CITY OF WOBURN
MARCH 17, 2009 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL

Roll Call

Denaro	Gonsalves
Drapeau	Mercer-Bruen
Galvin	Raymond
Gately	Wall
Doherty	

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

The City Council observed a moment of silence in memory of Charles J. DiPanfilo who was a former Alderman for Ward Seven and a former City Solicitor and who passed away this week.

Motion made and 2nd to suspend the rules for the purposes of taking the following matter out of order, all in favor, 8-0-1 (Denaro absent). A communication dated March 11, 2009 was received from Attorney Judy Levenson, Brody, Hardoon, Perkins & Kesten, LLP for time before the City Council in Executive Session for the purposes of discussing pending litigation. Motion made and 2nd that the City Council go into Executive Session pursuant to Massachusetts General Laws Chapter 39, Section 23B(3) for the purposes of discussing pending litigation, ROLL CALL: Denaro – Absent, Drapeau – Yes, Galvin – Yes, Gately – Yes, Gonsalves – Yes, Mercer-Bruen – Yes, Raymond – Yes, Wall – Yes, Doherty – Yes, MOTION PASSES. President Doherty stated that the City Council would reconvene after the Executive Session. The City Council removed to the Committee Room. THIS PORTION OF THE MEETNG WAS HELD IN EXECUTIVE SESSION.

Motion made and 2nd to return to the regular order of business, all in favor, 8-0-1 (Denaro absent).

MAYOR'S COMMUNICATIONS: None.

PUBLIC HEARINGS:

On the Order of the City Council relative to holding a public hearing to receive input from the community concerning the future of the Clapp Elementary School. President Doherty stated that the intent of the meeting is not whether to build or not build a school, it is to get to the issue of the impact of any change on the Clapp School community and the area around the Clapp School. Dr. John Wells, Chair of the Woburn School Committee stated that the goal is educational parity for students in Woburn, that the process began in 1999, that the foundation plan has been used since that time, that the city cannot continue to maintain the same number of schools, that there is a plan to consolidate the six remaining elementary schools into three schools, that the Massachusetts School Building Authority (MSBA) determined that Woburn would be in line for reimbursement of only one school at this time, that certain parts of the city will be disrupted more than other parts of the city, that the Clapp School is being evaluated as a swing school while the Goodyear is being built, that modular units may need to be used, that Clapp School students would be reassigned once the new Goodyear School is built but not necessarily to the Goodyear, that it cannot be determined until the school opens what the redistricting will be as enrollments change, that the goal is for students to go to the closest school possible, that once the School Committee decides that a building is no longer useful for educational purposes it is turned over to the city for a determination as to what to do with the building, that a decision will not be made to close the Clapp School as it may be needed as a swing school, that they will evaluate all educational uses of the school building before turning it over to the city, that the Clapp School will be closed and the students will be redistributed, that the students will be moved to the school nearest to their home, that the Clapp School will not exist in its present structure, that the building may be retained for other school purposes, that the plan is not to keep the Clapp School as an elementary school, that the City Charter requires a specific vote to close a school but not to redistrict a school, that it is premature to ask when the vote would be made as the city does not yet have the money to rebuild the Goodyear School, and that the decision depends upon variables in place at that time. Carl R. batchelder, Ed.D., Superintendent, Woburn Public Schools stated that there are some timing issues, that much of this depends on the MSBA, and that many MSBA rules govern the progress. Chair Wells stated that there are also insurance issues if the building does not house students. President Doherty stated that this is a unique site, that the locus is surrounded by residences, that there are narrow streets, that this is currently a walking school with no school bus drop-off, that there is currently a serious overflow of parents dropping off students with the current enrollment, and that a higher enrollment could exacerbate these issues. Superintendent Batchelder stated that the architect will be determining these issues, that they realize these are serious issues, and that they are confident that these issues can be addressed. Alderman Gately asked why the Clapp School is to be used as a swing school and the Clapp School students will be moved rather than move the Goodyear students to other schools and leave the Clapp School students in place. Superintendent Batchelder stated that the Goodyear School students would have to be disbursed all over the place and could result in family members attending different schools, that there is not enough room to take full classes and move them, and that that there are many issues such as laying off teachers who no longer would have a classroom to teach. Chair Wells stated that the Clapp School students and Goodyear School students would both be housed at the Clapp School with portable units, that there will be meetings

with other school parent teacher organizations once there is certainty of the Goodyear School building, and that they are trying to deal with the swing school first and then the other issues. Project Manager Pat Saitta stated that there are thirteen classrooms in the Clapp School and another eight classrooms will be needed for the Goodyear School students, that approximately eight classrooms can be added with the topography, that part of the process is to bring alternatives to the MSBA, that two modular trailers will make up the modular sections, that the modular units will be under cover with enclosed access if the decision is made to use them, that these would be leased modular units, that a two-year lease may be the shortest term available for the modular units, and they are trying to obtain numbers for leasing. Alderman Drapeau stated that this seems like a lot of work and expense to make a swing school for both schools during the construction phase, and that the plan will create a lot of havoc. Superintendent Batchelder stated that adding redistricting at this time would not be beneficial. Chair Wells stated that once the Goodyear School is completed there will be redistricting and that some students in one school may end up in another school. Superintendent Batchelder stated that the School Department wants to have any disruption occur only once whenever possible. Alderman Gonsalves stated that perhaps school choice in a limited manner could be instituted, that maybe the locus should not be used for a polling location, and that this should he reviewed sooner rather than later. Alderman Mercer-Bruen stated that building the new Goodyear School is a city efforts, and that it is important to keep the lines of communication open. President Doherty asked whether there would be any changes in the additional services provided to the student population in the Clapp School. Superintendent Batchelder stated that to make the plan work the therapeutic classroom will have to be relocated to another building, that they are trying to keep change for the Clapp School students seamless with similar class sizes as other schools, that the classroom numbers change over the course of two years, that this will allow parents with kindergarten age children to register in the district where the children are supposed to be. PUBLIC HEARING OPENED. Liz Daneu, 7 Arlington Road stated that tonight is the first time she has heard the School Committee members say flatly that the Clapp School will close, that issues of concern are disruption, parity and well-being, that she has taught school at the elementary, middle and high school levels, that the south end will be the only area of the city to lose a neighborhood school, that all other schools have been built on the original site, that this has always been a walking school, that it is an existing site free of contamination, that the Clapp School is located near the Horn Pond conservation area, and that she is not opposed to the new Goodyear School. Anne Berger, 69 Arlington Road stated that her children went to the Clapp School and that a grandchild will soon attend the Clapp School, that it seems that the School Committee will make this six to three school plan fit no matter what, that there has never been commercial or industrial uses on the site, that there may be serious contamination on the Goodyear School site itself, that many school buildings have bonds, that if the building ceases to be used as a school the bonds could be called due, that neighborhood schools are important, and that it may have been a good idea to reduce from six to three schools ten years ago but not now. Alderman Galvin stated that there are no bonds attributed to the Clapp School site. President Doherty stated that a contamination assessment of the Goodyear School site is being conducted. Superintendent Batchelder stated that the plan originated in 1999 but that it has been revised over the years with the most recent plan arrived at in 2006. Helen

Jabre, 65 Arlington Road stated that there are benefits of a neighborhood school, and that having no bus service to the school is beneficial to the neighborhood. Jill Crawford, 122 Main Street stated that maybe Woburn does not fit into the MSBA model with the number of variables, that she met with the School Committee on January 15, 2009 and was not told that the Clapp School would be closed, and that she is willing to accept the Goodyear School students during construction but is not willing to have the Clapp School students be disbursed to other parts of the city rather than going to the new Goodyear School. Kevin Meaney, 55 Arlington Road stated that she moved to this location in part because of the location of the Clapp School, that he understands how progress works, that it is important to plan but there is no certainty with the Goodyear School building, and that he asks that the city give this matter some serious consideration. Carolyn Youngclaus, 2 Park Drive stated that she wants to know what will happen to the property if the Clapp School is closed, and that she is concerned that the charm of Horn Pond will be impacted adversely with potential uses of the property. Robert Salzer, 4 Pierce Street stated that the six to three school plan means that more schools will be closed, and that with proper planning a new school may not have to be built. Susan McDaniel, 13 Winstead Avenue stated that the issues are still unsettled, that the Goodyear School project is not even finalized yet, and that she wants to know why the Clapp School was chosen to be closed. President Doherty stated that the matter will not be finalized until the documents are signed but the process is moving forward. Alderman Mercer-Bruen stated that for the past three years there has been a lot of work done to get financing from the MSBA, that new funding became available which spurred the project on, that the city asked the MSBA to fund three schools but the MSBA will only support one school at this time, that the Goodyear School is in desperate need, that not having a school in east Woburn will further erode residential uses in that area of the city,, and that the cost of building on the Leland Park site was prohibitive because of the soil conditions as well. Tom Miller, 2 Pierce Street stated he has asked for parity with the other schools, that the Clapp School needs new desks and computers, and that he would like to see new items for the next two years so that there will be parity. Superintendent Batchelder stated that over time as the technology plan develops parity has been a goal. Mr. Saitta stated that the portable units will have everything that a regular classroom has. Paul Murphy, 22 Lake Avenue stated that she wants to know how the portable units will be obtained such as bidding and financing requirements, that she is concerned with traffic and physical layout of the school, that she is concerned with deterioration of the building with the extra users, and that the cafeteria is not handicapped accessible. Mr. Saitta stated that the cost of the modular units will be reimbursed by the State at the same rate as the larger project, and that there is a public bid process to obtain the modular units. Mayor Thomas L. McLaughlin stated that the city has built four news schools since 2001 and has a lotof experience with building schools, that the Reeves School holds 500 students and was built for $11,000,000.00, that construction costs have driven up the cost of a new school to $17,000,000.00, that it would cost approximately $50,000,000.00 to build out the new schools, that regionalization is being discussed in other communities, that Woburn is one of forty communities selected by the MSBA to have the ability to construct a new school, that there are hard economic choices being made all across the Commonwealth, that no one disputes the virtues of neighborhood schools, and that it is an economic decision. Rita Walsh, 37 Richardson Street stated that she does not see how the city can go from

six elementary schools to three elementary schools, that there has to be a minimum of four elementary schools for each of the four areas of the city, that she does not want to see the property converted to a low income use, that if the property is not used for a school then the city should consider a senior center, senior housing or a library, that it is a nice site, and that she does not want to see it ruined. Karen Curran, 8 Brooks Street stated that she does not want to see the neighborhood lost its neighborhood school. Alderman Drapeau stated that the decision to close this school will not be made by the City Council but by the School Committee, that if the building is turned over to the city it will not be destroyed like the other schools, that an example of progress not being made with the school buildings is the former Tarky School site, and that there are many issues. Alderman Wall stated that the city would be going from nine elementary schools to six elementary schools in total with this program. Mr. Saitta stated that the MSBA is waiting to hear from the city, that negotiations are ongoing with the architect, that once this is completed the city will go back to the MSBA, that the city is on a path to open a new school in September 2011, that they hope to make the July 2009 meeting with scope and budget, that the final document stage will be in the winter 2009, and that construction will begin in March 2010. Motion made and 2nd to close the public hearing, all in favor, 8-0-1 (Denaro absent).

****

Motion made and 2nd for a five minute recess, all in favor, 8-0-1 (Denaro absent)

****

President Doherty called the meeting back to order.

****

Alderman Wall left the Council Chamber during the following public hearing and did not participate in the discussion. President Doherty stated for the record that Alderman Wall removed himself from debate on the following issue.

****

On the petition by Robert W. Murray, Trustee of 330 Lexington Street Realty Trust, 27 Cambridge Street, Burlington, Massachusetts 01803, to amend the Zoning Map of the City of Woburn by changing the zoning district for the property found identified in the Assessors records on Map 81, Block 6, Parcels 12, 14, 15 and 16 and also including the roadway area known as Seaman Robert H. Doherty Drive and known and numbered as 330 Lexington Street a/k/a four lots on Seaman Robert H Doherty Drive and inclusive of said roadway as shown on the plan filed with the petition from the R-1 zoning district to the R-3 zoning district. PUBLIC HEARING OPENED. A communication dated March 16, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Robert W. Murray, Trustee of 330 Lexington Street Realty Trust – Zoning Map Change R-1 to R-3 – 330 Lexington Street a/k/a four lots on Seaman Robert H Doherty Drive and inclusive of said roadway

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on March 10, 2009, the Board voted to forward a favorable recommendation to the City Council to approve the zoning map change from R-1 to R-3 for 330 Lexington Street a/k/a the four lots on Seaman Robert H Doherty Drive and inclusive of said roadway.

If you have any questions or concerns regarding this matter, 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 property is located between the entrance to Winning Farm and the Lexington line, that the locus was approved as a four lot subdivision by Planning Board, that the petition is to change the zoning district from R-1 to R-3, that if a special permit is later approved this will allow a townhouse development to be built, that there is 64,000 square feet of land in Woburn, that the R-3 zoning district is stricter with respect to density than the R-4 zoning district, that a special permit was filed simultaneously, that it can be argued that the rezoning has to be settled first, that the special permit petition was filed to get the matter in the queue but also to provide some details as to what the project will be like, that nine market rate units and one affordable rate unit would comprise the project, that if the rezoning is granted this will allow the special permit proposal to proceed, that next to this property in Lexington is a single family house and then a multi-family use, that the single family house in Lexington was purchased by the owner of the multi-family use in Lexington, that there is a 147-unit townhouse development on thirty acres of land at Winning Farm behind this locus that will be constructed, that the proposed change conforms to the area, that across Lexington Street all of the property is single-family residences, that this locus will change from four single-family units to a ten unit townhouse development, that there is generally more traffic from a single-family home than a single townhouse unit, that the traffic from both uses is likely close, that there will be less of an impact on public works with a townhouse development as opposed to a single-family development because it will become a public street with the appurtenant maintenance costs, that there will likely be less of an impact on the school, that it is likely that greater tax revenue will be generated, and that the height of the townhouse units will be limited to 35 feet and 2½ stories. Alderman Drapeau stated that he will support the rezoning request because of what the city will receive in return on Russell Street and because of the multi-tenant use building in Lexington, that this will not have an adverse burden on the neighborhood, and that he supports the rezoning. Alderman Galvin stated that while this could be considered spot zoning the multi-unit uses on each side negate that somewhat, and that other factors can be taken into consideration if there was a spot zoning challenge. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that he is in favor of the petition, that the petitioner has developed many properties in Woburn and owns many properties in Woburn, and that the petitioner is a substantial taxpayer in the city. OPPOSED: None. Motion made and 2nd that the public

hearing be closed, 7 in favor, 0 opposed, 1 absent (Denaro absent), 1 abstained (Wall abstained). Motion made and 2nd that the ORDER be ADOPTED, AS AMENDED, with the amendment as follows: 1. That the recommendation of the Planning Board be adopted, all in favor, 7 in favor, 0 opposed, 1 absent (Denaro absent), 1 abstained (Wall abstained).

Presented to the Mayor: March 20, 2009 s/Thomas L. McLaughlin March 20, 2009

****

Alderman Wall returned to the Council Chamber.

****

On the petition by Rae E. Gulliver, 35 Pine Street, Woburn, Massachusetts 01801 and June G. Ross, 75 Pearl Street, Apt. 232, Reading, Massachusetts 01867 to amend the Zoning Map of the City of Woburn by changing the zoning district for the property found identified in the Assessors records on Map 38, Block 8, Parcel 1 and known and numbered as Lot 1A 35 Pine Street and Lot 1B 35 Pine Street as shown on the plan filed with the petition from partially in the R-2 zoning district and partially in the I-G zoning district to the R-2 zoning district. PUBLIC HEARING OPENED. A communication dated March 16, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Rae E. Gulliver and June G. Ross – Zoning Map Change R-2 and I-G to R-2 – 35 Pine St Lot 1A and Lot 1B

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on March 10, 2009, the Board voted to forward no recommendation to the City Council on the zoning map amendments for 35 Pine St Lot 1A and Lot 1B from R-2 and I-G to R-2.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

Appearing for the petitioner was Attorney Malcolm Houck, 7 Winn Street, Woburn, Massachusetts 01801 and he stated that this petition was filed on behalf of Sean Coakley, the Mr. Coakley will purchase Lot 1B, that the land will be used for residential purposes, that this was a large lot consisting of approximately 186,000 square feet, that this was part of an ANR plan approved last year, that the petitioners' house was located on Lot 1A and conveyed to Gulliver in October 2009, that there is a vacant lot that Mr. Coakley will purchase, that Lot A consists of 12,885 square feet of land and a building, that Lot 1B consists of 173,239 square feet of land, that Mr. Coakley will build a single duplex house, that after discussions with the Planning Director it was suggested that all of the parcel be rezoned to the R-2 zoning district, that given the topography of the locus it is only suitable for a single duplex house, that a substantial portion of the locus is in the wetland

area, that there is a substantial uneven sloping away from Pine Street towards the wetlands, that the zoning change does not alter the boundaries of ownership, that an industrial abutter objected with concerns that moving the R-2 zoning line would affect his property, that the change would place this industrial property in the buffer zone, that as a pre-existing nonconforming structure the industrial land would be protected, that the industrial uses would continue to be permitted uses, that the residential portion of the lot is too short to allow construction of the duplex house, and that the petitioner has given up a conservation easement in the past for properties where there was wetland. Attorney Houck offered a document containing photographs of a typical house that may be constructed on the property to the City Council for review. Motion made and 2nd that the document be received and made part of the record, all in favor, 8-0-1 (Denaro absent). Sean Coakley, Manager of Hammond Square Realty LLC stated that to the right rear of the property is a high knoll suitable for building, that the property would have a walkout cellar facing the wetlands, that this would keep the property as high as possible, that the driveway will be 180 feet in length, that the rest of the wetland is wet, that he is willing to give a deed restriction that the remainder will not be built upon. Alderman Mercer-Bruen stated that this petition is more complicated than she originally thought, that the issues may have to be addressed in committee, and that there are many issues outstanding. Alderman Drapeau stated that the legal information is confusing. Alderman Galvin stated that the only concern is whether the land at the rear of the lot is buildable. Alderman Raymond stated that he would support the proposal and that the petitioner does good work. Alderman Gately stated that he supports the petition. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park Woburn stated that he is in favor of the petition, that a few houses have been built along Pine Street the last few years, that these have worked well, that an industrial use building will not be constructed on the locus, and that the petitioner can work out the issues with the abutter. OPPOSED: Attorney Robert Tedesco, 88 Main Street, Woburn stated that he represents 16 Walnut Hill Nominee Trust and 12 Walnut Hill Park LLC, that both of his clients are abutters to this property, that his clients are concerned with a loss of the buffer zone that now exists between the residential zone and the industrial zone, that the buffer zone exists because of this larger parcel of land, that his clients are concerned with the use of their property, that their property is fully occupied and in compliance with the zoning, that if the line is moved their property may go from being a conforming property to a nonconforming property, that a use can continue on the property but a change in use may require review and scrutiny by the Building Department, that the loss of the buffer zone will trigger a special permit for any change due to the nonconformity, that the property may have a diminution in value with a residential use abutting the property, that this may impact financing of the property, that the future sale of the property could be impacted, that the buffer zone was created to keep businesses away from residences, that this proposal seems contrary to the principle of allowing room between residential and industrial uses, that the Planning Director said ideally zone lines follow property lines however in Woburn that is not the case, that many parcels have zone lines that do not follow the property lines, that other lots along Pine Street have had residential buildings constructed, that the petitioner is protecting its property rights, and that their property is located well below the locus. Alderman Drapeau stated that the industrial landowner had an equal opportunity to purchase the property when it went up for sale, that now the

industrial abutter is stating that the residential use has to create a buffer zone, that the residential user should not have to at his cost provide the buffer zone to the industrial user, that perhaps the industrial user can offer to purchase a portion of the lot from the new owner, and that it is not the petitioners' obligation to look into the industrial abutter's finances to see how it will affect him. President Doherty stated that the industrial abutter is saying that the city should not act to his detriment, and that perhaps a buffer could be created with the wetland. Alderman Galvin stated that perhaps the zone line could be placed not on the property line but in the lot to preserve the buffer, and that it is the city which is being asked to act in a way that could be detrimental to the abutter. Michael Langone, 952 Main Street stated that he owns the abutting property, that he does not understand why the property has to be rezoned to construct the building, and that three houses were built along Pine Street without rezoning the property. A communication was received from Joseph B. Palmer, President, Joseph Palmer Inc., 7 Walnut Hill Park, Woburn stating that his company is opposed to the rezoning of the land. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 28, 2009 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor 8-0-1 (Denaro absent). Motion made and 2nd that a communication be forwarded to the Building Commissioner for a written opinion as to whether rezoning the property is required to construct a two-family dwelling on the locus, all in favor, 8-0-1 (Denaro absent).

****

On the petition by Hugo G. Moraes, dba Taste of Brazil, Tuda Na Brasa, 6 Park Drive, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended, to allow authorize restaurant establishment and to allow for expansion of same at 414 Main Street. PUBLIC HEARING OPENED. A communication dated March 16, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Hugo G. Moraes, dba Taste of Brazil, Tuda Na Brasa – 414 Main St. – To allow Restaurant and expansion of same pursuant to Section 5.1.29

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on March 10, 2009, the Board voted to send a favorable recommendation to the City Council to allow the restaurant and for the expansion of the same pursuant to Section 5.1.29 at 414 Main Street subject to the following conditions:

1. That the first floor only shall be used for the restaurant;
2. No restaurant or public use shall be allowed in the basement;
3. That the seating shall be not more than 66 seats;
4. That all fire safety requirements of the Fire Chief shall be met;
5. That all requirements of the architectural access board shall be met; and
6. That at least two means of access shall be provided to Main St.

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 proposed to expand the business into the old Verizon store next door in an easterly direction and downstairs, that the downstairs use could not be made acceptable to the Fire Chief, that the petitioner seeks approval at this time of the expansion into the old Verizon store, that the petitioner will then re-file a petition for a special permit for an addition out the back of the building, and that this is an interim plan for a possible liquor license. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that he is in favor of the petition. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 8-0-1 (Denaro absent). 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, 8-0-1 (Denaro absent).

****

On the petition by Wilson TurboPower, Inc., 55 Sixth Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.41 of the 1985 Woburn Zoning Ordinances, as amended, to allow for research and testing facility at 20-30 Commerce Way. PUBLIC HEARING OPENED. A communication dated March 16, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Wilson TurboPower Inc. – 20-30 Commerce Way – To allow for a Research and Testing Facility pursuant to Section 5.1.41

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on March 10, 2009, the Board voted to send a favorable recommendation to the City Council to allow Wilson TurboPower Inc. to lease approximately 13,000 square feet of space at 20 Commerce Way to design, assemble and test high performance energy recovery devices called regenerators. Approximately 1/3 of the space will be office space and the remainder will be the testing and assembly area pursuant to Section 5.1.41.
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 Kate Connolly, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and she stated that the locus is

located in the I-P zoning district, that a special permit is required for research and testing, that there is a 55,375 square foot single story building on a 461,711 square foot lot, that there is a 50,000 square foot single story building at 30 Commerce Way, that the petitioner will use 13,000 square feet of the 20 Commerce Way building, that one-third of the area will be used for office space, that the petitioner is currently operating on Sixth Road, that the petitioner will have UPS and similar size delivery trucks to the site, and that approximately once a week a semi-trailer will be at the site. Brad Myrick, Senior Mechanical Design Engineer stated that a regenerator is a large ceramic wheel which picks up heat and gives the heat to a wheel heading in another direction, that it is a heat recovery device, that the petitioner will use natural gas to create the heat, that the petitioner wants to bring the process to a point to be marketable, that all work will be conducted in the building, that this works at a higher temperature of 1800° than found in an HVAC system, and that metal smelting is an example of a use. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that he is in favor of the petition, that the petitioner has been in business in Woburn for many years, that the petitioner is looking for a larger location, and that this is a good clean business. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 8-0-1 (Denaro absent). 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, 8-0-1 (Denaro absent).

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS: None.

NEW PETITIONS:

Petition by 3M Taxi, Inc., 165U New Boston Street, Suite 275, Woburn, Massachusetts 01801 for renewal of a Taxi Cab License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 8-0-1 (Denaro absent).

****

Petition by Abdulla Nasser dba AACO Travel Taxi, 329 Washington Street, Woburn, Massachusetts 01801 for renewal of a Taxi Cab License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 8-0-1 (Denaro absent).

****

Petition by Patricia Porrazzo dba Hollywood Limousine Co., 4 Skyview Lane, Woburn, Massachusetts 01801 for renewal of Livery License. Motion made and 2nd that the

MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 8-0-1 (Denaro absent).

****

Petition by Boston Tours, Inc., 56 Williams Street, Waltham, Massachusetts 022452 for renewal of a Common Carrier License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 8-0-1 (Denaro absent).

****

Petition by Mourad djiar dba ABCE Cab of Woburn, 165-M New Boston Street, Suit M241, 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, 8-0-1 (Denaro absent).

****

Petition by Saeed Rajabi dba Sky Taxi, 21 Cummings Park, Suite 232, 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, 8-0-1 (Denaro absent).

****

Petition by Saeed Rajabi dba Sky Livery, 21 Cummings Park, Suite 232, 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, 8-0-1 (Denaro absent).

****

Petition by Woburn Bowladrome Inc., 32 Montvale Avenue, Woburn, Massachusetts 01801 for renewal of a Bowling Alley License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 8-0-1 (Denaro absent).

COMMUNICATIONS AND REPORTS:

A communication dated March 9, 2009 was received from Attorney David C. Jenkins, Kopelman and Paige, P.C. relative to Economic Stimulus Plan including federal subsidy for COBRA premiums. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0-1 (Denaro absent).

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated March 6, 2009 was received from His Honor the Mayor as follows:

Re: Antonetta Fuller – Sign Review Board

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Antonetta Fuller of 80 Arlington Road as a Member of the Sign Review Board for a period of two years. This appointment is subject to confirmation by the City Council.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PERSONNEL, all in favor, 8-0-1 (Denaro absent).

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That the Department of Public Works, School Department and Recreation Commission devise a plan for water conservation by municipal departments, including but not limited to replacing and upgrading old toilets to the low water use toilets, installing water saving faucets in sinks and showers, fixing and maintaining water fixtures to prevent leaks, using water efficient dishwashing systems, and limiting watering of fields with water saving fixtures and limited watering schedules that make best use of resources; and

Further, that the Department of Public Works, School Department and Recreation Commission provide a report to the City Council Committee on Water concerning the plan to conserve water in the city's operations; and

Further, that the Department of Public Works, School Department and Recreation Commission provide reports on at least a quarterly basis to the City Council Committee on Water concerning the status of water conservation efforts and recommending further improvements.

s/Alderman Gately

Alderman Gately stated that the greatest water use in the city is for municipal uses, that the city needs to start conserving its resources, that the Department of Public Works has been retrofitting bathroom fixtures, and that this type of effort must also continue in the

schools and in the parks maintenance efforts. Motion made and 2nd that theORDER be ADOPTED, all in favor, 8-0-1 (Denaro absent).
Presented to the Mayor: March 20, 2009 s/Thomas L. McLaughlin March 20, 2009

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, 8-0-1 (Denaro absent).

FINANCE:

On the Order to transfer the sum of $20,000.00 from Tax Title/Foreclosure Account to Treasurer/Payroll Account, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0-1 (Denaro absent).
Presented to the Mayor: March 20, 2009 s/Thomas L. McLaughlin March 20, 2009

****

On the Order to transfer the sum of $100,000.00 from Ambulance Salaries Account to Apparatus Maintenance Account and Fire Overtime Account, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0-1 (Denaro absent).
Presented to the Mayor: March 20, 2009 s/Thomas L. McLaughlin March 20, 2009

****

On the Order to transfer the sum of $250,000.00 from BLS Ambulance Receipts Account and Ambulance Salaries Account and Ambulance Maintenance Account, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0-1 (Denaro absent).
Presented to the Mayor: March 20, 2009 s/Thomas L. McLaughlin March 20, 2009

****

On the Order to appropriate the sum of $25,000.00 from Unreserved Fund Balance Account to Police Emergency Generator Repairs Account, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0-1 (Denaro absent).
Presented to the Mayor: March 20, 2009 s/Thomas L. McLaughlin March 20, 2009

****

PERSONNEL:

On the appointment of Andrea Callahan 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, 8-0-1 (Denaro absent).
Presented to the Mayor: March 20, 2009 s/Thomas L. McLaughlin March 20, 2009

****

ORDERED That representatives of Gibbs Oil Company Limited Partnership be requested to meet with the Committee on Special Permits Review for the purpose of discussing the outdoor lighting at the facility located at 107 Winn Street in Woburn which has become a burden on neighboring properties.

s/Alderman Galvin

Motion made and 2nd that the ORDER be ADOPTED, all in favor, 8-0-1 (Denaro absent).

****

ORDERED That a committee be formed for the purposes of investigating roadway improvements in the area of Dragon Court, such committee consisting of two Aldermen, a resident of the area, a property owner of the area and a business owner of the area all appointed by the President of the City Council and a designee of the Planning Board.

s/President Doherty

Motion made and 2nd that the ORDER be ADOPTED, all in favor, 8-0-1 (Denaro absent).

****

ORDERED That the Treasurer/Collector meet with the Committee on Finance to discuss the City' maturing Debt Obligations. In particular the following:

1.) Does the city have any callable debt obligations?
2.) If yes, what are the savings projections if the city refinances at a lower rate, or if the city retires callable debt with free-cash.

s/Alderman Galvin

Motion made and 2nd that the ORDER be ADOPTED, all in favor, 8-0-1 (Denaro absent).
Presented to the Mayor: March 20, 2009 s/Thomas L. McLaughlin March 20, 2009

Motion made and 2nd to return to the regular order of business, all in favor, 8-0-1 (Denaro absent).

Motion made and 2nd to ADJOURN, all in favor, 8-0-1 (Denaro absent). Meeting adjourned at 11:12 p.m.

A TRUE RECORD ATTEST:

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