

**CITY OF WOBURN
JULY 8, 2008 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Denaro	Gately
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Galvin	Raymond

Doherty

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

Motion made and 2nd to suspend the rules for the purposes of taking the following two matters out of order, all in favor, 9-0.

RESOLVED Whereas, the Boston Globe each year awards to one outstanding boy scholar-athlete and one outstanding girl scholar-athlete in each of the six MIAA districts plus Boston the designation of Boston Globe/Richard Phelps Scholar-Athletes; and

Whereas, the students are nominated for the distinction by the principals of public and private high schools across Massachusetts based on their academic and athletic prowess; and

Whereas, Daniel Tobin was nominated as an outstanding scholar-athlete from Woburn Memorial High School; and

Whereas, Daniel Tobin excelled in soccer, indoor track and lacrosse and was a two-time league All-Star in both soccer and lacrosse; was a member of the national champion 4x400 relay team at the National Scholastic Indoor Track and Field Championships; and as track All American he earned both the Coach's Award and the Most Dedicated Award , and finished first in seven different championships over the year including the 4x400 McIntyre Elite Relays and the 4x400 Coaches Elite Relay; and

Whereas, Daniel Tobin graduated Summa Cum Laude from Woburn Memorial High School and finished in the top five percent of his class; was a member of the National Honor Society, the Excalibur Science Society and was the recipient of the Merrimack College Book Award and

the John and Abigail Adams Scholarship; received awards for academic excellence in English, Anatomy and Physiology, Accounting, Pre-Calculus, and Physical Education; excelled in the SAT; and was Vice President of his class all four years of high school; and

Whereas, Daniel Tobin is the first Woburn Memorial High School student to receive the distinction of being named a Boston Globe/Richard Phelps Scholar Athlete;

Now, therefore, the City Council of the City of Woburn recognizes the efforts and accomplishments of Daniel Tobin and extends the best wishes of the community on his continued academic and athletic success.

s/President Doherty

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

Presented to the Mayor: July 11, 2008 s/Thomas L. McLaughlin July 11, 2008

RESOLVED That the City Council hear from the residents of the city relative to odors emanating from the Kraft Foods building on Hill Street.

s/Alderman Mercer-Bruen

Alderman Mercer-Bruen stated that there is a terrible odor coming from the Kraft site on Hill Street. that city official met with representatives from Kraft, that the Kraft representatives stated that the processes have not been changed, that during the last 2½ years the condition has gotten worse, that the odor was noticeable as soon as she entered the building at the Kraft facility, and that communication could be sent to the EPA and the DEP about the odor coming from the plant and request they investigate the situation. Donna Ingham, 109 Washington Street stated that she has resided there since 1993, that 2½ years ago the odor became worse, and that even on Sundays the odor permeates the neighborhood. Dennis Scott, 21 Washington Street stated that he has resided there since 1954, that he advised by Kraft that the odor was covered by another odor but that the EPA told them to no longer use the masking odor, and that even on Sunday mornings the odor is present. Kathy Bailey, 4 Utica Street stated that she is not aware of what causes the odor or whether it is hazardous, and that the plant should be shut down until something is done to rectify the situation. Dan Kenney, 6 Hawthorne Street stated that it seems the smell is most prevalent on weekends, and that he wants Kraft to explain what is causing the odor. A man who did not identify himself stated that there are many more residents who wanted to appear at this meeting but were unable to arrange their schedules to do so. Mayor Thomas McLaughlin stated that city officials met with representatives of Kraft, that the issue goes back about two years, that the odor is of dead animals, that he expects the full cooperation of Kraft in resolving the matter or the issue will be referred to the city's attorney for action, that the odor is a chronic complaint now, and that he is not certain what changed this from an odor that could be tolerated to an odor that can no

longer be tolerated. Alderman Denaro stated that he is concerned about public safety officers responding the to the plant as well as to employees at the plant. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON LIAISON and that representatives of the Board of Health and of Kraft be invited to attend that meeting, all in favor, 9-0. Motion made and 2nd that a communication be forwarded to O.S.H.A. requesting that they investigate the issue, all in favor, 9-0.

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

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$40,000.00 be and is hereby appropriated as so stated from Overlay Reserve Acct #01-322000 \$40,000.00 to Police Traffic Vehicle Acct #0112158-586662 \$40,000.00, Total \$40,000.00

I hereby approve the above: s/Thomas L. McLaughlin
I hereby request the above: s/Philip L. Mahoney, Chief of Police
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Doherty (per request)

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

ORDERED That the sum of \$45,000.00 be and is hereby transferred as so stated from Demolition of Reeves School Acct #0112158-586572 \$45,000.00 to Reeves School Landscaping Acct #0112158-586597 \$45,000.00

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

s/President Doherty (per request)

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

PUBLIC HEARINGS:

On the petition by College Street Partners LLC, 900 Cummings Park Center, Suite 301U, Beverly, Massachusetts 01915 for a special permit pursuant to Sections 5.1.57b, 5.1.71, 7.3, 8.2.5 and 9 to allow for a 300 vehicle parking lot; a reduction in parking for the office, warehouse and distribution use; the parking of commercial motor vehicles and

shuttle buses; and for the continuation of the existing warehouse and distribution use all within a flood plain district at 23 Mack Road a/k/a 23 Rainin Road, Mack Road and Mack Road Rear. PUBLIC HEARING OPENED. A communication dated July 3, 2008 was received from Attorney Joseph Tarby, Murtha Cullina LLC, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: College Street Partners LLC, 23 Mack Road a/k/a 23 Rainin Road Mack Road and Mack Road Rear, Woburn, Massachusetts

Dear Mr. Campbell:

On behalf of my client I respectfully request that the above-referenced Petition by given leave to withdraw without prejudice.

If you need any further information please contact me. Thank you.

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

IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the MATTER be GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE, all in favor 9-0.

On the petition by Self Storage Group LLC, 637 Washington Street, Suite 200, Brookline, Massachusetts 02446 for a special permit pursuant to Section 5.1.42a of the 1985 Woburn Zoning Ordinances, as amended, to allow for self storage warehouse with a floor area ratio of 1.85 at 420 and 422 Washington Street. PUBLIC HEARING OPENED. A communication dated July 2, 2008 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Self Storage Group LLC – 420 and 422 Washington Street – To allow for a self-storage warehouse with a floor area ration of 1.85 under Section 5.1.42a

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on June 24, 2008, the Board voted to send a favorable recommendation to the City Council to allow for a self-storage warehouse with a floor area ratio of 1.85 under Section 5.1.42a at 420 and 422 Washington Street subject to the following conditions:

1. The Petitioner shall construct and improve the Site as described in a plan submitted with the Petition for Special Permit entitled “Application for Site Plan Review and Special Permit for a proposed Self-Storage Building, Washington Street and Mishawum Road, Woburn, Massachusetts” Prepared for: SSG Development, LLC, 651 Washington Street, Suite 200, Brookline, Massachusetts 02446-4518, prepared by BL Companies, 355 Reservation Parkway, Meriden, Connecticut 06450 dated June 5, 2008 Sheets 1, DM-1,

- SP-1, GD-1, SU-1, EC-1, LL-1, LL-2, LP-2, GN-1, DN 1, 2, 3, 4, 5, AL.01, AL.02, AL.03, AL.04, A2.02 and A2.02.” (the "Plan").
2. That the Planning Board shall retain jurisdiction over the landscaping.
 3. All dumpsters and waste containers shall be enclosed, by means of a fence, wall or landscaping in compliance with the Woburn Zoning Ordinances.
 4. Exterior construction activities on the Site shall not commence prior to 7:00 a.m. and shall cease no later than 6:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. Saturday. This condition shall not apply to any work performed by any public utility.
 5. During the Site redevelopment and construction phases, the Petitioner shall maintain all adjoining roadways free and clear of all debris.
 6. All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting any abutting properties.
 7. All blasting activities shall not commence prior to 9:00 a.m. and shall cease before 4:00 p.m. Monday through Friday.
 8. Prior to the commencement of blasting activities on the premises, the Petitioner shall provide to the City of Woburn a letter of credit in the sum of Five Hundred Thousand and 00/100 (\$500,000.00) Dollars for the creation of a Blasting Fund, which Fund shall be administered by the City of Woburn through its City Solicitor’s office pursuant to procedures deemed appropriate by both the Planning Director and City Solicitor’s office for the processing of claims that may be submitted by any Complainant as a result of blasting damage alleged to be caused by the blasting on the premises.
 9. The applicant shall provide onsite fire hydrants as required by the Fire Chief.
 10. That any utility service that will not be reused will need to be cut and capped at their respective mains.
 11. The extension of the existing sewer main on Old Washington Street shall be a minimum of 8” in diameter.
 12. That all improvements proposed in Old Washington Street shall be obtained prior to building permit.
 13. That during the AM and PM peak periods traffic shall be restricted to right turn only until completion of the Washington Street improvement project is completed.
 14. That the proposed retaining wall which is in excess of 13 feet shall be structurally engineered and plans submitted to the engineering department and the building department for review and approval.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

A communication dated July 7, 2008 was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 422-424 Washington Street – Self Storage Building - Plans Dated June 5, 2008 - Drainage Calculations Dated June 5, 2008 - Development Impact Statement Dated June 13, 2008 - Traffic Impact and Assessment Report January 2007

This office has reviewed the plans for the above referenced project and offers the following comments.

The applicant is proposing a 130,066 SF self storage building on Washington Street. The building will be serviced by municipal utilities and access will be off of Washington Street.

Water

The site utility plan SU-1 shows the proposed building being serviced by a 2" copper domestic water service and an 8" ductile iron water main for their fire suppression system. Both water lines will be connected to an existing 16" water main in Old Washington Street. The proposed 8" fire line will be connected with a 16" x 8" tee with a shutoff on the 8" line.

The applicant will need to contact the fire department to determine if any onsite fire hydrants will be required.

There is a notation on page 3 of the Development Impact Statement under Projected Conditions which state that the existing water service to #422 Washington Street will be cut and capped and removed to the property line. As per city requirements, any utility service that will not be reused will need to be cut and capped at their respective mains.

The plans show that there will be improvements on Old Washington Street, and would appear that access to an existing fire hydrant on Old Washington Street will be inaccessible by emergency fire apparatus.

Sewer

The site utility plans shows the extension of the existing sewer on Old Washington Street with a proposed 6" PVC sewer line and a 6" PVC sewer lateral connecting to the proposed building. The extension of the sewer main should be a minimum of 8" in diameter.

Drain

The Grading and Drainage Plan shows the site will be mitigated by an underground detention system to mitigate the onsite runoff and a series of catch basins that connect to an existing catch basin at the intersection of Mishawum Road and Washington Street. The improvements in Old Washington Street will need to have Mass Highways approval.

The drainage report outlines the mitigative measures that will be implemented during construction and the calculations demonstrate that post development runoff will be reduced from pre development conditions.

Traffic

The applicant has submitted a traffic report which outlines the impacts under the build and no build scenarios for the proposed developments. The analysis was performed in January 2007 for three intersections near the project locus and the project expects to generate 29 new trips during the weekday PM peak hour and 44 new trips during the Saturday midday peak hour.

The study also recommends that during the AM and PM peak periods that traffic be restricted to a right turn only until completion of the Washington Street improvement project is completed.

We recommend that the right turn only be constant and not restricted to the AM and PM peak hours due to the ongoing traffic congestion in the area. It is also recommended that two speed indicator signs be installed, one near the Washington Street/Washington Circle intersection and the other one further up from Pernokas Drive for traffic calming in these areas.

Miscellaneous

The plans show proposed site improvements in Old Washington Street which lies within the state right of way. These improvements will need to be reviewed by Mass Highway for their approval.

The development impact statement outlines traffic and utility assessments as per Section 18 of the Woburn Zoning Ordinances. The statement should include a breakdown of the total project cost and the required 3% for mitigation and will be targeted for the Washington Street area traffic/safety improvements.

The improvements in Old Washington Street are estimated at approximately \$40,000 and these improvements may be applied to the mitigation at the discretion of the city council.

The plans show a retaining wall in excess of 13 feet. This wall will need to be structurally engineered and plans submitted to the planning board and the building department for review.

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

A report was received from the Committee on Liaison recommending that the following conditions submitted by the Planning Board be amended to read as follows:

Condition #4: Exterior construction activities on the Site shall not commence prior to 7:00 a.m. and shall cease no later than 6:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. Saturday. This condition shall not apply to any work performed by any public utility. If this changes, the City Council must be notified prior to any changes in the hours.

Condition #13: Traffic exiting the site shall be restricted to right turn only. Two speed indicator signs shall be installed by the City of Woburn from the mitigation fund to be provided by the Petitioner, one near the Washington Street/Washington Circle intersection and the other one further up from Pernokas Drive for traffic calming in these areas.

Condition #14: That the proposed retaining wall which is in excess of 13 feet shall be structurally engineered and plans submitted to the engineering department and the building department for review and approval. Amendment plan to show fence on retaining wall with a natural buffer of arborvitaes.

Condition #15: Amendment plan of record to show snow removal and storage site plan. Also, to show movement of hydrant, off the main tap 8" feed, with a 2" connection.

Condition #16: Opaque windows will be installed everywhere, except the office area.

Condition #17: Hours of operation for office staff will be Monday through Friday 9:30a.m. to 6:00p.m.; Saturday 9:30a.m. to 5:00p.m.; Sunday 10:00 a.m. to 2:00p.m. Access hours with a key card will be Monday through Sunday, 6:00a.m. to 10:00p.m., all of the hours of operation for office and access apply only to self-storage in the B-I zone are restricted to B-I zoning only.

Condition #18: Report from Engineering Department, dated July 7, 2008, be attached and become part of the permanent record.

Condition #19: Any notification of a change in ownership to be presented in writing to the City Council.

Condition #20: All existing houses on the lot to be demolished, foundations will be taken out, nothing to be left. Septic systems removed and properly disposed of.

Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLC, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the matter was reviewed in the Committee on Liaison and that the petitioner agrees with the proposed, and that Condition 13 should indicate that the speed indicator signs will be paid for by the city out of the mitigation funds provided by the petitioner. Attorney Tarby offered a plan entitled "Figure 1 – Revised Areas – Proposed Self-Storage Building Washington Street and Mishawum Road Woburn" dated July 8, 2008 prepared by BL Companies to the City Council for review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That Planning Board Condition 8 be amended to read "Prior to the issuance of any blasting permit the petitioner shall provide to the City of Woburn a letter of credit in the sum of Five Hundred Thousand and 00/100 (\$500,000.00) for the creation of a Blasting Fund. The fund shall be administered in a manner approved by the Woburn City Council. Building permits cannot be issued without the methodology of the blasting fund

established and approved by the Woburn City Council. Said blasting fund is established for the purpose of funding blasting damage claims that may be submitted by any complainant as a result of blasting damage alleged to be caused by the blasting on the premises”, 2. That a Condition 21 be added to read “Prior to commencement of construction, the Petitioner shall institute a pest control plan under the supervision of a licensed pest control company”, and 3. That the recommendations of the Planning Board be adopted as conditions of the Special Permit as amended by the report of the Committee on Liaison and the amendments to Condition 8 and Condition 21 as set forth in this motion, all in favor, 9-0.

On the petition by Lytron, Incorporated, 55 Dragon Court, Woburn, Massachusetts 01801 to amend the Zoning Map of the City of Woburn by amending the zoning district for a parcel of property identified on the Assessor’s Map as 16-2-4 and 16-2-2 and located at 41 Dragon Court and a portion of 55-73 Dragon Court from the R-2 zoning district to the I-P zoning district. PUBLIC HEARING OPENED. A communication date June 13, 2008 was received from Edmund P. Tarallo, Planning Director as follows:

Re: Lytron, Incorporated – 41 Dragon Court and the portion of 55-73 Dragon Court zoned R-2 – Amend Zoning Map from R-2 to I-P

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on June 10, 2008, the Board voted to forward an unfavorable recommendation to the City Council on the zoning map amendment for the lot at 41 Dragon Court and the portion of 55-73 Dragon Court zoned R-2 from R-2 to I-P.

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

Sincerely, Edmund P. Tarallo, Planning Director

A report was received from the Committee on Ordinances as follows: “ought to deny.” Appearing for the petitioner was Charles Carswell and he stated that he is the president of the company, that Dragon Court is a shared use street with residential and industrial uses, that the zoning district has been changed many times over the years, that some industrial property has been rezoned to residential, that this locus does not abut residential uses and cannot be seen from residential properties, that they propose to widen the street and address drainage issues, that the issues raised by the neighbors are between the city and the residents and does not involve the petitioner, and that he asks that the petition be approved so that the improvements can be made to the neighborhood. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that the business has been located here for forty years, that they have 120 employees, that this is a union shop and a clean business, that the business has rights, that he asks the City Council to look at this again, that the City Council can place whatever restrictions on the property that need to be imposed, that the petitioner needs the

additional parking, that the petitioner is a good company, and that even ten or twelve additional parking spaces with help this company. OPPOSED: Tim Swain, 29 Dragon Court stated that the neighbors are trying to work with the petitioner within reason, and that the petitioner wants to move too fast without trying to find alternative methods other than a zoning change. Chris Owen, 3 Florence Terrace stated that this is a zoning change, that the residents oppose it, that the property can be seen directly from Florence Terrace, and that the property across the street from the petitioner is an industrial use but it is located in a residential zoning district. Ray Veno, 31 Dragon Court stated that there are 212 parking spaces and 198 employees and split shifts, and that it does not seem like there is a real need for the additional parking. Mary Owen, 3 Florence Terrace stated that moving this zoning line will further erode the quality of life for the residents of the area. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED AND THAT THE ORDER be DENIED, all in favor, 9-0.

On the petition by MetroNorth Hotel LLC, c/o National Development, 2310 Washington Street, Newton, Massachusetts 02462 for a special permit pursuant to Sections 5.1.20 and 8.3.2 of the 1985 Woburn Zoning Ordinances, as amended, to amend the prior special permits granted on October 26, 2000 to delete the reference to “brick façade” contained in a condition of the special permits at 300 Presidential Way. PUBLIC HEARING OPENED. A copy of a communication dated June 24, 2008 from Brett F. Gonsalves, Senior Engineer, Engineering Department to Edmund Tarallo, Planning Director as follows:

Subject: 300 Presidential Way – Special Permit Modification – Application Dated June 12, 2008

This office has reviewed the special permit application for the above referenced location and takes no exception to the application as submitted.

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

A communication dated July 2, 2008 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: MetroNorth Hotel LLC – 300 Presidential Way – To modify Condition 1 of Special Permit dated October 3, 2000

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on June 24, 2008, the Board voted to forward a favorable recommendation to the City Council allowing for the deletion of condition 1 of the October 3, 2006 decision for 300 Presidential Way in accordance with the following: That the renderings dated May 30, 2008 Pages 1-3 from Group One Incorporated, 21

West Third Street, Boston, Massachusetts 02127 showing the façade of the hotel shall be accepted as representative of the color, appearance and shadow lines of the alternative exterior siding as authorized by this modification to the October 3, 2000 special permit.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

Appearing for the petitioner was Attorney Mark Vaughan, Riemer and Braunstein, 7 New England Executive Park, Burlington, Massachusetts 01803 and he stated that the petitioner seeks to amend a prior special permit, that the brick veneer siding was installed but has failed, that the petitioner wishes to replace the façade with an alternative siding that is equal in quality with similar color, appearance and shadow lines of the original brick, and that the exterior would be a stucco masonry installed with a trowel. Bryan Clancy of National Development stated that the brick veneer system lets water seep in behind and then weep out, that it is no longer an approved method for the Marriott projects because it failed, that the plan is to create an impervious exterior surface which will not let water in, that this will not be brick but a masonry finish, that it will not be painted, that the color will be impregnated into the brick, and that there is an insulation system between the brick façade and the building. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that he is in favor of the proposal, that of the half dozen buildings constructed in that area this is the only one that had difficulty, and that it is because of the design element that Marriott wanted. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the conditions as follows: 1. That the recommendations of the Planning Board be adopted as conditions of the special permit, all in favor, 9-0.

On the petition by Alderman Darlene Mercer-Bruen pursuant to the provisions of Massachusetts General Laws Chapter 139, Sec.1, et. seq. concerning the lot of land located in the City of Woburn known and numbered as 24 Pine Street, Woburn, Massachusetts for the purposes of determining whether said building or buildings are a nuisance, a nuisance to the neighborhood, dilapidated or dangerous building or buildings or other structure or structures, as said terms are used in Mass. General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. PUBLIC HEARING OPENED. Alderman Mercer-Bruen stated that the mortgage bank has foreclosed the loan on this property, that the condition of the property has progressively deteriorated, that this is a corner lot, that the grass had grown ten feet tall and made the intersection dangerous, that there is an abandoned vehicle parked in the yard, that the Department of Public Works cut the grass at the corner, and that the owner can be given some time to rectify the issues. Alderman Mercer-Bruen offered a communication dated June 10, 2008 from the Police Chief to the Superintendent of Public Works for the City Council to review. Motion made and 2nd that the document be received and made part of the record, all in

favor, 9-0. IN FAVOR: Harrison McLeod, 18 Montvale Road stated that this property was a nuisance long before the foreclosure, that there has been a dumpster at the property on and off for over two years, and that the property has not been maintained. OPPOSED: Attorney Jeremy Bombard, Harmon Law Offices, P.O. 610389, Newton, Massachusetts 02461-0389 stated that the mortgage on the property was foreclosed a few months ago but there has been difficulty getting the owner evicted, that they will levy the execution to get the owner out of the property, that they are looking into getting the vehicle removed and getting the grass trimmed, that once the owner is out of the property the property will be marketed officially with a full clean-up of the lot, that the property manager will rectify the exterior hazards, that GMAC is the bank that owns the property, that this process will not take more than a couple of weeks, that his office will represent GMAC with respect to the property until the property is sold to a third party, that his role is to ensure that there are no litigation issues, and that they need to sell the property and have to maintain it to make it marketable. Alderman Gonsalves stated that she wanted to know if there is a statewide database of foreclosed property that the city can access to prevent these properties from becoming an issue. Alderman Gately stated that the City Council takes these nuisance properties seriously, and that the owner should act to rectify the situation before the grace period ends. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON AUGUST 12, 2008, all in favor 9-0. Motion made and 2nd that a communication be forwarded to the City Treasurer/Collector requesting information as to whether the city has access to a database of all properties in the city that are under pending foreclosure proceedings, all in favor, 9-0.

Motion made and 2nd to take the next two matters collectively, all in favor, 9-0.

On the petition by ACS Development Corporation, 80 Everett Avenue, Suite 319, Chelsea, Massachusetts 02150 for a special permit pursuant to Sections 5.1.5 and 11.6.11 of the 1985 Woburn Zoning Ordinances, as amended, to convert second and third floor office space to residential use, creating five two-bedroom units and one one-bedroom unit at 397 Main Street. PUBLIC HEARING OPENED. A communication dated June 13, 2008 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: ACS Development Corporation, Anthony C. Simboli, Trustee – 397 Main St. – To allow for conversion of second & third floor from offices to 6 apartments under Sections 5.1.5 and 11.6.11

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on June 10, 2008, the Board voted to forward a favorable recommendation to the City Council on the Special Permit request of ACS Development Corporation, Anthony C. Simboli, Trustee to allow for the conversion of the second & third floors from offices to a total of 6 apartments under Sections 5.1.5 and

11.6.11 subject to the condition that the petitioner shall provide the City Engineer with the necessary documentation showing that there will be sufficient water pressure to service the building upon completion of the proposed improvements.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

A report was received from the Committee on Special Permits as follows: “back for action.” Appearing for the petitioner was Attorney Glenn Frank, 1095 Commonwealth Avenue, Suite 300, Boston, Massachusetts 02214 and he offered a communication dated July 8, 2008 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. The communication from Attorney Glenn Frank was as follows:

Re: Conditions to the Special Permit for 397 Main Street, Woburn, Massachusetts

Dear Councilors,

Please be advised that this office represents the Petitioner, ACS Development Corporation, and Anthony J. Simboli, President, with respect to a Petition for Special Permit relative to the property at 397 Main Street, Woburn (“Property”). The Woburn City Council Committee on Special Permits has requested the following conditions be agreed to by Petitioner as a prerequisite to the grant of the Special Permit and by this correspondence the Petitioner agrees to be bound thereby. The conditions are as follows:

1. The following wording will be inserted in any and all residential leases executed by the Petitioner with respect to the residential units which are the subject of the Special Permit requested in the Petition:
Neither Lessee nor Lessee’s guests, invitees, assignees, sublessor or other parties in any way associated with Lessee (hereinafter “Lessee”) shall park any vehicle on or along Main Street overnight or for an extended term (longer than 2 hours) during the term of the Lease, nor shall any such party use Main Street parking for their primary parking site. Lessee shall use Walnut Street Lot for its primary parking and it shall constitute a default under this Lease if Lessee fails or neglects to use the Walnut Street Lot for primary parking or if it is determined that Lessee has used parking spaces on or along Main Street overnight or for an extended term as described above.
2. Within 90 days of the grant of the Special Permit by the City Council as requested in the petition, Petitioner shall present to the Committee on Special Permits for review and approval thereby, a plan for the placement of dumpsters to be used with respect to the Property including dumpsters to be used by the commercial tenants of the Property, the placement and any façades to be used by the commercial tenants of the Property, the placement and any façades to be used for

- enclosure thereof, and a plan for the disposal of trash by the residential tenants, including any dumpsters to be employed by such residential tenants.
3. Within 90 days of the grant of the Special Permit by the City Council as requested in the petition, Petitioner shall present to the Committee on Special Permits for review and approval thereby, plans and renderings of the design and proposed rehabilitation of the front first floor storefront façade and rear rooftop surface including any proposed brick work, if any, signage, awnings and fencing to those areas.
 4. In order to be in compliance with the requirements of Section 11.11 of the Woburn Zoning Code, pursuant to the requirements of Sections 11.4 and 11.6 thereof, Petitioner shall make a one time payment in the amount of Twenty Five Thousand (\$25,000.00) dollars to the Woburn Affordable Housing Fund in lieu of the requirement to maintain the required 10% of the units in the project as “affordable” under the Zoning Code at the end of the 20 year period as described therein. Payment shall be made by Petitioner prior to the date on which the City of Woburn issues to Petitioner an Occupancy Permit (Certificate of Use and Occupancy) for the Premises.

Thank you for your time and consideration with respect to the Petition. We look forward to working with the Council in the future on this project and others.

Very truly yours, s/Glenn P. Frank

IN FAVOR: Donald Borchelt, Executive Director, Woburn Redevelopment Authority, 371 Main Street stated that he was in favor of the proposal and offered a document dated July 8, 2008 entitled “397 Main Street Redevelopment Project – Compliance with the Inclusionary Housing Ordinance” for review by the City Council. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the conditions as follows: 1. That the recommendations of the Planning Board be adopted as conditions of the special permit and 2. That the four conditions set forth in the communication received from Attorney Glenn Frank be adopted as conditions of the special permit, all in favor, 9-0.

On the Order to appropriate the sum of \$200,000.00 from the Affordable Housing Stabilization Fund Account to the 397 Main Street Redevelopment Project Account, a report was received from the Committee on Finance as follows: “back for action”. Motion made and 2nd that ORDER be ADOPTED, all in favor, 9-0.

Presented to the Mayor: July 11, 2008 s/Thomas L. McLaughlin July 11, 2008

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

On the REMAND pursuant to an Order of the Land Court in the Matters of Lowe's Companies, Inc. and Lowe's Home Centers, Inc. v. Anthony Imperioso, et al. found at Misc. Case No. 291847 and Misc. Case No. 291848 Lowe's Companies, Inc., P.O. Box 1111, North Wilkesboro, North Carolina 28656-0001 for 1. a special permit pursuant to Section 5.1(22) of the 1985 Woburn Zoning Ordinances, as amended, to allow for the addition of a 6,059 square foot storage area to the rear of the building at 15 Commerce Way, and 2. a special permit pursuant to Section 8.2.5 and Section 11 of the 1985 Woburn Zoning Ordinances, as amended, to allow for reduction in the number of parking spaces from 622 to 589 at 15 Commerce Way, and for the purposes of discussing settlement of pending litigation relative to the appeal of the matters and taking action. PUBLIC HEARING OPENED. A communication dated July 2, 2008 with attachments was received from Attorney Joseph Tarby, Murtha Cullina LLC, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 was received as follows:

Re: Lowe's Companies, Inc., 15 Commerce Way, Woburn, Massachusetts

Dear Mr. Campbell:

In connection with the public hearing scheduled for July 8, 2008 pursuant to the Remand Order issued by the Land Court, enclosed please find the following: 1. Ten copies of the rendering of the proposed 6,059 square foot addition to the existing Lowe's Home Improvement Store; 2. Twelve copies of Plan C-1 showing the existing parking count plan and Plan C-2A showing the proposed layout plan with the addition.

In addition to the above I am enclosing one full size copy of both the rendering plan and Plan C-1 and C-2A. If you have any questions please feel free to contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

Appearing for the petitioner was Attorney Joseph Tarby and he stated that an assented motion for remand was filed in this matter, that the Land Court sent the matter back to the City Council for a public hearing, that in May 2000 the City Council granted a special permit allowing for the development of the Lowe's store, that in April 2003 the petition for a special permit to allow for an addition of 6,059 square feet was filed, that in June 2003 a petition for a special permit to allow a reduction in parking from 622 parking spaces to 589 parking spaces was filed, that the petition for the addition was reviewed and approved by the Planning Board and the City Engineer, that in July 2003 the Committee on Special Permits voted to forward a favorable report to the City Council with two conditions, that there were only eight aldermen present on the vote for the addition special permit and the matter failed by one vote, that there were nine aldermen present on the vote for the reduced parking and that was granted with six conditions with the vote of the newly arrived alderman, that the petitioner appealed the decisions on both special permits, that the petitioner proposes to settle the remanded matter with the following conditions: 1. That there be no unloading of delivery trucks within the fire lanes, 2. That there shall be no storing, unloading or stocking of materials or products in

the fire lane, parking lot or on the parking decks, 3. That all storage trailers will be removed prior to issuance of an occupancy permit, 4. That the addition and any current space in the existing building/structure off limits to customers, used for warehousing or stocking of materials shall not become a retail space, and 5. Lowe's shall provide to the City of Woburn the sum of \$4,500.00 to be used by the City to install video camera detection equipment to replace the existing loop detectors at the entrance of the Lowe's site on Commerce Way, that the second special permit petition is to allow the parking of two Lowes-to-Go delivery trucks and a flatbed truck that the petitioner uses for deliveries, that the storage trailers issue could be concluded as part of the remand matter, that the parking area for the trucks was designated on the plan submitted with the special permit, that one of the vehicles will be used by the petitioner for deliveries and two vehicles are Lowes-to-Go rental trucks, and that the storage trailers can only be permitted for one year and then would be removed from the site once the addition was completed. Attorney Tarby offered a reduced set of plans entitled "Site Development Plans for Proposed Addition 15 Commerce Way" prepared by Allen & Major Associates, Inc. dated July 8, 2008 and a document entitled "Lowe's Companies Inc. Proposed Conditions July 8, 2008" for the City Council to review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Brad Doyle, Store Manager, Lowes Companies stated that typically vehicles are parked at the front of the building so that they can check the mileage and condition of the vehicle before a customer takes the vehicle from the locus, that the flatbed truck can be parked anywhere on site, that the trailers are 53 feet in length, that all Lowe's facilities use the recycling storage trailer method, that the recycling storage trailers will be stored side by side in the left rear corner when looking from Commerce Way, and that the area near the garden center is used to handle product for weekend customers and then it is moved to shelves. Robb Jess, Sr., Vice President of Construction, Lowes Companies stated that there are currently eight storage containers on site for product storage, that the addition will eliminate the need for these storage trailers, that there is also a trailer for recycling products taken back such as appliances and for pallets, that these items can be kept in the store but will then require daily pick-up, that with the recycling trailer the products can be kept longer in a neat manner with less pick-up traffic, that often their stores are located in residential areas, that the recycling storage trailers keep the materials organized and minimized deliveries to the store, that the fire suppression will come into the building, and that the original drainage plans were reviewed by the City Engineer and these plans have not changed. Al Kopek of Allen & Major stated that he was not certain whether the City Engineer reviewed the drainage plans, and that the catch basins have to be moved as the addition will be constructed where catch basins are currently located. Alderman Raymond stated that sometimes vehicles are parked on site to serve billboards and that he does not want this to occur. Alderman Mercer-Bruen stated that she does not want the vehicles parked on site and used as billboards and that there has never been any discussion of a recycling trailer. Alderman Denaro stated that many businesses in the city have trucks that come and go from their sites, and that he is not overly concerned about the storage trucks being used for recycling. Alderman Galvin stated that he is willing to grant the special permits with the understanding that a storage trailer special permit has to be renewed each year and that if there is an issue the City Council can refuse to grant the special permit for an additional year. IN FAVOR: Paul Meaney, Executive Director, Woburn Business

Association, Ten Tower Office Park, Woburn stated that he is in favor of the petitions, that this is a good business, that it is a clean site, and that the City Council can later review the storage trailer issue and determine whether amendments need to be made at the site. Rob Jess, Sr., Vice President of Construction, Lowes Companies stated that it was not intentional not to advise about the recycling trailer and that the petitioner asks that the special permit for the trailer to be granted with the understanding that it will be reviewed in one year. President Doherty stepped down from the chair and Alderman Galvin assumed the chair. President Doherty asked whether the line of site would be impacted by the location of the trailers and whether current location of the trailers would be moved, and he stated that product is often stored in parking spaces on dollies which does not seem to be consistent with the conditions of the special permit, and that he would like to see a condition of the special permit to allow the storage of vehicles that improvements be made to the entrance to the locus. Alderman Galvin stepped down from the chair and President Doherty assumed the chair. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON AUGUST 12, 2008 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

On the petition by Lowe's Companies, Inc., 15 Commerce Way, Woburn, Massachusetts 01801 for special permits pursuant to Section 5.1.45, 5.1.57a and 5.1.57b to allow for the rental of moving trucks; accessory storage or parking of storage containers, storage trailers or commercial trailers; and the accessory storage or parking of commercial motor vehicles at 15 Commerce Way. PUBLIC HEARING OPENED. See record notes from preceding matter. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON AUGUST 12, 2008 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

Motion made and 2nd for a five minute recess, all in favor, 9-0.

President Doherty called the meeting back to order.

Motion made and 2nd to hold the public hearings on the next two matters collectively, all in favor, 9-0.

On the petition by Koffler/GID Woburn LLC, 260 Boston Post Road, Suite 9, Wayland, MA 01778 for a modification of a special permit dated October 9, 2003, as amended by special permit dated August 21, 2006, as amended by a modification dated February 14, 2008, such modification pursuant to Sections 5.1.23, 5.1.29, 7.3, 8.2 and 8.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for: 1. a further amended site plan, 2. an additional 6,665 square feet of gross floor area more or less, 3. a reduction in the

required parking, and 4. parking on a lot separate from 300 Mishawum Road. PUBLIC HEARING OPENED. A copy of a communication dated June 24, 2008 from Brett F. Gonsalves, Senior Engineer, Engineering Department to Edmund Tarallo, Planning Director as follows:

Subject: 300 Mishawum Road Out Parcel Building increase in Floor Area, Reduction in Parking and Parking on Separate Lot Special Permit – Special Permit Applications Dated June 2, 2008 – Plans dated May 30, 2008 – Development Impact Statement Dated may 2008 – Traffic Report Dated June 2008

This office has reviewed the plans for the above referenced project and offers the following comments.

The applicant is proposing a 6,500 SF building near the center entrance on Mishawum Road. The building is proposed to contain a 2,450 SF fast food restaurant and two retail store, on 1,500 SF and the other 2,450 SF.

Water

The utility plan shows the proposed building being serviced by a 4” ductile iron water main with a 1½” domestic copper service. The notation on the plan stated that the 4” DI line will connect to the existing 12” water main. The connection to the 12” water main should be cut in with the appropriate gate valves to isolate the main in accordance to the water department’s standards. Tapping sleeve and valve connections are not permitted.

Sewer

The building will be serviced by a 6” PVC sewer service and grease trap. This service will connect to the existing sewer manhole at the entrance of the driveway. This office takes no exception to the sewer design as shown. The development Impact statement has the amount of generated sewerage flows based on Title V, the sewer connection/inspection fee can be calculated based on this number.

Drain

The plans show that there is some associated drainage that is needed for the proposed development, they consist of a catch basin, drain manholes and drain lines. This office takes no exception to the drainage as shown.

Miscellaneous

The Development Impact Statement states that the proposed project will cause a loss in 67 existing parking spaces and 51 new spaces created adjacent to the out parcel and around the new building.

66 new spaces would be needed throughout the site to meet the requirement. The proponent as outlined the areas where new parking areas can be created to meet there need. The proponent should consult with the planning director to address any concerns he has with the parking configuration.

The proposed water, sewer and drain services for the proposed outparcel are situated within an existing drainage easement, the applicant should verify that they have the proper rights to install these utilities within this easement and any additional installation will not over burden the easement.

The development Impact Statement should include the total project cost breakdown along with the calculated 3% cost for mitigation per Section 18 of the zoning ordinance should be included in the submittal.

This office will continue its review when the above referenced information is addresses.

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

A communication dated July 2, 2008 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Koffler/GID Woburn LLC – 300 Mishawum Road – Modification of Special Permit dated October 9, 2003 as amended February 14, 2008 to further amend site plan; an additional 6,665 S.F of gross floor area; a reduction in the required parking; and parking on a lot separate from the Woburn Mall property as shown on the site plan

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on June 24, 2008, the Board voted to send an unfavorable recommendation to the City Council to allow for the modification of the Special Permit dated October 9, 2003 as amended February 14, 2008 by further amending the site plan; by allowing an additional 6,665 S.F of gross floor area; by allowing for a reduction in the required parking; and by allowing parking on a lot separate from the Woburn Mall property as shown on the site plan pursuant to Section 5.1.23, 5.1.29, 7.3, 8.2, and 8.3 of the Zoning Ordinance at 300 Mishawum Road.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

Motion made and 2nd to accept the communications from the City Engineer and Planning Board and make them part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLC, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner supports charitable and civic activities in the city, that the petitioner purchased the property in 2001, that at the time of purchase the city received \$290,000.00 in tax revenue from the property and now the city receives \$483,000.00 in tax revenue from the property, that the petitioner proposes to add 6,665 square feet to the mall, that one of the tenants will be a Qdoba restaurant, that the parking will be increased from 1,303 spaces to 1,354 spaces, and that the parking ratio

will be 4.4 per 1,000 square feet which is consistent with the ZORC recommendation for shopping centers of this size. Attorney Tarby a memorandum dated July 3, 2008 entitled "Special Permit Petition of Chair 5 Restaurants-Woburn LLC d/b/a Qdob Mexican Grill, 300 Mishawum Road, Woburn, Massachusetts", a memorandum dated July 3, 2008 entitled "Special Permit Petition of Koffler/GID Woburn LLC, 300 Mishawum Road, Woburn, Massachusetts", a document entitled "Development Impact Statement for Proposed Outbuilding Commerce Way & Mishawum Road" dated May 2008 prepared by Griffin Engineering, and a document entitled "Technical Memorandum Parking Demand and Traffic Operations Study Proposed Woburn Mall Expansion" prepared by Greenman-Pedersen, Inc. to the City Council for review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Frank Doherty of KGI properties stated that they manage 6,500,000 square feet of property in New England, that they purchased this site in 2001, that they have expended \$31,000,000.00 to redevelop the property, that the projected tax revenue next year will be \$550,000.00, that the 6,665 square foot outbuilding will house a Qdoba restaurant and two other tenants, that there will be no drive-thru component, that the green space will be maximized, that the width of the travel lane will not be reduced, that 1,303 parking spaces are permitted, that there is 304,852 gross square feet and 290,855 net square feet at the mall, that the parking does not include nineteen parking spaces under the T.J. Maxx sign, that the north parking area is underutilized, that they are making an effort to encourage customers to use the north parking area, that in 2004 they proposed large overhead directional signs to the north parking area but they have opted for smaller directional signs, that they are proposing some raised crosswalks which act as a traffic calming measure, that this location on the locus is ideal for the outbuilding because of the access to the lights and visibility from the highway, that some of the leases of other tenants do not allow the outbuilding to be constructed in a different area of the front lot as it could block the other tenants signs, that the petitioners want the mall to succeed and have a responsibility to the current tenants to provide a location that will work for their business as expected, that commuters are using the parking lot and they are working to curb this, and that some of the leases have a requirement that employees park in the rear of the lot but some of the old leases do not have these conditions. Eric Eby stated that he is a traffic engineer at Greenman-Pedersen, Inc. that they conducted a traffic study of conditions on a Saturday and a Thursday in August 2007, that the peak parking need was 1,157 vehicles in December which is 200 fewer parking spaces than are available on site, and that they have met with the City Engineer and addressed his concerns. Alderman Gonsalves stated that the shoppers at the grocery store will not park in the rear parking lot and patrons at lunch hour to the smaller restaurants will not park in the rear lot, and that the parking area where the outbuilding is proposed is premium parking. Alderman Mercer-Bruen stated that outbuildings are popular in retail settings, that this proposal could provide an opportunity to make some other improvements that need to be made at the site, and that the only way to get drivers to the back parking lot is to put something back there that consumers want. Alderman Drapeau stated that the proposed location for the outbuilding is probably the worst location for the outbuilding because of the grocery store traffic, that the area has traffic flow and parking difficulties, and that his initial impression is that he does not believe this is a workable proposal. Alderman Galvin stated that he is in favor of the proposal, that these owners have made a big investment in the mall, that the mall has been much

improved since 2001, and that the city council should do everything it can to help the petitioner make this proposal work. Alderman Gately stated that these outbuildings are the use of the future as people prefer to go into a store, make their purchase and leave as opposed to walking around a mall. Alderman Raymond stated that the proper signs can get people to the rear parking lot. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that he is in favor of the proposal, that a few years ago there was discussion that the Mall would close, that this owner has invested \$31,000,000.00 in improvements, that they pay \$500,000.00 in taxes to the city and create jobs, and that the traffic signal erected by the petitioner on Mishawum Road was a great benefit to the community. OPPOSED: Charles Rotundi stated that he owns 750 feet by 100 feet of Mishawum Road, that neither the State nor the city owns that portion of the road, that the traffic lights have required that he stop on the road, and that he is concerned about the proposed outbuilding. Mike Rotundi stated that he is the son of Charles Rotundi, that the mall owners have done a good job but that there is a saturation point of parking in the mall parking lot, that signage to the rear parking lot will not be a sufficient resolution, that this is the worst location for the outbuilding, that putting the outbuilding in the rear parking lot may bring customers to the lot, that this proposal can be described as segmentation, and that the city should not allow the outbuilding as a method of getting improvements to the rear parking lot. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON AUGUST 12, 2008 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

On the petition by Chair 5 Restaurants – Woburn LLC d/b/a Qdoba Mexican Grill, 572 Washington Street, Suite 17A, Wellesley, Massachusetts 02482 for a special permit pursuant to Sections 5.1.29 and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a fast food restaurant and building signage at 300 Mishawum Road. PUBLIC HEARING OPENED. A communication dated July 2, 2008 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Chair 5 Restaurants–Woburn LLC d/b/a Qdoba Mexican Grill – 300 Mishawum Road – To allow for a fast food restaurant and building signage under Section 5.1.29 and Section 7.3

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on June 24, 2008, the Board voted to send an unfavorable recommendation to the City Council to allow for a fast food restaurant and building signage under Sections 5.1.29 and 7.3 of the Zoning Ordinance at 300 Mishawum Road.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

See notes from preceding public hearing. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON AUGUST 12, 2008 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$25,000.00 from Fire-Ambulance Receipts (BLS) Account to Fire-Ambulance Maintenance Account, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: July 11, 2008 s/Thomas L. McLaughlin July 11, 2008

SPECIAL PERMIT REVIEW:

On the Planning Board special permit petition filed by Draper Realty LLC affecting land located at Lot 6C (formerly Lots 1 and 1A), Suite A, 29 Draper Street to allow modification of a special permit granted by the Planning Board on June 18, 2007 and further modified, committee report was received "unfavorable recommendation to the Planning Board". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

MUNICIPAL LANDS:

On the Order to allow the discontinuance, abandonment and release of a sewer easement and the acceptance of a new easement on plan located on North Maple Street, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: July 11, 2008 s/Thomas L. McLaughlin July 11, 2008

ORDINANCES:

On the Order to add a new Title 15, Article IV, Section 15-14A to the 1989 Woburn Municipal Code, as amended relative to security gates, grilles and shutters on storefronts, office buildings and other buildings and/or structures used for commercial purposes,

committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: July 11, 2008 s/Thomas L. McLaughlin July 10, 2008

On the Order to amend Title 5, Article XII, Section 5-76 of the 1989 Woburn Municipal Code, as amended relative to prohibiting overnight parking of a taxicab or limousine on public land, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, AS AMENDED with the amendment as follows: That a third sentence be added to the Section to read "A violation of this Section shall be punishable by a fine in the amount of Fifty Dollars (\$50.00)," all in favor, 9-0.

Presented to the Mayor: July 11, 2008 s/Thomas L. McLaughlin July 10, 2008

PERSONNEL:

On the appointment of James Callahan as a Member of the Woburn Planning Board, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: July 11, 2008 s/Thomas L. McLaughlin July 10, 2008

On the reappointment of Michael Ventresca as a Member of the Woburn Planning Board, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: July 11, 2008 s/Thomas L. McLaughlin July 10, 2008

On the reappointment of Peter Lennon as a Member of the Sign Review Board, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: July 11, 2008 s/Thomas L. McLaughlin July 10, 2008

On the reappointment of Jack Kelly as a Member of the Council on Aging, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: July 11, 2008 s/Thomas L. McLaughlin July 10, 2008

NEW PETITIONS:

Petition by Ahmad Abba dba A.A. Transportation, 21 Cummings Park, Suite 212, Woburn, Massachusetts 01801 for a new Taxi Cab License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

Petition by Amandeep Singh dba HI FI Limo, 7 Micro Drive, Woburn, Massachusetts 01801 for a new Livery License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

Petition by Fabio A. DeSouza, 12 Sheridan Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.44 of the 1985 Woburn Zoning Ordinances, as amended to allow an automobile and truck repair garage at 317 Montvale Avenue. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Jordan Holt and Sean Kennedy, 143 Pleasant Street, Unit 4B, Cambridge, Massachusetts 02139 for a special permit to amend a special permit issued July 8, 2004 pursuant Section 5.1.35 of the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. By amending Condition 3 to allow crates to protect and rest dogs, 2. By amending Condition 4 to allow 100% of the dogs at the daycare to be outside at the same time, 3. By amending Condition 11 to allow a maximum of fifty (50) dogs on site, and 4. By amending Condition 13 to allow the hours of operation not to exceed 6:30 a.m. to 7:00 p.m. at 2 Gill Street, Unit K. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by OCS America, Inc., 27 Draper Street, Woburn, Massachusetts 01801 for two special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Pursuant to Section 5.1.42 to allow for warehouse and distribution use and 2. Pursuant to Section 5.1.57b to allow for the parking of commercial vehicles, both at Suite B, 29 Draper Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

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

In accordance with Massachusetts General Laws Chapter 90, Section 20A½, I am submitting this on parking violations within the City of Woburn for the period ending May 2008: number of parking violations issued 583, number of violations paid 370, number of violations outstanding 317, amount collected and submitted to the Office of the Collector \$31,537.20. There exists a backlog of 4,990 tickets for 1982 through 2007. Demands will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission \$5,300.00.

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

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

A communication dated June 26, 2008 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the June meeting of the Council on Aging and the Director's report for the month of June. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated June 17, 2008 with attachments was received from Steven M. Paris, Building Commissioner as follows:

Re: Prime Gas Station – 117 Pleasant Street

It has been brought to my attention on a number of occasions that "Prime" gas station on Pleasant Street does not abide by a few of the conditions placed on its Special Permit. A neighbor of the operation claims that the station stays open after its permitted hours of operation and the delivery of fuel after the station is closed. I have written and spoke to the station owner regarding the neighbor being disturbed by his business but still the complaints keep coming.

Therefore to resolve the neighbor's concerns I ask that the City Council either rescind its approval of the stations Special Permit or require a change to its hours of operation and times for fuel delivery. I've attached complaints and other for your review.

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON SPECIAL PERMITS REVIEW with a meeting date on July 28, 2008, all in favor, 9-0.

Submitted by Woburn Traffic Commission pursuant to Section 6 of Chapter 103 of the Acts of 2005:

ORDERED That Rule 1 of the Rules and Orders of the Traffic Commission be amended by striking the time "3:00 p.m." from the first sentence and inserting in its place the time "4:00 p.m."

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

Presented to the Mayor: July 11, 2008 s/Thomas L. McLaughlin July 11, 2008

A communication dated June 19, 2008 was received from Attorney Michele E. Randazzo, Kopelman and Paige, P.C., relative to recent changes to Family and Medical Leave Act –

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

A communication dated June 18, 2008 with attachment was received from Donald Borchelt, Executive Director, Woburn Redevelopment Authority relative to the Fiscal Year 2009 Strategic Plan for the Woburn Redevelopment Authority. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated June 12, 2008 with attachment was received from Ernest Zucco, Business Manager, Northeast Metropolitan Regional Vocational School District along with the adjusted final FY2009 Budget/Assessment indicating that the assessment of the city of Woburn was reduced to \$1,208,355.00. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated June 27, 2008 was received from His Honor the Mayor Thomas L. McLaughlin recommending that it be referred to the Committee on Municipal Lands/Highways relative to a request by Unison, 280 Summer Street, 9th Floor, Boston, Massachusetts 02210 to discuss a cell tower on municipal property. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON MUNICIPAL LANDS/HIGHWAYS, all in favor, 9-0.

A communication dated July 1, 2008 was received from His Honor Governor Deval L. Patrick relative to the 2009 version of Commonwealth Capital which endorses planning and zoning measures that are consistent with the Commonwealth's Sustainable Development Principles and encourages municipalities to implement these measures by using state funding as an incentive. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated June 30, 2008 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Re: Kathleen Lucero – Historic District Commission

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby re-appoint Kathleen Lucero of 74 Willow Street as a member of the Historic District Commission for a period of three years.

Ms. Lucero's appointment will be effective on the date of confirmation by the City Council; Ms. Lucero re-appointment term will expire three years from that date.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

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

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Be it ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinances, as amended, be further amended by striking from Section 2 Definitions the definition for "Sign, Window" in its entirety and replacing same with the following:

"Sign, Window: A sign that is applied or attached to a window or door, or a sign located near a window within a building for the purpose of being visible to and read from the outside of the building."

s/President Doherty

Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING on September 2, 2008, all in favor, 9-0.

ORDERED Whereas, the residence and whereabouts of James E. Horton and Anna G. Horton, both formerly of 5 Lillian Street, Woburn, Massachusetts, or their agents, are unknown,

Now, Therefore, Be It Ordered by the City Council of the City of Woburn, pursuant to Massachusetts General Laws Chapter 139, Section 1 and Massachusetts General Laws Chapter 111, Section 124, that the city clerk be and hereby is directed to serve notice of the Order declaring the real property located at 5 Lillian Street a nuisance on James E. Horton and Anna G. Horton by instructing an officer authorized to serve civil process to post a copy of the notice in a conspicuous place on 5 Lillian Street, Woburn and by advertising the Order for at least three out of five consecutive days in one or more newspapers of general circulation within the city of Woburn.

s/Alderman Mercer-Bruen

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

Presented to the Mayor: July 11, 2008 s/Thomas L. McLaughlin July 10, 2008

RESOLVED That the Superintendent of Public Works repave all of Belmont Street curb to curb from the intersection with Garfield Avenue to the Arlington Street cul-de-sac.

s/Alderman Gately

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

Presented to the Mayor: July 11, 2008 Returned Unsigned July 14, 2008

RESOLVED That the Superintendent of Public Works re-curb, grind and overlay Carter Street from Garfield Avenue to Conn Street.

s/Alderman Gately

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

Presented to the Mayor: July 11, 2008 s/Thomas L. McLaughlin July 10, 2008

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

ORDERED Supplemental Budget Fiscal 2009 Budget - That the sum of \$421,431.20 be and is hereby appropriated as so stated per attachment: City Council 0111151-511000 \$143.66; Auditor 0113451-511000 \$1,393.53; Auditor 0113452-530200 \$10,000.00; City Clerk 0116151-511000 \$1,021.24; Election & Reg 0116251-511000 \$143.66; Election & Reg 0116251-512006 \$9,000.00; Human Resources 0117051-511000 \$1,517.76; Police 0121051-512500 \$25,420.00; Police 0121051-512700 \$23,900.00; Police 0121051-512800 \$10,000.00; Fire 0122051-511000 \$150,307.70; Public Works 0141151-511002 \$68,591.39; Public Works 0141754-524120 \$18,200.00; Cemetery 0149051-511000 \$7,050.23; Library 0161051-511000 \$1,528.82; Library 0161051-511000 \$30,814.63; Parks 0163051-511000 \$7,541.46; Parks 0163058-586050 \$30,341.75; MWRA 64152-52300 \$24,515.37, Total \$421,431.20.

I hereby approve the above: s/Thomas L. McLaughlin, Mayor

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

s/President Doherty (per request)

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

ORDERED That the sum of \$140,000.00 be and is hereby appropriated as so stated from Reserve From I&I Study Acct #641-359600 \$140,000.00 to Pilot Test for Water Meters Included as Part of ACO Acct #64258-586616 \$140,000.00

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

s/President Doherty (per request)

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

ORDERED That the sum of \$400,000.00 be and is hereby appropriated as so stated from School Stabilization Fund Acct #704059-596100 \$400,000.00 to WMHS Comfort Station Included as Part of ACO Acct #616059-596100 \$400,000.00.

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

s/President Doherty (per request)

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

ORDERED Be It Ordained by the City Council of the City of Woburn that Title 2, Article XXVIII, Section 2-180 of the 1989 Woburn Municipal Code, as amended, be further amended by deleting the salary line under the Board of Registrars of Voters for Warden, Clerk and Inspectors in their entirety and replacing same with the following:

Warden, each election day\$220.00
Clerk, each election day\$175.00
Inspectors, each election day\$100.00
Substitute election workers, each election cycle.....\$ 20.00

s/President Doherty (per request)

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

ORDERED Be It Ordained by the City Council of the City of Woburn that Title 2, Article XXVIII, Section 2-180 of the 1989 Woburn Municipal Code, as amended, be further amended by deleting the salary line for Police Matrons, Reserve Police Officers and School Crossing Guards in their entirety and replacing same with the following:

Police Matrons, per hour	\$14.17
Reserve Police Officers, per hour	\$18.00
School Traffic Guards, per hour	\$14.00

s/President Doherty (per request)

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

Motion made and 2nd to return to the regular order of business.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 10:31 p.m.

A TRUE RECORD ATTEST:

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