tower Office Park Drive does not benefit the neighborhood and only benefits the petitioner's project and should not be considered off-site mitigation. Chris Owen, 3 Florence Terrace stated that the petition could move the project to create a buffer zone with the elimination of the fast food restaurant use, that there is no Planning Board approved subdivision plan for the site, that the pad site does not have frontage because Tower Office Park Drive is not a public way according to the City Solicitor, and that there is no approved subdivision plan for the parcel. Tim Swain, 29 Dragon Court stated that the City Council should not vote on the matter at this meeting. Kathy Bailey, 4 Utica Street stated that the traffic is grid locked now and will be later, and that the traffic will also flow towards Montvale Avenue. Kelly Hart, 386 Washington Street stated that she lives across the street from Tower Office Park Drive, and that mitigation is essential. Wayne Newcomb, 386 Washington Street stated that his house is in line with Tower Office Park Drive, and that the lights from vehicles on Tower Office Park Drive go into his house. Attorney Tarby stated that the plan does not require subdivision approval, that the zoning code allows the hotel and restaurant use with frontage on Washington Street, that the petitioner withdrew the ANR plan because they did not have sufficient time to react to the opinion of the City Solicitor which was received yesterday, and that the petitioner seeks to withdraw the fast food restaurant with a drive up customer service

facility and site plan approval for a fast food restaurant. A communication dated July 14, 2015 was received from Attorney Joseph R. Tarby, III as follows:

Re: Special Permit Petition of Madison Properties, 369 Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that on behalf of my client I respectfully request leave to withdraw without prejudice the following Special Permit requests:

1. Special Permit pursuant to Section 5.1(29) and Section 11.6.1.0 to allow for a fast food restaurant with a drive up customer service facility.
2. Site Plan approval by the City Council pursuant to Section 12.2.1 and Section 12.3.2 to allow for a fast food restaurant.

If you need any further information please do not hesitate to contact me. Thank you.

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

Motion made and 2nd to accept the communication and to allow withdrawal of the special permits without prejudice as set forth in the communication dated July 14, 2015 received from Attorney Joseph R. Tarby, III, Roll Call: Anderson – Yes, Concannon – No, DiTucci – Yes, Drapeau – Yes, Gately – Yes, Gaffney – Yes, Mercer-Bruen – No, Raymond – Yes, Haggerty – Yes, Motion Passes. Motion made and 2nd to accept Condition 1 through 22 in the document entitled “Murtha Cullina LLP Special Permit Petition of Madison Woburn Holdings LLC Proposed Conditions July 8, 2015 as further revised by Murtha Cullina LLP on July 10, 2015”, 8 in favor, 1 opposed (Mercer-Bruen opposed). Motion made and 2nd to amend Condition 8 to read as follows: “Subject to approval of MassDOT, the Petitioner shall substantially complete prior to an occupancy permit being issued, temporary or permanent, all traffic mitigation measures as shown on a plan entitled “Conceptual Improvement Plan: Woburn Landing, Woburn, Massachusetts 01801 dated June 17, 2015 prepared and submitted on behalf of the Petitioner by VAI (the “Traffic Improvements Plan”) to the Committee on Special Permits on July 8, 2015, which shall also include the widening of Washington Street with an additional lane from the petitioner’s southerly property line up to Tower Office Park Drive, a dedicated left turn lane onto Olympia Avenue, an additional left turn lane onto Route I-95 north and the widening of the Route I-95 on-ramp as needed,” all in favor, 9-0. Motion made and 2nd to amend Condition 20 by amended to read as follows: “20. Subject to approval of MassDOT, the Petitioner shall substantially complete prior to site occupancy all traffic mitigation measures. Mitigation for the development as shown on the Traffic Improvements Plan referenced in Condition 8 above shall consist of the following: A dedicated 11-foot southbound left-turn lane on Washington Street to Tower Park Drive; Widening of Tower Park Drive to include two 14-foot exit lanes; Widening of Washington Street southbound in advance of Woburn Foreign Motors; Sidewalk along the Woburn Landing Frontage; A pedestrian signal incorporated with the Olympia

Avenue traffic signal; Dedicated right-of-way along the Woburn Landing Frontage for the full improvement plan; Adaptive signal technology at area traffic signals as coordinated with Woburn Foreign Motors and MassDOT; Widening of Washington Street with an additional lane from the petitioner's southerly property line up to Tower Office Park Drive; A dedicated left turn lane onto Olympia Avenue; An additional left turn lane onto Route I-95 north; and the widening of the Route I-95 on-ramp as needed, all in favor, 9-0. Motion made and 2nd to amend Condition 22 to read as follows: "If the widening of Washington Street with an additional lane from the petitioner's southerly property line up to Tower Office Park Drive is not approved or required by MassDOT then the Petitioner shall reserve an area for a future easement for road widening as shown on the Plan. The easement shall be provided to the City of Woburn or the Commonwealth of Massachusetts, whichever may be the appropriate authority, upon receipt of written approval by Mass DOT of the road widening plans as well as written approval of the United States Environmental Protection Agency, the Massachusetts Department of Environmental Protection and WR Grace", all in favor, 9-0. Motion made and 2nd to add Condition 23 as follows: "23. That substantial changes in the traffic improvements and traffic mitigation plan as may be required by MassDOT shall be reviewed by the City Council and may subject this special permit to amendment as may be necessary to compensate for substantial changes," 8 in favor, 1 opposed (DiTucci opposed). Attorney Tarby stated that to widen Washington Street to Tower Office Park Drive will require approvals of other property owners. Alderman Anderson stated that the widening of Washington Street is only along the petitioner's frontage, and that he wants teeth in the city's language on the special permit in which the City Council can take another look at the plan depending upon the action by MassDOT. Attorney Tarby stated that he was concerned about the definition of substantial change as a trigger to being required to return to the City Council, and that stating that this is the preferred alternative tells MassDOT what the city wants. Alderman Anderson stated that if MassDOT make substantial changes there is no other involvement by the City Council, and that this language will ensure that the City Council can have further review of this project. Alderman Concannon stated that if there is a substantial change then the City Council is allowed to look at the project again and decide whether the special permit should be modified. Attorney Tarby stated that he does not understand what returning to the City Council means if there is a substantial change such as whether there will be additional public hearings. Alderman Anderson stated that the City Council always retains the right to revoke special permits, and that MassDOT review will take sixty to ninety days. Alderman Anderson stated that it would be acceptable to have the matter returned to the Committee on Special Permits to review if MassDOT does not agree with the City Council mitigation requirements. Mr. Dowdle stated that the agreements that allowed the original mitigation package no longer exist. Motion made and 2nd for a two minute recess, all in favor, 9-0. President Haggerty called the meeting back to order. Attorney Tarby stated that adding this condition is not approval of the special permit, that if MassDOT does not agree with the City Council mitigation plan then the petitioner must return to the City Council and therefore the special permit is not approved. Alderman Concannon stated that the special permit has to have what the City Council wants or the matter needs to come back to the City Council. Mr. Dowdle stated that the 394 Washington Street project mitigation package is the preferred alternative of the City Council, and that in this

case the mitigation package offered by the petitioner is not the same as the City Council preferred alternative. Motion made and 2nd to amend Condition 8 by prefacing everything after “July 8, 2015” with the following “which shall also include the preferred alternative of the widening of Washington Street with an additional lane from the petitioner’s southerly property line up to Tower Office Park Drive, the preferred alternative must also include a dedicated left turn lane onto Olympia Avenue, an additional left turn lane onto Route I-95 north and the widening of the Route I-95 north on-ramp as needed” and to amend Condition 23 to read as follows: “23. That substantial changes in the traffic improvements and traffic mitigation plan as may be required by MassDOT that do not include the preferred alternative shall be reviewed by the City Council and may subject this special permit to amendment as may be necessary to compensate for substantial changes,” no vote taken. Alderman Drapeau stated that the petitioner does not want to widen Washington Street, and that even if MassDOT wants Washington Street widened but the petitioner does not want to widen Washington Street then the petitioner will not widen the street. Attorney Tarby stated that if MassDOT tells the petitioner that he has to widen Washington Street then the petitioner will have to do so to obtain the street opening permit. Motion made and 2nd to amend Condition 8 by prefacing everything after “July 8, 2015” with the following “which shall also include the preferred alternative of the widening of Washington Street with an additional lane from the petitioner’s southerly property line up to Tower Office Park Drive, the preferred alternative must also include a dedicated left turn lane onto Olympia Avenue, an additional left turn lane onto Route I-95 north and the widening of the Route I-95 north on-ramp as needed” and to amend Condition 23 to read as follows: “23. That substantial changes in the traffic improvements and traffic mitigation plan as may be required by MassDOT that do not include the preferred alternative shall be reviewed by the City Council and may subject this special permit to amendment as may be necessary to compensate for substantial changes,” 7 in favor, 2 opposed (DiTucci, Drapeau opposed). Motion made and 2nd to add Condition 24 as follows: 24. That a copy of the City Council proceedings in DVD format, written form and all communications submitted at this meeting be sent to MassDOT,” all in favor, 9-0. Motion made and 2nd to add Condition 25 as follows: “25. That there shall be no large conference room or meeting space of a capacity over fifty (50) people in the hotel”, 1 in favor, 8 opposed (Anderson, Concannon, Drapeau, DiTucci, Gaffney, Gately, Raymond, Haggerty opposed). Motion made and 2nd to close the public hearing, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the 24 conditions adopted by the City Council as follows:

1. The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit entitled: “Site Plan for Woburn Landing, 369 Washington Street, Woburn, MA 01801” dated August 7, 2014; revised September 24, 2014; October 14, 2014; November 21, 2014; December 16, 2014; December 31, 2014, May 1, 2015, May 28, 2015 and July 2, 2015, Sheets EX-1A, EX-1B, ABB-1-ABB-3; C-1, C-2A, C-2B, C-3A, C-3B, C-3C, C-4, C-5, C-6A, C-6B, C-6C, C-7, C-8, C-9A, C-9B, C-10A, C-10B, C-11, P-1, UP-1, D-1 and D-10, prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01801 (hereinafter the “Site Plan”) although design adjustments and modifications

generally associated with: (i) preparing so-called “working drawings” or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan.

2. All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting any abutting properties.
3. Exterior construction activities on the Site shall not commence prior to 6:00 a.m. and shall cease no later than 7:00 p.m. Monday through Friday, 8:00 a.m. to 6:00 p.m. Saturday and not all on Sundays. This does not include off site utility work.
4. During the Site redevelopment and construction phases, the Petitioner shall maintain all adjoining roadways free and clear of all debris.
5. All dumpsters and waste containers shall be enclosed, by means of a fence, wall or landscaping in compliance with the Woburn Zoning Ordinances.
6. That traffic entering and exiting the site on Washington Street shall be restricted to right turns only to and from Washington Street. In addition, left turns entering and exiting the site to and from Washington Street shall be prohibited.
7. That an as-built drawing in AutoCAD format along with a hard copy of the plan shall be submitted to the Engineering Department upon completion of the project as part of the permanent record.
8. Subject to approval of MassDOT, the Petitioner shall substantially complete prior to an occupancy permit being issued, temporary or permanent, all traffic mitigation measures as shown on a plan entitled “Conceptual Improvement Plan: Woburn Landing, Woburn, Massachusetts 01801 dated June 17, 2015 prepared and submitted on behalf of the Petitioner by VAI (the “Traffic Improvements Plan”) to the Committee on Special Permits on July 8, 2015, which shall also include the preferred alternative of the widening of Washington Street with an additional lane from the petitioner’s southerly property line up to Tower Office Park Drive, the preferred alternative must also include a dedicated left turn lane onto Olympia Avenue, an additional left turn lane onto Route I-95 north and the widening of the Route I-95 north on-ramp as needed.
9. The Petitioner shall be responsible for the upkeep and maintenance of the Site on a daily basis to prevent the accumulation of trash and other debris.
10. The hours of operation for the full serve restaurants shall be from 10:00 a.m. – 1:00 a.m. seven days per week.
11. During construction all trucks must enter and exit the Site from Tower Park Drive.
12. During construction, all vehicles must be parked on Site.
13. During construction, all staging and deliveries will occur on Site.
14. Subject to Condition 1 above, the buildings to be constructed as Proposed Restaurant A and Proposed Restaurant B shall be constructed within the Permissible Building Area designated by the red outline as shown on the plan entitled “Woburn Landing,

369 Washington Street, Woburn, MA.” Prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA. 01801 dated October 14, 2014. The proposed Dual Brand Hotel shall be constructed within the building footprint as shown on the Plan.

15. The Petitioner shall be responsible for the initial cleaning of the off-site open/closed drainage system of all trash and other debris. The drainage system in question runs from outfall at 2 Forbes Road to the outfall on the parcel shown on the Woburn Assessors Map as Parcel 32-06-02.
16. The Petitioner shall provide regular updates, in letter format, to the City Engineer, Department of Public Works, Building Commissioner and the City Council, and the Petitioner will notify the City Council immediately upon approval from the MassDOT.”
17. Prior to site occupancy the City Council shall approve a landscape plan.
18. All curbing within the site shall be precast concrete or monolithic curbing. All curbing at the site entrance on Washington Street shall be six (6) inch vertical granite curbing or slope granite curbing as required by MassDOT.
19. Prior to commencement of construction the Petitioner shall meet with the Chief of Police to determine the level of police detail that will be required during the construction process.
20. Subject to approval of MassDOT, the Petitioner shall substantially complete prior to site occupancy all traffic mitigation measures. Mitigation for the development as shown on the Traffic Improvements Plan referenced in Condition 8 above shall consist of the following:
 - A dedicated 11-foot southbound left-turn lane on Washington Street to Tower Park Drive;
 - Widening of Tower Park Drive to include two 14-foot exit lanes;
 - Widening of Washington Street southbound in advance of Woburn Foreign Motors;
 - Sidewalk along the Woburn Landing Frontage;
 - A pedestrian signal incorporated with the Olympia Avenue traffic signal;
 - Dedicated right-of-way along the Woburn Landing Frontage for the full improvement plan;
 - Adaptive signal technology at area traffic signals as coordinated with Woburn Foreign Motors and MassDOT;
 - Widening of Washington Street with an additional lane from the petitioner’s southerly property line up to Tower Office Park Drive;
 - A dedicated left turn lane onto Olympia Avenue;
 - An additional left turn lane onto Route I-95 north; and
 - the widening of the Route I-95 on-ramp as needed.
21. The Petitioner shall install the lighting fixtures as shown on Sheet C-7 of the Site Plan.
22. If the widening of Washington Street with an additional lane from the petitioner’s southerly property line up to Tower Office Park Drive is not approved or required by MassDOT then the Petitioner shall reserve an area for a future easement for road widening as shown on the Plan. The easement shall be provided to the City of Woburn or the Commonwealth of Massachusetts, whichever may be the appropriate

authority, upon receipt of written approval by Mass DOT of the road widening plans as well as written approval of the United States Environmental Protection Agency, the Massachusetts Department of Environmental Protection and WR Grace.

23. That substantial changes in the traffic improvements and traffic mitigation plan as may be required by MassDOT that do not include the preferred alternative shall be reviewed by the City Council and may subject this special permit to amendment as may be necessary to compensate for substantial changes.
24. That a copy of the City Council proceedings in DVD format, written form and all communications submitted at this meeting be sent to MassDOT.

7 in favor, 2 opposed (Concannon, Mercer-Bruen opposed).

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

INFRASTRUCTURE AND PUBLIC LANDS:

On the Order to abandon and discontinue a portion of the land on Locust Street, committee report was received "ought not to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

ORDINANCES:

On the Order to amend the 1985 Woburn Zoning Ordinances, as amended, relative to Medical Marijuana Treatment Center, committee report was received "back for action pending review of the following draft of the Order by the City Solicitor:

ORDERED Be it Ordained by the City Council of the City of Woburn that Section 2, Definitions, of the 1985 Woburn Zoning Ordinances as amended, be further amended by adding the definition "MEDICAL MARIJUANA TREATMENT CENTER" between the definition of "Massage Therapist" and "Menu Board/Order Board" as follows:

MEDICAL MARIJUANA TREATMENT CENTER: A building or structure used by a not for profit entity licensed by the Massachusetts Department of Public Health pursuant to 105 C.M.R. 725.000 that acquires, cultivates, possesses, processes (including development of related products such as marijuana infused 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 registered qualifying patients or their personal caregivers for medical purposes. Medical Marijuana Treatment

Center refers to the site(s) of dispensing, cultivation and preparation of marijuana;

and further, to amend Section 5.1 – Table of Use Regulations of the 1985 Woburn Zoning Ordinances, as amended, by inserting a new line “33c MEDICAL MARIJUANA TREATMENT CENTER” after “33b Muscular Therapy” as follows:

		R-1	R-2	R-3	R-4	B-N	B-H	B-D	B-1	I-P	IP-2	I-G	S-1	S-2	O-P	OP-93	O-S	Notes
33c	MEDICAL MARIJUANA TREATMENT CENTER	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	19b

and to further amend Section 5.1, Table of Use Regulations by adding Note 19b as follows:

19b. No MEDICAL MARIJUANA TREATMENT CENTER shall be allowed:

- A. Within one thousand feet of a residential zoning district, public or private school, or church or other structure used in whole or in part all the time or part of the time for religious or spiritual services;
- B. Within one thousand feet of any facility where large numbers of minors regularly congregate;
- C. Within two thousand feet of a public park, public library, public playground, nursery school, licensed day care center or another Medical Marijuana Treatment Center.

The distance under this Note shall be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed Medical Marijuana Treatment Center.”

Motion made and 2nd that the ORDER be ADOPTED, AS AMENDED, all in favor, 9-0. Alderman Anderson stated that the City Solicitor reviewed the Ordinance and recommends that the following form of ordinance be considered for adoption:

ORDERED Be it Ordained by the City Council of the City of Woburn that Section 2, Definitions, of the 1985 Woburn Zoning Ordinances as amended, be further amended by adding the definition “MEDICAL MARIJUANA TREATMENT CENTER” between the definition of “Massage Therapist” and “Menu Board/Order Board” as follows:

MEDICAL MARIJUANA TREATMENT CENTER: A building or structure used by a not for profit entity licensed by the Massachusetts Department of Public Health pursuant to 105 C.M.R. 725.000 that acquires, cultivates, possesses, processes (including development of related products such as marijuana infused food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana or products containing marijuana and/or related supplies, for medical purposes;

and further, to amend Section 5.1 – Table of Use Regulations of the 1985 Woburn Zoning Ordinances, as amended, by inserting a new line “33c MEDICAL MARIJUANA TREATMENT CENTER” after “33b Muscular Therapy” as follows:

		R-1	R-2	R-3	R-4	B-N	B-H	B-D	B-1	I-P	IP-2	I-G	S-1	S-2	O-P	OP-93	O-S	Notes
33c	MEDICAL MARIJUANA TREATMENT CENTER	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	19b

and to further amend Section 5.1, Table of Use Regulations by adding Note 19b as follows:

19b. No MEDICAL MARIJUANA TREATMENT CENTER shall be allowed:

- A. Within one thousand feet of a residential zoning district, public or private school, or church or other structure used in whole or in part all the time or part of the time for religious or spiritual services;
- B. Within one thousand feet of any facility where large numbers of minors regularly congregate;
- C. Within two thousand feet of a public park, public library, public playground, nursery school, licensed day care center or another Medical Marijuana Treatment Center.

The distance under this Note shall be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed Medical Marijuana Treatment Center.

Motion made and 2nd that the ORDER be ADOPTED, AS AMENDED with the recommendations of the City Solicitor, all in favor, 9-0.

Presented to the Mayor: July 16, 2015

s/Scott D. Galvin July 16, 2015

NEW PETITIONS:

A communication dated July 8, 2015 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: ExecuSpace Construction Corporation, 140 Garfield Avenue, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent ExecuSpace Construction Corporation in connection with a Landowner's Decision and Notice of Special Permit issued by the City Clerk on August 11, 2005 as extended by Notice of Extension issued by the City Clerk on May 21, 2007, May 6, 2009, June 9, 2011 and July 18, 2013 (the "Special Permit") which Special Permit was extended to August 11, 2015. As a result of the current status of the economy, construction has not commenced pursuant to said Special Permit.

On behalf of the Petitioner, I respectfully request that the City Council further extend the time period for the Petitioner to exercise its rights under the Special Permit for an additional two (2) year period to August 11, 2017.

Should you need any further information, please do not hesitate to contact me. Thank you.

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

Motion made and 2nd that SPECIAL PERMIT ISSUED TO GRANTED TO EXECUSPACE CONSTRUCTION CORPORATION ISSUED ON AUGUST 11, 2005, AS EXTENDED ON MAY 21, 2007, MAY 6, 2009, JUNE 9, 2011 AND JULY 18, 2013 be FURTHER EXTENDED UP TO AND INCLUDING AUGUST 11, 2017, all in favor, 9-0.

A communication dated July 8, 2015 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: 4-K Realty Trust, 27 Montvale Avenue, Woburn, MA

Dear Mr. Campbell:

Please be advised that I represent the 4-K Realty Trust in connection with a Landowner's Decision and Notice of Special Permit issued by the City Clerk on August 14, 2003, as amended by a Landowner's Confirmatory Decision and Notice of Special Permit issued by the City Clerk on January 12, 2004, as extended by Notice of Extension of Special Permit issued by the City Clerk on June 14, 2005, May 21, 2007,

May 6, 2009, June 9, 2011 and July 18, 2013 (the "Special Permit") which Special Permit was extended to August 14, 2015.

On behalf of the Petitioner, I respectfully request that the City Council further extend the time period for the Petitioner to exercise its rights under the Special Permit for an additional two (2) year period to August 14, 2017.

Should you need any further information, please do not hesitate to contact me. Thank you.

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

Motion made and 2nd that SPECIAL PERMIT ISSUED GRANTED TO 4-K REALTY TRUST ISSUED ON AUGUST 14, 2003, AS AMENDED JANUARY 12, 2004, AS EXTENDED JUNE 14, 2005, MAY 21, 2007, MAY 6, 2009, JUNE 9, 2011 AND JULY 18, 2013 be FURTHER EXTENDED UP TO AND INCLUDING AUGUST 14, 2017, all in favor, 9-0.

Petition by New England Orienteering Club, Inc., 9 Cannon Road, Woburn, Massachusetts 01801 for a Special Event Permit to allow a map and compass orienteering event at Horn Pond on August 30, 2015. Motion made and 2nd that the SPECIAL EVENT PERMIT be GRANTED, all in favor, 9-0.

Presented to the Mayor: July 16, 2015

s/Scott D. Galvin July 16, 2015

Petition by Mouad Djar dba ABCE Taxi of Woburn, 165M New Boston Street, Suite 241, Woburn, Massachusetts 01801 for renewal of a 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 Woburn Cab Company, 100 Ashburton Avenue, Woburn, Massachusetts 01801 for renewal of a Taxi Cab License for eight (8) vehicles. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

A communication dated July 1, 2015 with attachments was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Request for Minor Modification/The Wendy's Company, 303 Montvale Avenue, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent The Wendy's Company. On September 25, 2014 your office issued a Landowner's Decision and Notice of Special Permit setting forth approvals by the Woburn City Council of the Special Permit granted to my client (the "Decision").

Enclosed please find ten (10) copies of a plan entitled "Development Site Plan for Wendy's, 303 Montvale Avenue, City of Woburn, Middlesex County, Massachusetts" dated December 2, 2014, February 23, 2015 and June 29, 2015 prepared by Bohler Engineering, 352 Turnpike Road, Southborough, MA 01772 (the "Revised Plan").

The Plan referenced in Condition 1 of the Decision shows a propose drive thru canopy (ten copies enclosed). As a result of site conditions it is necessary to eliminate the proposed canopy. The specific site condition is that existing overhead electric service wires preclude Wendy's from installing the proposed canopy.

The proposed revision to the Decision by substituting the plan approved in the Decision does not result in any change or modification to the location of the building nor does it change any of the conditions contained in the Decision.

Further, the proposed modification does not result in a substantive amendment which changes the result of the Decision or which grants relief different from that originally granted.

On behalf of my clients, I respectfully request approval by the City Council at its meeting on July 14, 2015 of a minor modification to the Decision by replacing the plan referenced in Condition 1 with the Revised Plan. If the City Council finds that this request is not a minor modification I respectfully request that the City Council allow for a late filing of a Special Permit Petition and schedule a public hearing for August 11, 2015.

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

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

Appearing was Attorney Joseph R. Tarby III and he stated that the canopy was intended to protect customers from rain or snow when ordering, and that existing overhead wires prevent the petitioner from being able to install the canopy. Chad Adams of Wendy's stated that the impediment are underground wires, that the footing for the canopy would have to be extensive to withstand wind loads, that the issue was determined during excavation, that the determination was that it would be better not to continue with the construction of the canopy, that there was no canopy in the past, that the canopy was being offered as a convenience to customers, that the noise tests were conducted and determined to be below acceptable levels, and that the canopy had no impact on noise factors. Alderman Mercer-Bruen stated that this request is not a minor modification by definition. Alderman Drapeau stated that this request is perhaps the most minor modification that he has seen before the City Council. Motion made and 2nd that the

MINOR MODIFICATION ALLOWING THE ELIMINATION OF THE CANOPY be APPROVED, all in favor, 9-0.

Petition by Anthony K. Paone, Jr., Trustee of the 78 Winn Street Realty Trust and Ann's Realty Trust, 16 Eastman Lane, Palm Coast, Florida 32164 for a special permit pursuant to Section 8 of the 1985 Woburn Zoning Ordinances, as amended, for the minimum setback requirements for parking spaces 1-18 and 26-29 as shown on the site plan filed herewith at 78 Winn Street and 80 Winn Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Two Men and a Truck, 42 Sixth Road a/k/a 55 Sixth Road, Suite 6, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to allow for the overnight parking of commercial vehicles at 42 Sixth Road a/k/a 55 Sixth Road. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by The Boston Solar Company LLC, 55 Sixth Road, Suite 1, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to allow for the overnight parking of commercial vehicles at 42 Sixth Road a/k/a 55 Sixth Road. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Woburn Lodging LLC, 315 Mishawum Road, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.69, 7.3 and 13.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the alteration of the existing nonconforming freestanding sign at 315 Mishawum Road. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Paw Prints, 300 Salem Street, Woburn, Massachusetts 01801 for a special permit pursuant to the 1985 Woburn Zoning Ordinances, as amended, to allow for the alteration of a preexisting nonconforming use under Section 7.3 and to allow for a kennel pursuant to Section 5.1.35 at 300 Salem Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated June 8, 2015 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Director's Report and the minutes of the Council on Aging for the month of May 2015. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated June 23, 2015 was received from Charles O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

Council Members,

In accordance with Massachusetts General Laws Chapter 90, Section 20½ I am submitting the following parking ticket report. The following figures represent year to date totals for 2015: Number of violations issued 367, Numbers of violations paid 192, Number of violations outstanding 154, Amount collected and submitted to Collectors Office \$23,883.00, Parking fines referred to the Handicap Commission \$7,800.00.

There is a backlog of 1,729 unpaid tickets dating from January 2004 to May 2015. After 28 days, if the fine still has not been paid, that information is forwarded to the Registry of Motor Vehicles for administrative action.

Respectfully submitted, s/Charles O'Connor, Parking Clerk

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

A communication dated July 6, 2015 was received from Building Commissioner Thomas C. Quinn Jr. as follows:

Re: Woburn Municipal Coe Title 15 Article VIII 15-42

Dear Members of the City Council:

With regard to the above referenced section of the Woburn Municipal Code, I submit the following quarterly nuisance report for the period of April 1, 2015 – June 30, 2015.

142 Main Street (Matter is with City Council).

20 Garfield Avenue site visits still ongoing, owner is maintaining exterior grounds.

118 Eastern Avenue site visits still ongoing, owner is maintain exterior grounds. Court issues have been resolved.

124 Dragon Court matter owner did not comply with request to maintain premises as he indicated and made an attempt to, fines have been issued with a Court Hearing July 29, 2015, and I will provide further details on next report.

6 East Dexter Avenue matter is with the Middlesex District Attorney's office.

31 High Street matter is with the Middlesex District Attorneys office, owner has started to clean exterior grounds.

The following properties listed below have received notification of non compliance with Title 15 Article VII section 15-37 nuisance prohibited and are being monitored to ensure that they are being maintained to acceptable standards, further updates will occur on the next quarterly report.

- 369 Washington Street (Grace Site)
- 399 Washington Street (GM Site)
- 425 Washington Street (Kohl's Plaza)

As always if there are any questions or concerns do not hesitate to contact me.

s/Thomas C. Quinn Jr.

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

A communication dated June 25, 2015 was received from Joseph E. Connarton, Executive Director, Public Employee Retirement Administration Commission advising the City of Woburn required Fiscal Year 2016 appropriation for the retirement system is \$6,000,000.00. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of a communication dated June 10, 2015 to Mayor Scott D. Galvin was received from U.S. Department of Homeland Security Federal Emergency Management Agency (FEMA) Region I relative to the FEMA's upcoming Risk Mapping, Assessment, and Planning (Risk MAP) Discovery Meeting for the Merrimack Watershed. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated June 22, 2015 with attachments was received from Francis A. Di Luna, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Statutory Notice of Intent to Sell 45.26 Acres (1,971,525.60 square feet) of Land shown on Woburn Assessor's 285 Lexington Street (Assessor's Map 78 Block 01, Lot 02); 285 Lexington Street #2 (Assessor's Map 78, Block 01-02); 287 Lexington Street (Assessor's Map 78, Block 01; Lot 03) 287 Lexington Street #2 (Assessor's Map 72, Block 02, Lot 17), Woburn, Massachusetts

Dear Municipal Agents:

Enclosed please find with this Statutory Notice of Intent to Sell a Notice of Intent to Sell for Other Use and a copy of the Purchase and Sale Agreement for the property. Pursuant to the provisions of Mass. G.L. c. 61A §14 (Effective March 22, 2007) the above identified land, taxed pursuant to the provisions of Mass. G.L. c. 61A is intended to be sold to Scott L. Seaver, 215 Lexington Street, Woburn, Massachusetts 01801 or a nominee and converted to residential use while so taxed. According to said section, you are required to receive this Notice of Intent.

Appended hereto please find a Statement of Intent to Sell, including a statement of proposed use of the land, location and acreage as drawn as scaled by the Woburn Assessor Office. Also enclosed please find a certified copy of the executed Purchase and Sale Agreement specifying the purchase price and all terms and conditions of the proposed sale.

There are no additional agreements or additional consideration for any contiguous land under the same ownership not classified pursuant to the provision of Mass. G.L. c. 61A.

For a period of 120 days after the latest date of deposit in the United States mail, the City of Woburn shall have a first refusal option to meet the bona fide offer to purchase the above described land and after public hearing assign the right to a non-profit conservation organization or to the Commonwealth or any of its political subdivisions provided in said Chapter. During the 120 day period the City or its assignee enjoys the right, at reasonable times and upon reasonable notice to enter upon the land for purposes of surveying or inspecting the land.

If the City elects not to exercise the option, and not to assign its right to exercise the option, the City shall send written notice of non-exercise, signed by the Mayor, to the landowner as specified in the appended Notice of Intent to Sell.

I thank you for your prompt action on this matter.

Very truly yours, s/Francis A. Di Luna

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

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated July 7, 2015 was received from Charles E. Doherty as follows:

Dear Mr. Campbell:

I am writing to confirm my acceptance of your employment offer on June 30th and to tell you how delighted I am to taking on the role of City Auditor for the City of Woburn. As we discussed, I will begin my new role on July 27th, 2015. I appreciate your confidence in me and I feel confident that I can make a significant contribution to our city and our community.

I am grateful for the opportunity you have given me I look forward to working with you, the City Council, and the Mayor.

Sincerely, s/Charles E. Doherty

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

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED That His Honor the Mayor engage a traffic consultant for the purposes of preparing a study relative to the proposed traffic reconfiguration of Woburn Center.

s/Alderman Concannon

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

Presented to the Mayor July 16, 2015 and ten days having elapsed without same being approved, said Resolve became effective without his signature on July 28, 2015.

From the Traffic Commission:

ORDERED BUTTARO ROAD – The handicapped parking space established at 13 Buttaro Road effective November 12, 2012 be and is hereby repealed.

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

Presented to the Mayor: July 16, 2015 s/Scott D. Galvin July 16, 2015

From the Traffic Commission:

ORDERED JAYCIN CIRCLE – No parking even side the entire length.

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

Presented to the Mayor: July 16, 2015 s/Scott D. Galvin July 16, 2015

From the Traffic Commission:

ORDERED MONTVALE AVENUE – Two hour parking southerly side starting at a point 40 feet easterly of the intersection with Main Street to the intersection with Prospect Street any time between the hours or 8:00 a.m. and 9:00 p.m. any day except Sundays and public holidays.

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

Presented to the Mayor: July 16, 2015 **s/Scott D. Galvin July 16, 2015**

ORDERED That pursuant to Massachusetts General Laws Chapter 148, Section 13, the City Clerk shall schedule a public hearing before the City Council for the purposes of revoking the following Inflammable Licenses for the reasons stated:

1. 300 MetroNorth Corporate Center LLC at 200 Presidential Way – at request of license holder;
2. ProCoating, Inc. at 229 New Boston Street – at request of license holder;

Further, that the City Clerk shall give notice by certified mail return receipt requested to the license holder to the last known address of license holder and by causing notification of the hearing to be published once in a newspaper of general circulation in the City at least ten (10) days prior to the hearing.

s/President Haggerty

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

Presented to the Mayor: July 16, 2015 **s/Scott D. Galvin July 16, 2015**

ORDERED Be it ordained by the City Council of the City of Woburn that the Mayor be authorized to enter into a License Agreement between the City of Woburn and Paul Paris for the use of 23,750 s.f. of land, more or less, located on Locust Street, for agricultural purposes.

s/President Haggerty

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

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

President Haggerty stepped down from the chair and Alderman Drapeau assumed the chair.

RESOLVED Whereas, on December 2, 1975 Gerald W. Surette was appointed by the Mayor as Acting City Auditor following a vacancy in the office; and

Whereas, on April 20, 1976 Gerald W. Surette was elected by the City Council to serve as City Auditor; and

Whereas, over the course of forty years Gerald W. Surette, working closely with other departments, was charged with the complex task of managing the city's financial records in compliance with federal, state and local mandates, including increasing efficiencies by moving the city from a paper-based system to fully automated financial management systems; and

Whereas, under the direction of Gerald W. Surette, the Auditing Department ensured that all departments, administrative boards, commissions and officers keep such records and reports of the city as may be prescribed and required consistent with Massachusetts General Laws; and

Whereas, with his conservative guidance, Gerald W. Surette assisted the city in consistently improving its financial performance leading to increases in bond ratings and a favorable reputation in the financial community; and

Whereas, Gerald W. Surette was sought out by Mayors, Aldermen, department heads, his peers and members of the public for his counsel, guidance and sound advice in the area of municipal finance based on his many years of substantial experience; and

Whereas, Gerald W. Surette upon his retirement is the longest serving City Auditor in Woburn history;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that the Woburn City Council recognizes the many achievements, accomplishments and contributions of Gerald W. Surette, to the citizens of the City of Woburn during his 40 year career as City Auditor, thanks him for his service to the community, and extends the best wishes of the

community for continued health, happiness and success upon his retirement.

s/President Haggerty

President Haggerty stated that one of the consistent factors in regards to the city's finances in the last four decades has been City Auditor Gerald Surette providing advice, that Mayors, Aldermen and other department heads have gone during this time, and that it was not just the expertise he offered by his demeanor when assisting in these issues.

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

Presented to the Mayor: July 16, 2015

s/Scott D. Galvin July 16, 2015

Motion made and 2nd to return to the regular order of business, all in favor, 9-0.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:48 p.m.

A TRUE RECORD ATTEST:

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