

**CITY OF WOBURN**  
**JUNE 20, 2006 - 7:30 P.M.**  
**REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Ciriello	Gately
Denaro	Galvin - late
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Doherty	

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

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**MAYOR'S COMMUNICATIONS:**

Presentation by His Honor the Mayor Thomas McLaughlin and Health Agent John Fralick concerning emergency preparedness procedures for the City of Woburn. Mayor McLaughlin appeared and stated that the city is in the process of establishing emergency preparedness procedures, that it is incumbent upon local communities to control their own destinies, and that the federal and state governments are encouraging local communities to prepare for emergencies. Doris Moore, Regional Coordinator for Massachusetts Medical Reserve Corps Region 4, stated that in the event of an emergency it will be neighbor helping neighbor, that the Medical Reserve Corps is a community based volunteer effort that will prepare communities to respond to a variety of emergencies and to create a health atmosphere throughout the year, that this will be an organized effort with an all hazards approach, that the members will be trained and credentialed, that they will supplement current emergency services, and that it will take four to six non-medical jobs to support each medical job. Alderman Galvin arrived at the meeting. Ms. Moore offered documents to the City Council for review. Motion made and 2<sup>nd</sup> that the documents be received and made part of the record, all in favor, 8-0-1 (Galvin absent). John Fralick, Health Agent, Woburn Board of Health stated that the Board of Health Nurse will have five hours per week dedicated to emergency preparedness, that the Board has been working for two years on emergency preparedness issues, that the city is reasonably prepared for small events, that the city is working to be prepared for big events, that a mass mailing will be sent to the residents of the city to make them aware what they need to do for themselves, that the Police and Fire Departments and the Department of Public Works are also working on these issues, and that a generator is being installed at the senior center.

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Motion made and 2<sup>nd</sup> to suspend the rules for the purposes discussing the Order to appropriate the sum of \$1,527,675.00 from Overlay Reserve Account to Mayor- Capital Project Program Per Attached List of Projects. Appearing was Joseph Elia, Business Manager, School Department, to answer questions of the City Council and he stated that they school department will bid out for a new telephone system, that a standardized system will be installed over time, that there are three telephone lines into each school for a facsimile machine and two lines for parent calls, that one additional line should be installed in each school, that there will be an automated operator, that there will be six to eight telephones in each building, that the telephones would have restrictions as to where calls could be made to, that the high school has 25 telephone lines, that the number of telephone lines may be reduced with a hunt feature added to find the next available line, that the telephone systems can be transported to the new schools, that the projects will have to go out to bid, that the figures are estimated, that the Wyman School may need roof repairs but the Kennedy School has more pressing roof issues, and that the school department works with the funds provided to the schools to meet the need that they determine must be fulfilled. Roy Roblee, Director, Woburn Public Schools Facilities Department stated that there is no money in the school budget for capital repairs without taking the money from the operating budget, that even the new buildings have definite life expectancies, and that a capital planning program will allow the city to keep up the repairs. Alderman Gonsalves stated that any plans of the school department should be reviewed by the Handicapped and Disabled Commission to determine compliance with issues under their purview. Alderman Galvin stated that the school department cannot add new positions as there will not be money for capital improvements. President Doherty stated that when capital project work is requested a detailed accounting of the figures should be provided to the City Council and that the new school projects should be standardized. Frederick Russell, Superintendent of Public Works, appeared to answers questions of the City Council and he stated that the city will purchase three new sidewalk plows, that the newest sidewalk plow the city owns is from 1986, that the sidewalk plows will be blowers which works better than the v-plow. John Corey, City Engineer appeared to answer questions of the City Council and he stated that the city is at 75% design for the Salem Street/Wildwood Avenue/Wood Street traffic control lights, that traffic lights even on State roads are not a high priority for the State, that moving this project on a local basis will be the most efficient method to proceed, and that the requested outlay will fund the entire project cost. City Engineer Corey offered a document dated June 20, 2006 entitled "Wood/Wildwood/Salem Street Traffic Light – Project Status" to the City Council for review. Motion made and 2<sup>nd</sup> that the document be received and made part of the record, all in favor, 9-0. Motion made and 2<sup>nd</sup> to take the Order to appropriate the sum of \$1,527,675.00 from Overlay Reserve Account to Mayor- Capital Project Program Per Attached List of Projects from the Committee on Finance and adding it to the Order of the Day as a late filed matter, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, AS AMENDED, with the amendment as follows: "That each proposed expenditure be given its own account number under the Mayor's section of the budget", all in favor, 9-0. Motion made and 2<sup>nd</sup> to return to the regular order of business, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006      s/Thomas L. McLaughlin June 23, 2006**

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**PUBLIC HEARINGS:**

On the petition by Yannian Ji, 7 Blake Road, Braintree, Massachusetts 02184 for a special permit pursuant to Section 5.1.33b of the 1985 Woburn Zoning Ordinances, as amended, to allow muscular therapy at 340 Washington Street aka 400 Cummings Park. PUBLIC HEARING RE-OPENED. The petitioner did not appear at the meeting. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that PUBLIC HEARING be CONTINUED to the Regular Meeting of the City Council on July 18, 2006 to allow the petitioner to obtain additional information, all in favor, 9-0.

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On the petition by Nextel Communications of the Mid-Atlantic, Inc., P.O. Box 614, Stowe, Vermont 05672 for a special permit pursuant to Section 5.6 of the 1985 Woburn Zoning Ordinances, as amended, to install a wireless communications link on the Boston Edison Co. utility pole #12 at 168 Rear Lexington Street. PUBLIC HEARING RE-OPENED. A report was received from the Committee on Special Permits as follows: “That the special permit be approved with the following conditions: 1. Plan of record June 16, 2006; 2. Petitioner to post bond for future removal, to include estimate provided; 3. Hours to access site, Monday through Friday 8:00 a.m. to 5:00 p.m., except in the case of emergency; 4. Petitioner will work with the City Engineer in determining the cost of survey for siting of wireless communications and to add necessary contributions to what is already in escrow, amount to be capped at \$5,000.00. Appearing for the petitioner was Joshua Delman, Real Estate Consultant, and he stated that the petitioner will accept the conditions of the report from the Committee on Special Permits. Motion made and 2<sup>nd</sup> to receive the plan dated June 16, 2006 and make it part of the record, all in favor, 8-0-1 (Drapeau abstained). Motion made and 2<sup>nd</sup> to receive the Removal Bond dated June 20, 2006, all in favor, 8-0-1 (Drapeau abstained). IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 8-0-1 (Drapeau abstained). PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0-1 (Drapeau abstained).

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On the petition by HPH Realty, LLC, 9 North Maple Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57b and Section 8.3.2 of the 1985 Woburn Zoning Ordinances, as amended, so as to allow for the parking of commercial vehicles on the property at 3 Oakland Street and the abutting lot identified on Assessors Maps 9-6-2 and 9-6-1. PUBLIC HEARING OPENED. A copy of a communication dated June 13, 2006 from Brett F. Gonsalves, Senior Engineer to Edmund P. Tarallo, Planning Director was received as follows:

Subject: 3 Oakland Street – Commercial Vehicle Parking – Special Permit – Special Permit application dated May 4, 2006 – Plan dated April 16, 2006

This office has reviewed the Special Permit application for the above referenced location and offers the following comments:

The submitted parking plan shows the locations of the proposed oversized spaces in relation to the parcel to which we take no exception to, however the plan does not indicate what material will be used for the parking area (i.e. asphalt, crushed stone etc.). The type of cover could determine if additional stormwater mitigation is required.

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

Appearing for the petitioner was Attorney John D. McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 and he stated that there is a building at the locus with a 3,000 square footprint and two stories, that the petitioner will use a portion of the yard at the locus for parking vehicles, that the petitioner has the opportunity to rent the space in the yard, that the petitioner has learned that a special permit is necessary to park vehicles at the site, that the surface is crushed stone, and that the petition is under review by the Planning Board. Alderman Denaro stated that he would prefer an impervious surface on the locus because of the conditions around the locus. Alderman Ciriello stated that he would prefer paved parking as this would improve the industrial area, and that he will be looking for striping of the parking lot and landscaping. IN FAVOR: Anthony Cierri, 19 Thornton Street stated that he owns property abutting this parcel and that he supports the petition. OPPOSED: None. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED to the Regular Meeting of the City Council on September 5, 2006 and that the matter be referred to the Committee on Special Permits for review, all in favor, 9-0. Motion made and 2<sup>nd</sup> that a communication be forwarded to the Building Commissioner to advise that the City Council is reviewing the matter, all in favor, 9-0.

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On the petition by SAI Enterprises, Inc. dba Quiznos, 35 Corporate Drive, Burlington, Massachusetts 01803 for a special permit pursuant to Section 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended to allow for a fast food restaurant at 36 Commerce Way. PUBLIC HEARING OPENED. A copy of a communication dated June 12, 2006 from Brett F. Gonsalves, Senior Engineer to Edmund P. Tarallo, Planning Director was received as follows:

Subject: 36 Commerce Way – Quizno’s Sub Shop – Special Permit – Special Permit application dated May 12, 2006 – Plans dated May 12, 2006

This office has reviewed the Special Permit application and plot plan for the above referenced location and offers the following comments:

Utilities

This is an existing site with municipal utilities servicing the four story building; the applicant will need to verify with the plumbing inspector whether grease traps will be necessary for this establishment. We take no exception to the existing water and drainage facilities on site.

Traffic

The submitted traffic study outlines the number of vehicle trips that is proposed for this type of fast food establishment. The reports findings are consistent with the Institute of Transportation Engineers manual.

The proposed traffic volumes in this report are supplied by the proponent. The locations form which these numbers were derived from should be noted in the narrative for future reference and comparison.

The report also mentions the removal of four parking spaces on the left side of the building for improved traffic circulation however the submitted plan does not indicate which spaces are allocated for removal.

Mitigation

As per section 18.3.4 of the Woburn Zoning Ordinance, a development impact statement will need to be prepared and submitted to this office for review. This statement should include any potential impacts to the infrastructure as well what improvements will be proposed.

This office will continue with its review when the supplemental information is submitted to this office.

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

Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petition will be reviewed by the Planning Board next week, that this will be a sandwich shop, that the locus is located in the I-P zoning district, that the use is allowed with a special permit, that there will be a seasonal patio, that the petitioner began operation in 1981, that the petitioner operates 4,900 restaurants, that this location will have fifteen employees, that the maximum number of employees on site at any one time will be four, and that there will be 24 to 27 seats inside and fifteen seats on the patio. Giles Ham, Vanasse & Associates, Inc., 10 New England Business Center Drive, Suite 314, Andover, Massachusetts 01810 stated that there will be 200 customers per day with peak traffic during the lunch hours, and that the use will accommodate businesses in the area. Alderman Gonsalves stated that the petitioner should not consider a drive-thru use for the restaurant in the future and that the dumpster should be screened and landscaped. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED to the Regular Meeting of the City Council on July 18, 2006 and that the matter be referred to the Committee on Special Permits for further review, all in favor, 9-0.

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On the petition by Four Bennett Street Nominee Realty Trust, Virginia Lawton Duffett and Thomas W. Lawton, Trustees, 4 Bennett Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 and 8.3.2 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the use of the second floor of an existing non-conforming structure, with a pre-existing non-conforming use, for the new use of a martial arts school and studio, with existing parking at 4 Bennett Street. PUBLIC HEARING OPENED. A copy of a communication dated June 13, 2006 from Brett F. Gonsalves, Senior Engineer to Edmund P. Tarallo, Planning Director was received as follows:

Subject: 4 Bennett Street – Second Story Use – Special Permit – Special Permit application dated May 15, 2006 – Plan dated 5/28/06

This office has reviewed the Special Permit application for the above referenced location and finds that at a minimum, a zoning regulation table outlining the required and provided parking for the existing and proposed uses should be shown on the plan.

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

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

A copy of a communication dated July 13, 2006 from John E. Corey, Jr., PE to Edmund P. Tarallo, Planning Director was received as follows:

Subject: 4 Bennett Street – Second Story Use – Special Permit - Special Permit application dated May 15, 2006 - Plan dated 5/28/06

This office has reviewed the Special Permit application for the above referenced location and finds that the facility is located within 300 feet of two municipal parking lots. On this basis, we see no impediments parking for the facility and we are forwarding a favorable recommendation concerning the technical aspects of the permit

If you or the Board has any questions concerning this information, please do not hesitate to contact this office.

A communication dated June 15, 2006 was received from Edmund P. Tarallo, Planning Director, as follows:

Re: Nominee Realty Trust – 4 Bennett St. – pursuant to Sections 7.3 and 8.3(2), allow for the use of second floor, martial arts school and studio

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on June 13, 2006, the Board voted to forward a favorable recommendation to the City Council on the Special Permit request to use the

second floor at 4 Bennett Street for a martial arts school and studio with the following condition:

1. That the hours of operation for the martial arts school and studio shall be limited to 3:30 p.m. to 9:00 p.m., Monday through Friday, Saturday 9:00 a.m. to 5:00 p.m., and no Sunday hours.

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 John D. McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 and he stated that the petitioner have owned the building since the mid-1990s, that law offices are located on the first floor of the building, that the K of C purchased the building in 1924 and owned the building until the sale in the mid-1990s, that as late as the 1990s part of the building was still used by the K of C but the use was waning, that the K of C used the second floor of the building for some of their activities until a few years ago when the formal tenancy lapsed, that the second floor is ideally situated for a martial arts studio, that the studio hours will be Monday through Friday 3:30 p.m. to 8:30 p.m. and Saturday 9:00 a.m. to 1:00 p.m., that this is a late afternoon and evening operation, that the school will teach martial arts, self-control and self-defense, that this is not full contact training, that most of the clients will be five to fifteen years of age with some adult students, that the studio may be rented out for birthday parties on Saturday afternoons, that these hours coincide with the opening of the nearby municipal parking lots which are used during the early hours of the day, that the building has always had a lot of people coming and going, and that this use does not conflict with the neighbors or parking. Attorney McElhiney offered photographs of the nearby parking lots to the City Council for review. Motion made and 2<sup>nd</sup> that the photographs be received and made part of the record, all in favor, 9-0. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the conditions as follows: That the recommendations of the Planning Board be made conditions of the special permit, all in favor, 9-0.

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Alderman Galvin recused himself from participating in the following matter in view of a potential conflict and left the Council Chambers.

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On the petition by Horn Pond Plaza LLC, c/o Gravestar, Inc., One Broadway, Cambridge, Massachusetts 02142 for a special permit to further modify a special permit granted on December 9, 2004 and which was further modified on June 30, 2005, such further modifications pursuant to Section 5.1.23, Section 5.1.69, Section 7.3, Section 8.2.5, Section 8.6.3, Section 11, Section 13.5 and Section 15 of the 1985 Woburn Zoning Ordinances, as amended, to allow modifications to the existing landscaping, portions of

the parking areas, the installation of an outdoor plaza area, pedestrian walkways, outdoor eating area, alteration of the existing nonconforming pylon sign, addition of blade/directional signage under the existing canopy area, and to allow for 677 parking spaces all as shown on the plans filed herewith at 350 Cambridge Road. PUBLIC HEARING OPENED. A copy of a communication dated June 13, 2006 from Brett F. Gonsalves, Senior Engineer to Edmund P. Tarallo, Planning Director was received as follows:

Subject: 350 Cambridge Road – Special Permit – Site Plan Modification & Bear Rock Café – Special Permit application dated May 15, 2006 – Plans dated May 12, 2006 – Traffic Report Dated May 26, 2006

This office has reviewed the submitted plans and traffic study for the above referenced project and offers the following comments:

#### Parking

Upon review of the proposed parking configuration there appears to be an increase of 9 parking spaces over the 677 shown on the zoning regulation table. The applicant should verify that the amount of parking spaces shown is consistent with their parking summary.

There is a notation under the Zoning Regulations Table stating that all office/storage area is being considered warehouse space. Office space is broken out to 350 square feet to 1 parking space and warehouse to 800 square feet to 1 parking space. If the office and warehouse are separated out, there will be a 20 space deficit than if combined together. This should be reviewed to see what impacts there may be to the amount of parking spaces provided.

#### Mitigation

As per Section 18 of the Woburn Zoning Ordinance, the applicant will need to submit a development impact statement to this office for review. This statement should outline what impacts and improvements will be made to in infrastructure in the project area.

#### Traffic

This office is currently reviewing the submitted traffic report. We will report our findings as soon as the review is complete. A complete review will take place when the requested supplemental information is submitted.

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

Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the locus is located in the B-H zoning district, that shopping centers are not allowed in the B-H zoning district, that they are seeking a reduction in the number of parking spaces from 686 to 677, that the City Engineer is reviewing the parking layout, and that mitigation for the locus under a prior special permit had a specific condition to review access to the site.



Michael Doherty of Horn Pond Plaza, LLC stated that the Whole Foods store is serving as a catalyst for improvements to the locus, that the site will be brought up to date, that the landscape improvements include trees and landscaped islands in the parking field, that the will make pedestrian safety improvements, that improvements are being made to the parking layout without losing spaces, that the traffic flow is not changing, that the Starbuck's dumpster will be turned and screened so as not to be as visible from the Whole Foods store, and that the water main is monitored by the landowner. Alderman Denaro stated that the sprawl of construction equipment and fencing at the site during the construction of the Whole Foods store was much more extensive than was expected and that this should be controlled during any further development. Alderman Gonsalves stated that there has to be some more traffic control signs to direct cars to the appropriate exit. Alderman Drapeau stated that the exit towards the Four Corner is difficult and that mitigation money for the locus was use on a Main Street project, and that he would like an artist's rendering of the improvements for the committee meeting. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED to the Regular Meeting of the City Council on July 18, 2006 and that the matter be referred to Committee on Special Permits for further review, all in favor, 8-0-1 (Galvin abstained).

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Alderman Galvin recused himself from participating in the following matter in view of a potential conflict and left the Council Chambers.

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On the petition by Union Ventures LLC dba Bear Rock Café, 26 Walkers Brook Drive, Reading, Massachusetts for a special permit pursuant to Section 5.1.29, Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a fast food restaurant and building signage at 350 Cambridge as shown on the plans filed herewith at 350 Cambridge Road. PUBLIC HEARING OPENED. A copy of a communication dated June 13, 2006 from Brett F. Gonsalves, Senior Engineer to Edmund P. Tarallo, Planning Director was received as follows:

Subject: 350 Cambridge Road – Special Permit – Site Plan Modification & Bear Rock Café – Special Permit application dated May 15, 2006 – Plans dated May 12, 2006 – Traffic Report Dated May 26, 2006

This office has reviewed the submitted plans and traffic study for the above referenced project and offers the following comments:

Parking

Upon review of the proposed parking configuration there appears to be an increase of 9 parking spaces over the 677 shown on the zoning regulation table. The applicant should verify that the amount of parking spaces shown is consistent with their parking summary.

There is a notation under the Zoning Regulations Table stating that all office/storage area is being considered warehouse space. Office space is broken out to 350 square feet to 1

parking space and warehouse to 800 square feet to 1 parking space. If the office and warehouse are separated out, there will be a 20 space deficit than if combined together. This should be reviewed to see what impacts there may be to the amount of parking spaces provided.

Mitigation

As per Section 18 of the Woburn Zoning Ordinance, the applicant will need to submit a development impact statement to this office for review. This statement should outline what impacts and improvements will be made to in infrastructure in the project area.

Traffic

This office is currently reviewing the submitted traffic report. We will report our findings as soon as the review is complete. A complete review will take place when the requested supplemental information is submitted.

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

Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner is a fast food establishment, that the use is allowed by special permit in the B-H zoning district, that the property is located in the B-H zoning district, that the restaurant is a combination of a sit-down and fast food restaurant, that the restaurant will have 3,985 square feet of space, that there will be an outdoor dining area, that there will be 110 seats, that the hours of operation will be 7:00 a.m. to 10:00 p.m. seven days per week, that there will be forty total full-time and part-time employees, that the petitioner will serve breakfast, lunch and dinner, that a patron will order at the counter and be given a pager and when the food is ready the patron will pick it up from the counter and bring it to the table, that this is a family oriented restaurant, and that the Planning Board will be reviewing the petition next week. Dan Mills, Transportation Engineer for MBM Transportation, Marlborough, Massachusetts stated that weekday peak time is the critical issues, that it coincides with higher volume of traffic and customers at the retail uses, that there will be fifty additional entering and exiting trips from the plaza, that there were 350 entering and exiting trips during the count, and that the count is consistent with the use allowed. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED to the Regular Meeting of the City Council on July 18, 2006 and that the matter be referred to Committee on Special Permits for further review, all in favor, 8-0-1 (Galvin abstained).

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Alderman Galvin returned to the Council Chambers.

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On the petition by Gold Beef Grill Restaurant, 428 Main Street, Woburn, Massachusetts 01801 for a special permit to operate a fast food restaurant and to allow for hours in excess of 6:00 a.m. to 11:00 p.m. at 428 Main Street. PUBLIC HEARING OPENED.

Appearing on behalf of the petitioner was Marinalva Harris and she stated that the restaurant will have a buffet, that this requires a special permit because of the buffet use, that the hours of operation will be 6:00 a.m. to 11:00 p.m., and that she will serve breakfast lunch and dinner. Alderman Galvin stated that the Building Commissioner states that a buffet is a fast food use however this is a sit down restaurant. Alderman Ciriello stated that he will support this petition as this is not a traditional fast food use. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the condition as follows: 1. That the hours of operation shall be limited to between 6:00 a.m. and 11:00 p.m., all in favor, 9-0.

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**COMMITTEE REPORTS:**

**POLICE AND LICENSE:**

On the petition by GameStop 3315 for renewal of License to Sell Second-Hand and Personal Articles of Value and Collectibles, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006      s/Thomas L. McLaughlin June 23, 2006**

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**FINANCE:**

On the Order to transfer the sum of \$42,260.00 for Receipts Reserved for Appropriation Ambulance BLS Account to Fire Ambulance Salary Account, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006      s/Thomas L. McLaughlin June 23, 2006**

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On the Order to transfer the sum of \$42,260.00 from Fire Ambulance Salary Account to Fire/Overtime Account and Building Maintenance Account, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006      s/Thomas L. McLaughlin June 23, 2006**

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On the Order to appropriate the sum of \$165,000.00 from Free Cash Account to Various DPW Electrical Account, DPW Security Account and Veterans Cash-Aid Account, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006      s/Thomas L. McLaughlin June 23, 2006**

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On the Order to transfer the sum of \$10,000.00 from Police Legal Services Account to Police Gasoline Account, committee report was received "ought to pass". Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006 s/Thomas L. McLaughlin June 23, 2006**

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On the Order to appropriate the sum of \$320,738.00 from Free Cash Account to Police Account, committee report was received "ought to pass". Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006 s/Thomas L. McLaughlin June 23, 2006**

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On the Order to appropriate the sum of \$775,125.00 from Debt Reserve Fund Account to Interest on Temporary Loans Account and Debt-Long Term Interest Account, committee report was received "ought to pass". Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006 s/Thomas L. McLaughlin June 26, 2006**

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On the Order to appropriate the sum of \$4,947,669.44 from Debt Reserve Fund Account to Interest on Temporary Loans Account, Debt-Long Term Interest Account and Debt-Long Term Principal Account, committee report was received "ought to pass". Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006 s/Thomas L. McLaughlin June 26, 2006**

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On the Order to transfer the sum of \$50,000.00 from Unemployment Compensation Account and Medicare Match Account to Property & Liability Insurance Account, committee report was received "ought to pass". Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006 s/Thomas L. McLaughlin June 23, 2006**

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On the Order to transfer the sum of \$12,000.00 from Non-Contributory Retirement Account to DPW Overtime Account, committee report was received "ought to pass". Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006 s/Thomas L. McLaughlin June 23, 2006**

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On the Order to transfer the sum of \$1,300.00 from GIS Needs Implementation Account to Part-Time Help Account, committee report was received "ought to pass". Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006 s/Thomas L. McLaughlin June 23, 2006**

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On the Order to transfer the sum of \$9,000.00 from Treasurer-Postage Mailing Account to Treasurer- Tax Title Account, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006 s/Thomas L. McLaughlin June 23, 2006**

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**PERSONNEL:**

On the re-appointment of Daniel Parrish as a member of the Board of Appeals, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006 s/Thomas L. McLaughlin June 23, 2006**

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On the re-appointment of Margaret Pinkham as a member of the Board of Appeals, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006 s/Thomas L. McLaughlin June 23, 2006**

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On the appointment of Charles T. Culhane as a member of the Woburn Golf & Ski Authority, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006 s/Thomas L. McLaughlin June 23, 2006**

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On the appointment of Robert F. Doherty as a member of the Planning Board, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006 s/Thomas L. McLaughlin June 23, 2006**

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On the appointment of Martin McGah as a member of the Planning Board, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006 s/Thomas L. McLaughlin June 23, 2006**

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**CITIZEN’S PARTICIPATION:** None.

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**NEW PETITIONS:**

Petition by Abdulla Nasser dba AACO Travel Taxi, 329 Washington Street, Woburn for renewal of a Taxi Cab License. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSE, all in favor, 9-0.

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Petition by AvalonBay Communities, Inc. for transfer of an Inflammable License from Saticoy Inwood LLC to AvalonBay Communities, Inc. at Lot 1, Inwood Drive. Motion made and 2<sup>nd</sup> that the TRANSFER be APPROVED, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006 s/Thomas L. McLaughlin June 23, 2006**

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A Conservation Easement and Restriction was received from Edmund Wall and Maureen F. Wall granting to the City of Woburn in perpetuity and exclusively for conservation purposes a Conservation Restriction on a parcel of land, Lot 6 Pine Street, located in the City of Woburn, Massachusetts, consisting of approximately 4,009 +/- square feet, being shown on the plan filed herewith and marked Exhibit A, said area shown on said Exhibit A as "Conservation Restriction Area". Motion made and 2<sup>nd</sup> that the CONSERVATION RESTRICTION be ACCEPTED, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006 s/Thomas L. McLaughlin June 23, 2006**

\*\*\*\*\*

A Conservation Easement and Restriction was received from Edmund Wall and Maureen F. Wall granting to the City of Woburn in perpetuity and exclusively for conservation purposes a Conservation Restriction on a parcel of land, Lot 5 Pine Street, located in the City of Woburn, Massachusetts, consisting of approximately 5,963 +/- square feet, being shown on the plan filed herewith and marked Exhibit A, said area shown on said Exhibit A as "Conservation Restriction Area". Motion made and 2<sup>nd</sup> that the CONSERVATION RESTRICTION be ACCEPTED, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006 s/Thomas L. McLaughlin June 23, 2006**

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Planning Board Petition by 5 Crescent Avenue LLC for a special permit to amend a special permit granted by the Planning Board pursuant to Section 5.1.27 and Section 12.3.1 if the 1985 Woburn Zoning Ordinances, as amended, to allow for modifications to an approximately 18,619 square foot building addition (together with mezzanine) to be used for business service and business sales establishment for the property located on Assessors Map 38, Block 06, and Lot 01 at 5 Crescent Avenue. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON SPECIAL PERMITS REVIEW, all in favor, 9-0.

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Petition by Town of Wilmington for a grant of right in a way to install approximately 11,500 linear feet of 20-inch diameter ductile iron water main, 750 linear feet of 20-inch preinsulated ductile iron water main, and a Massachusetts Water Resources Authority (MWRA) meter vault in the City of Woburn to connect the Town of Wilmington municipal water system with the Massachusetts Water Resources Authority water system,

such route beginning at the Town of Wilmington and City of Woburn town lines at Woburn Street/New Boston Street includes Presidential Way, Commerce Way and Mishawum Road to the traffic island adjacent to 420-424 Washington Street as shown on the plan filed herewith entitled "Town of Wilmington, Massachusetts MWRA Connection Transmission Main" by SEA Consultants, Inc. dated April 2006. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by Verizon New England Inc. for a grant of right in a way to locate a line of wires, cables, poles, and fixtures, including the necessary anchors, guys and other sustaining and protecting fixtures, along and across Pento Road and to install at a point which is 157 feet +/- northerly of the driveway for 19 Pento Road a new sole-owned pole. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by Nextel Communications of the Mid-Atlantic, Inc., P.O. Box 614, Stowe, Vermont 05672 for a special permit to install a total of twelve antenna on the existing rooftop with eight antenna flush mounted to the penthouse at an elevation of 61 feet 7 inches above ground and four antenna ballast mounted in the rear of the building at an elevation of 57 feet 10 inches, cables and cable tray, a 12 foot by 20 foot equipment shelter located on the roof of the building and two GPS antennas located on the roof of the shelter, at 304 Cambridge Road. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by Daniel J. McSheffrey, 3 Redleaf Lane, Woburn, Massachusetts 01801 for a special permit to modify special permits granted July 8, 2004 and August 12, 2004 pursuant to Sections 5.1.22b, 5.1.29, 5.1.46b, 5.1.63a, 15.6(c)(i), 15.6(c)(iv) and 15.6(c)(vi) of the 1985 Woburn Zoning Ordinances, as amended, to allow for a drive-up Customer Service Facility with hours in excess of 7:00 a.m. to 10:00 p.m. for the existing fast food use at 75R Main Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by Lytron, Incorporated, 55 Dragon Court, Woburn, Massachusetts 01801 for a special permit pursuant to Section 8.3.2 of the 1985 Woburn Zoning Ordinances, as amended, to allow for accessory parking and access from the private way known as Derry Lane for the benefit of petitioner's building at 41 Dragon Court on the lot known and numbered as 41A-41B Dragon Court. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by Kathy Wilson, 561 Washington Street, Attleboro, Massachusetts for a special permit pursuant to Section 7 of the 1985 Woburn Zoning Ordinances, as amended, to

allow for the location of a psychic studio at 238 Lexington Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by Woodco Realty, LLC, 22A North Maple Street, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 42, 45, 57b and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, so as to construct an addition of approximately 5,000 square feet for the sale, rental, repair and storage of construction equipment, in connection with and similar to existing use of the premises by Woodco Machinery Co. at 22A North Maple Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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**COMMUNICATIONS AND REPORTS:**

A communication dated June 15, 2006 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 a report to you on the parking violations in the City of Woburn for the period ending May 2006: number of tickets issued 1,011, number of tickets paid 899, number of hearings scheduled 515, number of tickets voided or dismissed 99, number of tickets outstanding 250, number of tickets issued by motorcycle officers 0, total dollar amount collected and turned into the Treasurer's Office \$37,013.40. There exists a backlog of 4,812 tickets for 1982 through 2005. Demands will be sent out until all tickets have been cleared. Parking violations turned over to Handicap Commission to date \$8,650.00.

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

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

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A communication dated June 14, 2006 was received from Attorney Carolyn M. Murray, Kopelman and Paige, P.C. relative to Chapter 125 of the Acts of 2005 death benefits for call firefighters and other volunteer emergency service providers. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication dated June 12, 2006 was received from Jan Robbins Cox, Director, Human Resources Department relative to loss control training and projects completed by the City of Woburn in Fiscal Year 2006. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication dated May 8, 2006 was received from Katherine P. Craven, Massachusetts School Building Authority, 3 Center Plaza, Suite 430, Boston, Massachusetts 02108 along with a copy of the Final Report of the School Facilities Needs Survey and a facilities rating report for each school in the city. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication dated June 7, 2006 was received from Cheryl Scott, Senior Grants Specialist, Grants Management Office, Office of Administration and Resource Management, U.S. Environmental Protection Agency, Region 1, One Congress Street, Suite 1100, Boston, Massachusetts 02114 relative to delinquent close out reports for Assistance Agreement #V-98134401 for the Well G&H Priority Superfund Site. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE with a communication to His Honor the Mayor asking who should respond to this matter, all in favor, 9-0.

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A communication dated June 12, 2006 was received from Surface Transportation Board, Washington, D.C. 20423-0001 relative to the Decision in STB Finance Docket No. 34797 in the matter of New England Transrail, LLC dba Wilmington & Woburn Terminal Railway, Construction, Acquisition and Operation Exemption, in Wilmington and Woburn. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE with a communication to His Honor the Mayor requesting that he respond to this matter, all in favor, 9-0.

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A communication was received from William Welch, Clerk of the Massachusetts Senate, State House, Boston, Massachusetts 02133 along with a copy of a Resolution of the Senate affirming the civil rights and liberties of the people of Massachusetts. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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**UNFINISHED BUSINESS OF PRECEDING MEETING:** None.

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**APPOINTMENTS AND ELECTIONS:** None.

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**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 hereby further amended as follows:

By amending in Section 2 Definitions, the definition “LEGAL STREET FRONTAGE” by deleting the word “LEGAL” and by further amending said definition by striking the last sentence which states “On a corner lot, the shorter street frontage shall be considered the legal street frontage unless otherwise specified by deed restriction.”

And by further amending Section 2, the definition of “LOT LINE, FRONT” by striking the last sentence which states “On a corner lot, the shorter street frontage shall be considered the legal street frontage unless otherwise specified by deed restriction.”

And by further amending in Section 5 Use Regulations, by deleting in Section 5.2.4.6 the word “legal” in the first sentence.

And by further amending in Section 6 Dimensional Regulations, Section 6.1 Table of Dimensional Regulations by adding under the column title “Front Yard Setback”, “Side Yard Setback” and “Rear Yard Setback” the following “(Note 9)”.

And by further amending Said Section 6, by adding at the end of the Footnotes to 6.1 Table of Dimensional Regulations the following “9. The definition of lot line, front; lot line, rear; and lot line, side as stated in Section 2 shall be used to calculate the front yard setback, side yard setback, and rear yard setback.”

s/Alderman Gately

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

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

By amending Section 11 Special Permits and Variances by adding to Section 11.6.10 Drive-up Customer Service Facility the following:

At the end of the first paragraph the following sentence “All signs related to Drive-up customer service facilities shall be permitted by Special Permit by the City Council in accordance with the Development Standards of this Section.”

Adding under subsection Section 11.6.10.b. Development Standards the following:

- “6. All menu boards or canopy signs related to Drive-up customer service facilities shall be reviewed by the Special Permit Granting Authority with regard to the aesthetic appearance of the sign, its relation with the overall signage on the lot including number and type of signs, and its overall impact on the surrounding area. Menu Boards and Canopy signs shall comply with Sections 13.3, 13.4.2 through 13.4.9, 13.5 of the Woburn Zoning Ordinance. All other signs at drive-up customer facilities shall comply with the requirements of Section 13 of the Woburn Zoning Ordinance.

Drive-up customer service facilities shall be limited to no more than two menu boards per facility and shall be located adjacent to the driveway leading to a drive through window. The menu board shall be located in such a way that the operator of a motor vehicle can read the sign from the vehicle. Menu boards shall not exceed eight feet in height and nine feet in width and may be free standing or attached to the building. Menu boards shall be at least five feet from the property line and shall not exceed 50 square feet in sign area. The area of the menu boards shall not be counted towards the maximum allowable signage.

Drive-up customer service facilities shall be limited to no more than one canopy sign at the location of drive-up customer service facilities. The canopy sign shall be located in such a way that the operator of a motor vehicle can read the sign from the vehicle. Signs shall be at least five feet from the property line and shall not exceed 50 square feet in sign area. The area of the canopy sign shall not be counted towards the maximum allowable signage.”

And by further amending in Section 2 Definitions, by adding the following definitions:

“Menu Board/Order Board: A sign incorporated into a drive-up customer service facility where products or services are offered directly to the occupant of the vehicle. A menu/order board shall identify only the products or services available at the drive-up customer facility.”

“Canopy Sign: A sign located at a drive-up customer facility affixed directly to the canopy within the stacking or transaction area of the drive-up customer facility. Canopy signs shall be limited to directional, informational, company name, and/or logo.”

And by further amending Section 13.1.1 by adding after the first sentence “The requirements for Menu Board/Order Board and Canopy signs for drive-up customer service facilities are set forth in Section 11.6.10”

s/Alderman Denaro

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

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ORDERED That the City Council Regular Meetings scheduled for July 4, 2006 and August 1, 2006 are hereby canceled.

s/President Doherty

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

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ORDERED Whereas, that the Order adopted at the Regular Meeting of the City Council on May 16, 2006 to hold a public hearing pursuant to Mass. General Laws Ch. 139, Section 1 for the property located at 239 Main Street which was referred to public hearing be referred to the Committee on Liaison for review before any public hearing is scheduled.

s/Alderman Gately

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

**Presented to the Mayor: June 23, 2006 s/Thomas L. McLaughlin June 23, 2006**

\*\*\*\*\*

RESOLVED WHEREAS, the City Council of the City of Woburn has determined that a true and very real need exists for the acquisition of a public safety/police/fire software program; and

WHEREAS, the necessary funds for the leasing of the software program have been provided for the coming year and are expected to be available in the future;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOBURN, that the Chief of Police and/or Fire Chief is authorized to procure bids for the lease-purchase of the software program for a term not to exceed five (5) years and

- a. That the software program is essential to the function of the Lessee and the services provided to our citizens, that we have an immediate need for the software program which is not temporary or expected to diminish in the foreseeable future; that we will use substantially all the software program for the purpose of performing one or more of our governmental or proprietary functions consistent with the permissible scope of our authority. Specifically, the software program was selected to be used as

follows: The software program will improve and enhance the capabilities of the City to provide useful and beneficial public safety services to the residents of the community; and

- b. That the appropriate officers of the City of Woburn are hereby authorized to execute the papers necessary to consummate the lease-purchase on behalf of the City of Woburn.

s/President Doherty (per request)

Motion made and 2<sup>nd</sup> that the RESOLVE be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006 s/Thomas L. McLaughlin June 23, 2006**

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RESOLVED That His Honor the Mayor convene the Insurance Advisory Committee required by Massachusetts General Laws Chapter 32B, Section 3 in an effort to educate our city officials and employees with decisions regarding health insurance.

s/Alderman Denaro

Motion made and 2<sup>nd</sup> that the RESOLVE be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006 s/Thomas L. McLaughlin June 28, 2006**

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RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to construct a new sidewalk with granite curb on Winter Street along the easterly side from Poole Street to Winter Road.

s/Alderman Ciriello

Motion made and 2<sup>nd</sup> that the RESOLVE be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006 s/Thomas L. McLaughlin June 23, 2006**

\*\*\*\*\*

RESOLVED That His Honor the Mayor work in conjunction with the appropriate State officials to acquire for the City of Woburn an approximately one mile segment of roadway known as Route 38 in the City of Woburn from an area that is located approximately between the Interstate Route 95/Route 128 rotary and the Wilmington town line.

s/Alderman Ciriello

Motion made and 2<sup>nd</sup> that the RESOLVE be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006 s/Thomas L. McLaughlin June 23, 2006**

\*\*\*\*\*

RESOLVED That His Honor the Mayor take action to determine the cost and feasibility to construct a multi-purpose athletic field at the site of the former Tarkey School.

s/Alderman Drapeau

Motion made and 2<sup>nd</sup> that the RESOLVE be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006 s/Thomas L. McLaughlin June 23, 2006**

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RESOLVED That the Traffic Commission investigate and act on the excessive volume and safety concerns being caused by parents using Westview Terrace as a “drop off” and “pick up” alternative for the White School when in session.

s/Alderman Denaro and Alderman Dwyer

Motion made and 2<sup>nd</sup> that the RESOLVE be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006 s/Thomas L. McLaughlin June 23, 2006**

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RESOLVED That the Traffic Commission investigate the possibility of establishing no parking on the southerly side of Fowle Street from Conn Street east to Highland Street due to the fact that the road is too narrow and two vehicles cannot safely pass at the same time.

s/Alderman Gately

Motion made and 2<sup>nd</sup> that the RESOLVE be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006 s/Thomas L. McLaughlin June 23, 2006**

\*\*\*\*\*

RESOLVED That the Traffic Commission investigate the possibility of establishing a “one way do not enter” restriction on Fowle Street in an easterly direction from the intersection with Eastern Avenue to the intersection with Leonard Street.

s/Alderman Gately

Motion made and 2<sup>nd</sup> that the RESOLVE be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006 s/Thomas L. McLaughlin June 23, 2006**

\*\*\*\*\*

RESOLVED That the Traffic Commission investigate the feasibility of establishing a three-way stop restriction at Hinston Road.

s/Alderman Bruen

Motion made and 2<sup>nd</sup> that the RESOLVE be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006 s/Thomas L. McLaughlin June 23, 2006**

\*\*\*\*\*

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to install sidewalks on Orange Street as this street is a direct connection to a school and is used as a cut through traffic area.

s/Alderman Bruen

Motion made and 2<sup>nd</sup> that the RESOLVE be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006 s/Thomas L. McLaughlin June 23, 2006**

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Motion made by Alderman Gonsalves and 2<sup>nd</sup> to reconsider the vote approving the special permit for Gold Beef Grill Restaurant at 428 Main Street, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the Special Permit be Granted with the additional condition as follows:  
2. That the special permit is for Gold Beef Grill only and shall not be transferable, all in favor, 9-0.

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Motion made and 2<sup>nd</sup> to Suspend the Rules for the purposes of adding the following matters to the Order of the Day as late filed matters, all in favor, 9-0.

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ORDERED That an ad hoc committee be established for the purpose of identifying and accepting unapproved streets in the City of Woburn. That the committee shall be known as the Ad Hoc Committee on Public Ways and shall consist of three (3) aldermen appointed by the President of the City Council. That the City Engineer, Superintendent of Public Works and City Clerk shall work with the committee to identify all streets and roadways not currently accepted by the city and determine any issues associated with such street that would exclude it from being accepted. Whereas, the number of accepted streets weighs heavily in the formula for Chapter 90 revenue funding from the State to the city, and such that the city is currently providing maintenance and supplying services to said streets, the city should work towards achieving full benefit to the City of Woburn in accepting these streets. Clarifying the accepted status of the public ways also facilitates land use planning and conveyance issues. Going forward we should expediently process the acceptance of streets as to not allow a backlog of unaccepted streets to increase, which adversely impacts the financial well being of the City. The committee shall report its findings and recommendations to the full City Council as soon as feasible and no later than December 15, 2006. Upon conclusion of the research by the Ad Hoc Committee on Public Ways, the City Clerk shall cause to be published a list of all accepted streets in the city including at a minimum the name of the street and the date of acceptance of the street.

s/President Doherty

Alderman Denaro stated that many of the streets in the city do not meet the requirements of a public way. Alderman Cireillo stated that there are many paper streets that should be dissolved so that the land can be made useable. Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, all in favor, 9-0.

\*\*\*\*\*

ORDERED That an ad hoc committee be established for the purpose of establishing a system of performance and merit review of the department heads. That the committee shall be known as the Ad Hoc Committee on Performance Review and shall consist of three (3) aldermen appointed by the President of the City Council. That the committee shall work with the Mayor, department heads and outside resources as determined by the committee to be necessary to conduct a full and fair assessment. That the committee shall report its findings and recommendations to the full City Council as soon as feasible and no later than October 15, 2006.

s/President Doherty

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

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RESOLVED That His Honor the Mayor develop a plan to accurately identify the current and future percentage of affordable housing units in the City of Woburn. Further, that the Mayor centralize the process by assigning to a city employee the responsibility of updating and maintaining said plan to reflect the existing and proposed affordable units and the confirmation of such numbers with the State bodies overseeing Massachusetts General Laws Chapter 40B statutes and regulations for the communities. Further, that a land mass assessment be conducted to determine where the city stands in regards to percentage of land mass dedicated to affordable housing in the City of Woburn. Whereas, there has been confusion regarding the exact level or percentage of affordable housing, and whereas, it is known the hardship that a Chapter 40B project can bring to the community, the City Council requests that the Mayor act with expedience on this matter.

s/President Doherty

Motion made and 2<sup>nd</sup> that the RESOLVE be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: June 23, 2006 s/Thomas L. McLaughlin June 23, 2006**

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Petition by Mary Elizabeth Mawn-Ferullo, James E. McGarry, Jr., Annabella Molea, Katherine M. Spellman, Barbara E. Mearls, Dominic R. Negri, Donald P. Queenin, Cindy Sindoni, Elizabeth F. Maguire, Robert Brown, Louise S. McDonough and Mary E. Negri, all of Woburn, to amend the 1985 Woburn Zoning Ordinances, as amended, by establishing a new Section 21 entitled Mishawum Station Transit Oriented Development Overlay District and to amend the Zoning Map of the City of Woburn by establishing an overlay district for a certain parcel of land shown on a plan filed herewith entitled “Mishawum Station, Woburn, MA, Prepared by: Allen & Major Associates, Inc., dated May 4, 2006” known as the Mishawum Station Transit Oriented Development Overlay District as follows:

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 adding a new Section 21 entitled “Mishawum Station Transit Oriented Development Overlay District” as follows:

Overlay District as follows:

## SECTION 21 - MISHAWUM STATION TRANSIT ORIENTED DEVELOPMENT OVERLAY DISTRICT

### 1. Purpose of District

- a. To promote the health, safety and general welfare of the community by encouraging the development and/or redevelopment of the MBTA Mishawum Commuter Rail Station Area.
- b. To encourage mixed residential and office uses in order to increase opportunities for development of housing in transit served areas of the community.
- c. To encourage transit-orientated development that increases pedestrian activity around transit stations.
- d. To increase the customer base for both transit facilities and local businesses.

### 2. Scope of Authority

The Mishawum Station Transit Oriented Development Overlay District is an overlay district superimposed on the existing Office Park (O-P) Zoning District, in certain locations within the City. The overlay district shall permit residential land uses which shall be in addition to the land uses allowed in the underlying O-P District. Conditions and requirements of the Mishawum Station transit Oriented Development Overlay District shall apply only to those additional uses permitted for the Mishawum Station Transit Oriented Development Overlay District, and shall not apply to uses permitted in the underlying O-P District.

Residential uses shall be allowed as-of-right within the overlay district. Ten (10%) percent of residential units developed within the overlay shall be affordable units.

3. Definitions

**MISHAWUM STATION TRANSIT ORIENTED DEVELOPMENT OVERLAY DISTRICT:** A zoning district which is superimposed over certain parcels within the Office Park (O-P) Zoning District, adjacent to or in the vicinity of the MBTA Mishawum Commuter Rail Station Area, within which certain residential uses are allowed which are supplementary to the uses allowed in the O-P District.

**MBTA MISHAWUM COMMUTER RAIL STATION AREA:** The Area is shown on Assessor's Map 25, Block 9, Parcel 5; Map 25, Block 9, Parcel 6; Map 25, Block 8, Parcel 3; Map 25, Block 8, Parcel 2 and Map 25, Block 8, Parcel 1 and as further shown on a plan entitled "Mishawum Station, Woburn, MA, Prepared by: Allen & Major Associates, Inc. dated May 4, 2006" on file with the City Clerk's Office.

4. Allowed Uses

- a. In addition to the uses allowed in the underlying O-P District, the following residential uses shall be allowed by right in the Mishawum Station Transit Oriented Development Overlay District either as mixed-use projects or as only multifamily developments:
  - i. Townhouse Dwellings: Townhouse dwellings as defined by Section 2 of this Ordinance, and shown as Section 5.1.3c of the Table of Use Regulations, are allowed by right in the Mishawum Station Transit Oriented Development Overlay District, provided all conditions set forth below are met.
  - ii. Garden Apartments: as defined by Section 2 of this Ordinance, and shown as Section 5.1.3d of the Table of Use Regulations, are allowed by right in the Mishawum Station Transit Oriented Development Overlay District, provided all conditions set forth below are met.
  - iii. Elevator Apartments: as defined by Section 2 of this Ordinance, and shown as Section 5.1.4 of the Table of Use Regulations, are allowed by right in the Mishawum Station Transit Oriented Development Overlay District, provided all conditions set forth below are met.

In cases where Site Plan Review is required by Section twelve, the City Council shall be the Site Plan Review authority, and Section 12.3.1 shall not apply to the Mishawum Station Transit Oriented Development Overlay District.

5. Requirements for Residential Uses allowed by right in the Mishawum Station Transit Oriented Development Overlay District:
  - a. Minimum Lot Size: the minimum lot size shall be 40,000 square feet.
  - b. Density: the maximum allowed density under this section shall be 1,000 square feet of gross lot area per dwelling unit.
  - c. Maximum Height: the maximum height shall be seven (7) stories and eighty (80) feet, and Section 6.1.8 shall not apply to the Mishawum Station Transit Oriented Development Overlay District.
  - d. Open Space: the minimum percentage of landscaped usable open space shall be twenty (20%) percent. For the purposes hereof, landscaped areas located on top of any underground parking structure shall be included in the calculation of "Landscaped useable open space."
  - e. Setbacks: front yard setback shall be a minimum of twenty-five (25) feet, side yard and rear yard setbacks shall be a minimum of 25 feet. Setback requirements shall not apply to any underground structure.
  - f. Parking: Parking shall be provided as set forth in Section 8.2. For mixed-use projects, parking requirements may be varied by special permit as provided under Section 8.2. All parking and circulation driveways shall meet the design and dimensional requirements of Section 8 of this Ordinance.
  - g. Building Ground Coverage: the maximum building ground coverage under this section shall be thirty (30%) percent, excluding underground garage parking.
  - h. Frontage: the minimum street frontage under this section shall be one hundred (100) feet.
  - i. Lot Width: the minimum lot width under this section shall be forty (40) feet.
  - j. Floor Area Ratio: the maximum floor area ratio under this section shall be 1.5.

6. Development Impact Mitigation

All residential uses developed in the Mishawum Station Transit Oriented Development Overlay District under this section shall meet the requirements of Section 18 of this Ordinance.

s/Mary Elizabeth Mawn-Ferullo, James E. McGarry, Jr., Annabella Molea, Katherine M. Spellman, Barbara E. Mearls, Dominic R. Negri, Donald P. Queenin, Cindy Sindoni, Elizabeth F. Maguire, Robert Brown, Louise S. McDonough and Mary E. Negri, all of Woburn

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

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Motion made and 2<sup>nd</sup> to return to the regular order of business.

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Motion made and 2<sup>nd</sup> to ADJOURN, all in favor, 9-0. Meeting adjourned at 10:26 p.m.

A TRUE RECORD ATTEST:

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