

**CITY OF WOBURN
MAY 19, 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, 9-0.

Motion made and 2nd to suspend the rules for the purposes of taking the following matter having been filed by the Committee on Finance pursuant to Rule 19 out of order, all in favor, 9-0. On the Order to appropriate the sum of \$900,000.00 from School Stabilization Fund Account to Portables Re: Goodyear Account, committee report was received "ought to pass." Alderman Galvin stated that he supports the Goodyear School funding, that he has supported funding for the construction of the other new schools in the city, that he does not approve of the swing school site plan because of safety at the site and the money that will have to be spent to make the site ready, that the portables cost \$900,000.00, the site work is approximately \$200,000.00 and the police details will be \$300,000.00 to \$400,000.00, that this is approximately \$1,500,000.00 for the swing school, that there are empty school rooms in other school buildings, that this will be a waste of money for the portables when there are empty classrooms, that he believes that the concern of the School Committee is that they do not want to lay off teachers, that the consolidation of the buildings will not allow savings with reduced staffing, and that he does not support this appropriation as it is a waste of money. Alderman Denaro stated that the swing space plan is an abomination, that the School Committee did not do what had to be done, that if the swing space at the Clapp was an empty facility there would be a savings of money, that the building will still be closed in two years so the current Clapp School students will lose two more years before they will benefit from new school buildings, that the Goodyear School financing will only be lost if the School Committee does not go forward with the project, and that he will not support the appropriation. Alderman Drapeau stated that he questioned why this was the best plan but was told there were no alternatives and that this was the best plan, that he thought initially that the Clapp School students should get redistricted now so that they can adjust to their new schools and put the Goodyear School students in the Clapp School to avoid the expense of the portables, that the School Committee states that there is no alternative and he accepts that assessment, that not supporting this appropriation will delay the building of the new Goodyear School, and that he reluctantly supports the appropriation. Alderman Mercer-

Bruen stated that if the Goodyear School project is supported then the portables have to be supported as well. Alderman Raymond stated that redistricting affects students and families, that it is not as easy as moving students here and there, and that the City Council must have confidence that the School Committee has done its job. Alderman Galvin stated that he takes exception that if you support the Goodyear School then you have to support the appropriation for the portables, that he does not understand how 350 students are expected to stay at this terrible site in this small school when empty classrooms are available. President Doherty stepped down from the chair and Alderman Galvin assumed the chair. President Doherty stated that the initial plan was to build the new Goodyear School on the Leland Park site but it has now been learned that the site is not suitable for building, that the School Committee stated that redistricting cannot be done just because there are rooms open here and there in other school buildings, that he has children attending the Clapp School and does not want to see a neighborhood school close, that the Clapp School could become a centralized pre-school in the future, that the site improvements are to protect the neighborhood and the students, that these are not temporary improvements, that the building will have services such as wireless facilities, that the newest buildings are being used for pre-K, that the special needs and pre-K programs can be effectively operated from the Clapp School, that this will preserve an elementary school building for future uses if necessary, and that students can be moved to fill empty seats in other school buildings but it will not be educationally effective and may split families. Alderman Denaro stated that the City Council is excluded from the School Building Committee because it cannot be involved in the expenditure of money, that attending meetings for the purposes of learning about a project is valuable but that is it, and that if the Clapp School will continue to operate after the Goodyear School is built then there will be no savings. Alderman Gonsalves stated that using the Clapp School building for pre-K will be as a tuition based operation and those decisions are for a later day. President Doherty stated that the Plympton School is still kept viable for municipal uses, that other buildings have been torn down after millions of dollars in expenditures, that a pre-K program at the Clapp School will be tuition based, and that the Clapp School will be made viable or the building will be torn down and the property turned over for development. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, ROLL CALL: Denaro – No, Drapeau – Yes, Gately – Yes, Gonsalves – Yes, Mercer-Bruen –Yes, Raymond – Yes, Wall – Yes, Doherty – Yes, Galvin – No, MOTION PASSES. Galvin stepped down from the chair and President Doherty resumed the chair. **Presented to the Mayor: May 22, 2009 s/Thomas L. McLaughlin May 26, 2009**

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

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$495,062.26 be and is hereby appropriated as so stated from Designated for Reduction of Debt Acct #01-357000 \$495,062.26 to Debt Principle Acct #0171059-591000 \$321,000.00, Debt Long Term Interest Acct #0171059-591500 \$174,062.26, Total \$495,062.26

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

s/President Doherty

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

A communication dated May 18, 2009 with attachment was received from William E. Kerns, Chairman, Cemetery Commission as follows:

Re: Appropriation Request

Dear President Doherty and City Council Members:

The Board of Cemetery Commissioners is requesting approval for an appropriation of \$4,000.00 from the Cemetery Interest Fund to the over-time salary account to cover the over-time costs associated with preparing the cemetery for the Memorial Day Celebration.

Should you have any questions regarding this request do not hesitate to contact this office.

Thank you, s/William E. Kerns, Chairman, Cemetery Commission

Attached thereto was the following:

ORDERED That the sum of \$4,000.00 be and is hereby appropriated from Cemetery Interest Fund to the Over-Time Salary Account #0149051-513100

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

s/President Doherty

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

PUBLIC HEARINGS:

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

On the petition by Robert McSheffrey, 891 Main Street, Woburn, Massachusetts for a special permit pursuant to Section 5.1.29 and Section 8.2.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a fast food restaurant and a reduction in the required parking at 891 Main Street. PUBLIC HEARING OPENED. A communication with attachments was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petitions of Robert McSheffrey, 891 Main Street, Woburn, MA

Dear Mr. Campbell:

Enclosed please find a revised plan: SP-1 amended through 5/30/08 prepared by Annino Incorporated in connection with the above-referenced matter along with a copy of a traffic report completed by Conley Associates dated May, 2009. Please note that I will be forwarding today to all City Council Members a copy of the revised Plan and Traffic Report. Please note that both documents had been previously delivered to and reviewed by the Planning Board prior to its issuance of favorable recommendations on both special permit applications. If you have any questions, please feel free to contact me. Thank you.

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

A communication dated May 18, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Robert McSheffrey – 891 Main Street – To allow for Fast Food Restaurant and a reduction in the required parking pursuant to Section 5.1.29 and 8.2.5

Dear Mr. Campbell and Members of the City Council:

At the meeting held on May 12, 2009, the Planning Board voted to forward a favorable recommendation to the City Council on the Special Permit request to allow the sale and rental of motor vehicles pursuant to Section 5.1.45 at 891 Main Street subject to the following conditions:

1. That the fast food restaurant shall not be greater than 2,200 S.F.;
2. That 23 parking spaces shall be provide as shown on the plan SP 1.1 amended through 5/30/08 prepared by Annino Incorporated except as modified by these conditions;
3. That the Planning Board shall retain jurisdiction over the landscaping, bike rack location, and fencing;
4. That a snow removal plan shall be filed with the City Clerk;
5. That the dumpster on the premises shall be screened;
6. That handicapped parking spaces on the premises shall conform to the requirements in the 1985 Woburn Zoning Ordinances, as amended, shall be located near the

entrance to the building and shall be marked as handicapped accessible parking spaces;

7. That the plan SP 1.1 amended through 5/30/08 prepared by Annino Incorporated except as modified by these conditions shall be the plan of record (the "Plans");
8. The fast food restaurant operator approved on this Special Permit is Robert McSheffrey. No other fast food restaurant operator shall be allowed;
9. That the sidewalk shall be increased to 10' wide in front of the four exterior windows for the sale of food on the west face of the building and that the parking aisle be narrowed in that area to not less than 24'; and
10. That the site shall also comply with the Special Permit regarding the sale and rental of motor vehicles at 891 Main Street.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

A report was received from the Committee on Special Permits as follows: "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." Appearing for the petitioner was Attorney Joseph R. Tarby, III and he stated that the restaurant operator under the special permit will be Robert McSheffrey, that if the petitioner decides to sell the property in the future it will require another special permit, that there is no intention for a drive-thru at this time but if the petitioner decides to have drive-thru service a special permit would be required for that use, that there will be no flags nor signs windows of the vehicles advertising the used car sales, that the hours of operation will be 6:00 a.m. to 11:00 p.m. seven days per week, that there is no name of the business yet, that Condition #8 is the Planning Board's language, and that the petitioner has no objection using language used to restrict transfer of other fast food businesses. Alderman Gonsalves stated that there should be a restriction prohibiting drive-thru service. Alderman Gately stated that he did not want flags or signs in the windows of the vehicles advertising used car sales. Alderman Raymond stated that Condition #8 states that no other restaurant operator is allowed, and that he would prefer the condition to state that the special permit is granted to Robert McSheffrey only otherwise the petitioner could acquire a chain franchise and continue to operate the business. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the recommendations of the Planning Board, as amended, be adopted as conditions of the special permit, 2. That Condition #8 of the Planning Board recommendations be amended to read as follows: 8. That the fast food operator under this special permit is Robert McSheffrey and no change in operator may occur until the City Council approves the change through either an amendment of this special permit or through a new special permit, 3. That this special permit is limited to the petitioner only, and 4. That the hours of operation are 6:00 a.m. to 12:00 midnight seven days per week, all in favor, 9-0.

On the petition by Robert McSheffrey, 891 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.45 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the sale or rental of motor vehicles and for a Second Class Motor Vehicle Sales License both at 891 Main Street. PUBLIC HEARING OPENED. A communication dated May 14, 2009 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Application for License to Sell Second Hand Motor Vehicles/891 Main Street, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that this office represents Robert McSheffrey in connection with his application to sell second hand motor vehicles at 891 Main Street, Woburn, Massachusetts.

Line 1 of the application lists the name of the concern as "Robert McSheffrey Auto Sales". The name of the concern should be listed as "Bob McSheffrey Auto Sales".

If the City Council votes to issue the second hand license at 891 Main Street, I respectfully request that it be issued in the name of Bob McSheffrey Auto Sales. Thank you.

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

A communication dated May 18, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Robert McSheffrey – 891 Main Street – To allow for the Sale and Rental of Motor Vehicles pursuant to Section 5.1.45

Dear Mr. Campbell and Members of the City Council:

At the meeting held on May 12, 2009, the Planning Board voted to forward a favorable recommendation to the City Council on the Special Permit request to allow the sale and rental of motor vehicles pursuant to Section 5.1.45 at 891 Main Street subject to the following conditions:

1. That the office shall not be greater than 600 S.F;
2. That no more than 5 vehicles for sale or rent shall be on the lot at any one time;
3. That the 5 vehicles for sale or rent shall be located on the south side of the lot in the area shown on the plan SP 1.1 amended through 5/30/08 prepared by Annino Incorporated labeled 1-6 to the north of the landscape and 5' east of the Main Street property line within a 44' x 18' rectangle such that the 7 easterly parking spots have a 24' parking aisle; and

4. That the site shall also comply with the Special Permit regarding the fast food restaurant at 891 Main Street.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

A report was received from the Committee on Special Permits as follows: "That the special permit be granted, as amended, with the amendments as follows: 1. That the recommendations of the Planning Board, as amended, be adopted as conditions of the special permit, 2. That the second recommendation be amended to read 'That no more than 6 vehicles for sale or rent shall be on the lot at any one time', and 3. That the third recommendation be amended to read 'That the six vehicles for sale or rent shall be located on the south side of the lot in the area shown on the plan dated May 19, 2009 entitled "Parking of Vehicles for Sale and labeled 1-6." The parking space noted for "Employee Parking" shall be for employees only,'" and further "That the Second Class Motor Vehicle Sales Licenses be granted with a condition limiting the license to six (6) motor vehicles sales and that the name on the license shall read "Bob McSheffrey Auto Sales". See record notes of the preceding meeting. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED AS AMENDED with the conditions as follows: 1. That the recommendations of the Planning Board, as amended, be adopted as conditions of the special permit, 2. That this special permit is limited to the petitioner only, and 3. That the hours of operation are 6:00 a.m. to 12:00 midnight seven days per week, all in favor, 9-0.

On the petition by Woburn Kiwanis, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.75 of the 1985 Woburn Zoning Ordinances, as amended, to conduct the annual Flag Day carnival and fireworks on June 19, 2009 and June 20, 2009 at Library Field. PUBLIC HEARING OPENED. A communication dated May 18, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Kiwanis Club of Woburn – Library Park – Annual Flag Day

Dear Mr. Campbell and Members of the City Council:

At the meeting held on May 12, 2009, the Planning Board voted to forward a favorable recommendation to the City Council regarding the Special Permit for the Annual Flag Day Festival at Library Park with the condition that the applicant comply with Section 5.1, Note 14 of the Woburn Zoning Ordinance.

If Council members have any questions or concerns regarding the above recommendations, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that this is an annual event with a carnival and fireworks. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing closed, all in favor, 9-0. Motion made and 2nd that that the SPECIAL PERMIT be GRANTED, all in favor, 9-0.

On the petition by Woburn Properties, LLP, c/o Cummings Properties, LLC, 200 West Cummings Parks, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.30b and 5.1.41 of the 1985 Woburn Zoning Ordinances, as amended to redevelop existing parking lot by constructing a four-story, 58,689 G.S.F. mixed-use building at 8 Cabot Road. PUBLIC HEARING OPENED. A communication dated May 18, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Woburn Properties, LLP, c/o Cummings Properties, LLC – 8 Cabot Road – To construct 48,240 NSF building for Offices and Research and Testing Laboratories pursuant to Section 5.1.30b and 5.1.41

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on May 12, 2009, the Board voted to send a favorable recommendation to the City Council subject to the following conditions:

1. That the Planning Board shall approve the landscaping and bike rack plans for the site and retain jurisdiction over the landscaping;
2. That the landscaping required to comply with the Conservation Commission decision shall not be altered by the Planning Board's review and approval of the landscaping and all conditions of the Conservation Commission shall be complied with.
3. That all safety requirements of the Fire Chief shall be met;
4. That all requirements of the City engineer shall be met;
5. That an access easement shall be as shown on the plans and that the plan of record shall be the plans a amended through 3/20/09 except as amended by these conditions.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

A communication dated May 18, 2009 with attachment was received from John E. Corey, Jr., PE as follows:

Subject: 8 Cabot Road Development

Materials Reviewed: Project Development Plans, dated March 20, 2009
Stormwater Report, dated March 20, 2009
Traffic Impact and Access Study, dated March 31, 2009
Development Impact Statement, dated April 2, 2009
Project Cost Estimate, received May 15, 2009

The engineering department is in receipt of a project cost estimate, prepared for the developer for the above referenced project. The estimate indicates a total site development cost of \$4,033,000.00. A copy of the estimate has been enclosed.

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

A communication dated May 19, 2009 was received from John E. Corey, Jr., PE, City Engineer as follows:

Subject: 8 Cabot Road Development Drainage Concerns

Materials Reviewed: Project Development Plans, dated March 20, 2009
Stormwater Report, dated March 20, 2009
Traffic Impact and Access Study, dated March 31, 2009
Development Impact Statement, dated April 2, 2009
Project Cost Estimate, received May 15, 2009

The engineering department has received concerns relative to the drainage system proposed for the above referenced project and we wish to offer the following comments.

Our review of the drainage system for the proposed development was accomplished in conjunction with the Chapter 131 Notice of Intent as submitted to the Conservation Commission. Under the Conservation Commission's regulations, the project is considered as a redevelopment of an existing site. To that end, the developer has complied with the performance standards as set forth by the Massachusetts Stormwater Management Policy. Our evaluation concurred with the findings of the Conservation Commission in that the site was a redevelopment project and viewable to lessor standards than that of a new development.

It has been pointed out that there is a Mystic Valley Watershed Association Study prepared in conjunction with the EPA indicating that the Aberjona River in the area of Commerce Way has high coliform counts during wet weather conditions and therefore, under the provisions of a special permit, the site should be treated as new development and meet the more stringent best management practices for a new development. A copy of the EPA study is on file with the engineering department. We would defer to the City Council as to whether or not the site should be viewed as a new development or a redevelopment.

Should you have any questions or comments regarding this matter, please do not hesitate to contact this office.

A report was received from the Committee on Special Permits as follows: "Back for action." Appearing for the petitioner was Ernest Agresti, Vice President Design and Construction, Cummings Properties and he stated that the petitioner received an Order of Conditions from the Conservation Commission, that a expanded landscape plan was filed with the City Council, that the Planning Board gave a unanimous favorable recommendation, that Massachusetts Department of Environmental Protection defines this as a redevelopment and has been endorsed as such, that there is no legal requirement to provide documentation concerning this issue, that this property is no less non-conforming than in the past, that the construction costs numbers are a combination of bids for this project and an almost identical building being constructed in Sudbury, that this is a real number, that houses cost more to build, that it is part of the petitioner's success to control costs, that if the project is over 15,000 square feet a roadway and infrastructure study is required to determine if mitigation is needed, that this project does not impact mitigation, and that the city cannot require payment in lieu of mitigation if no mitigation is required. Dennis Clarke, Cummings Properties stated that the 2001 ANR plan did not make the property at 12 Cabot Road any less conforming than it originally was, that a commercial structure has continued operate at the 12 Cabot Road location, that the drainage meets all applicable standards, that the requested catch basin is extra work to a plan that is already compliant, that if a catch basin is desired the petitioner will add it as a contribution to stormwater management, that the work proposed in the words of the City Engineer is a vast improvement of current conditions, that the construction costs are real figures based on current market prices, that it is because of the petitioner's ability to obtain favorable prices that it is allowed to pursue construction of an essentially speculative building under current market conditions while other projects in the area go dormant, that the locus is a nearly fully paved commercial parking lot used for that purpose for many years, that it is a brownfields site, that the current use of the locus is still viable, that there will be similar traffic patterns between the current use and the proposed use, that the current tax for the locus is approximately \$13,000.00, that when fully occupied the property will generate tax revenue of \$65,000.00 to \$70,000.00 per year, that the petitioner tries to build quality property for the long-term, that the petitioner has never sold one of their commercial properties, and that there is some merit for one additional catch basin but the second proposed catch basin is a waste of money.

Alderman Wall stated that he would like to see two drain basins installed, that the site could be treated as a new site facing more stringent oversight in the Aberjona Watershed District, that is should also be determined that 12 Cabot Road remains conforming and he requests a letter from the Building Department stating that it does remain conforming, that the Planning Board Director stated that such documentation of conformity if required, that the construction costs of \$68.00 per foot is less than a typical \$100.00 per foot house building cost, that this figure impacts the building permit fees, that the costs of construction should be the standard set out in the mitigation ordinance or other appropriate standards, that if the locus was a field the project would not be before the City Council because of The Rivers Act, that because the parcel is paved it is before the City Council, that this is an empty site with a new building being constructed, that the

Conservation Commission looked at the locus as a redevelopment, that there should be a catch basin to prevent runoff to the street and an additional catch basin to tie in systems, and that a catch basin should be added as shown on Sheet C-3 at location 59.8 down three hundred feet for the next location and going out on property line to catch water before it drains out onto Cabot Road. Alderman Mercer-Bruen stated that occupancy permits were issued for the properties since the ANR was approved, that speed zone radar signs help to control traffic, that she did not see that sign in the City Engineer's report but would like to see it added, and that she is satisfied if the City Engineer states that these are genuine figures and the petitioner can demonstrate this to the City Council. President Doherty stated that mitigation looks into issues of drainage and infrastructure and not just traffic. Alderman Gately stated that the requested catch basin on the west side of the building has to be done because of the distance, that there has to be a determination whether this is a redevelopment or a new development, that if this is a new development then the catch basin must be installed, and that if this is a redevelopment then the city must go with the recommendations of the City Engineer and the recommendations of the Conservation Commission. Alderman Drapeau stated that the petitioner is willing to take the risk to put up this building, and that he will support the petition as it creates jobs and tax revenues. Alderman Raymond stated that this is a worthwhile project, and that he supports the recommendation for an extra catch basin. Alderman Gonsalves stated that the City Council has been asking for small mitigation contributions, that collectively one project after another will affect service in the area, that asking each developer to make small contributions is fair, and that she wants to see impressed pigmented crosswalks installed. Alderman Denaro stated that the Planning Board, Conservation Commission and City Engineer have all provided favorable comments, that this is the beginning of a redevelopment of that area of the city, and that the petition should move forward. IN FAVOR: None. OPPOSED: None. Motion made and 2nd to close the public hearing, all in favor, 9-0. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the conditions as follows: 1. That the Planning Board recommendations be adopted as conditions of the special permit, 2. That the petitioner shall install pigmented pavement crosswalks across Cabot Road at Commerce Way and across the Access Road to other Cummings Properties buildings, immediately north of the Demoulas Property at Commerce Way, 3. That the petitioner shall install one catchbasin from 59.8 on Sheet C-3 of the plan of record entitled "Proposed Building, 8 Cabot Road, Woburn, Massachusetts" dated March 20, 2009 prepared by Borselli Engineering & Development, Inc.+ no more than three hundred (300) feet to the Aberjona River, and 4. That a communication be forwarded to the City Engineer that he use standard practice under the mitigation ordinance to determine the estimated costs of construction and to seek documents from the petitioner to determine the estimated costs, all in favor, 9-0. Motion made by Alderman Denaro to reconsider his vote on the motion being duly seconded, all in favor, 9-0. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the conditions as follows: 1. That the Planning Board recommendations be adopted as conditions of the special permit, 2. That the petitioner shall install pigmented pavement crosswalks across Cabot Road at Commerce Way and across the Access Road to other Cummings Properties buildings, immediately north of the Demoulas Property at Commerce Way, 3. That the petitioner shall install one catchbasin from 59.8 on Sheet C-3 of the plan of record entitled "Proposed Building, 8

Cabot Road, Woburn, Massachusetts” dated March 20, 2009 prepared by Borselli Engineering & Development, Inc.+ no more than three hundred (300) feet to the Aberjona River, and 4. That a communication be forwarded to the City Engineer that he use standard practice under the mitigation ordinance to determine the estimated costs of construction and to seek documents from the petitioner to determine the estimated costs, all in favor, 9-0.

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 authorize an expansion of the restaurant business at 41+

4 Main Street PUBLIC HEARING OPENED. A communication dated May 18, 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 expansion pursuant to Section 5.1.29

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on May 12, 2009, the Board voted to send a favorable recommendation to the City Council to allow the expansion of the fast food restaurant 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 fast food restaurant;
2. No public use shall be allowed in the basement except for restroom facilities;
3. That the seating shall not be more than 104 seats;
4. That all safety requirements of the Fire Chief shall be met;
5. That all requirements of the City Engineer shall be met;
6. That all requirements of the architectural access board shall be met; and
7. 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 prior petition was an attempt to expand the restaurant to 100 seats in order to obtain a liquor license, that the downstairs seating was not approved, that the petitioner will expand the restaurant to the rear with one level of seating entering from Main Street, that there will be storage in the basement, that the addition will accommodate the expansion of the business to 100 seats, that the property is located in the B-D zoning district and can be built to the lot boundaries, that the parking is located off-site within 500 feet of the business, that there

will be no change in access for vehicles at the rear of the building, and that the Fire Chief has reviewed the plan and raised no objections. IN FAVOR: Donald Graham, 10 Clinton Street stated that he supports the petition. A communication dated May 12, 2009 was received from Paul J. Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn in favor of the petition. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the conditions as follows: 1. That the recommendations of the Planning Board be adopted as conditions of the special permit, all in favor, 9-0.

On the petition by NBTC Realty, LLC, 215 Lexington Street, Woburn, Massachusetts 01801 for an Inflammable License to store 986 gallons of gasoline in parked motor vehicles in underground parking lot at 275 Mishwum Road. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney James J. Mawn, Mawn and Mawn, 215 Lexington Street, Suite #2, Woburn, Massachusetts 01801 and he stated that this will allow for parking vehicles in an underground garage previously approved by the City Council for this location, that the building is almost complete, and that Mishawum Properties still owns the condominium project. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the LICENSE be GRANTED, all in favor, 9-0.

Presented to the Mayor: May 22, 2009 s/Thomas L. McLaughlin May 26, 2009

On the petition by Kravings, Etc., Robert Haykel, Manager, 106 Winn Street, Woburn, Massachusetts 01801 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 106 Winn Street PUBLIC HEARING OPENED. A communication dated May 18, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Kravings Etc. – 106 Winn St. – To allow fast food restaurant pursuant to Section 5.1.29

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on May 12, 2009, the Board voted to send a favorable recommendation to the City Council to allow fast food restaurant pursuant to Section 5.1.29 at 106 Winn St. subject to the following conditions:

1. That this special permit shall be exclusive to Kravings Etc., Robert Haykal, Manager and terminate if this operation ceases.
2. That the hours of operation shall be Sunday through Saturday 10:00AM to 10:00 PM.
3. That prior to the issuance of a building permit, the petitioner shall provide to the building department an executed lease for seven (7) parking spaces, similar in form to the lease submitted to the City Council. If the lease is not renewed or is terminated by Borselli then the special permit shall be automatically revoked.

4. That the petitioner shall erect signs signifying that the seven (7) off site parking spaces are for “Breakers Only” or “Kravings Etc. Only” and a sign at the rear exit stating “Additional Parking” shall be erected.
5. That any tables intended for exterior dining shall be located as shown on the plan of record, with no others allowed, and shall be surrounded by a guardrail, shall be handicapped accessible and meet all ADA requirements.
6. That the exterior ramp shall be at least six (6) feet in width and ADA compliant.
7. That Breakers Ice Cream shall service customers from either the interior windows or the exterior windows but never both and there will be no service window at the front of the building.
8. That the petitioner agrees that the only uses allowed during the duration of this special permit shall be for Breakers Ice Cream and Kravings Etc. and no other use shall be made of the area marked “Storage.”
9. That the dumpster shall be screened by fencing.
10. That the Planning Board shall retain jurisdiction over landscaping.
11. That all snow removal shall be removed off site
12. That the site plan of record shall be: “Parking Plan Restaurant at 106 Winn Street” dated May 16, 2005 by Borselli Engineering.
13. That no banner shall be allowed on the outside of the building.
14. That the lease shall contain a provision allowing of access to 106 Winn Street through the property at 110 Winn Street.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that this is an ongoing business, that the petitioner received a special permit last year for off-site parking, that it was intended to be a full service restaurant, that the petitioner wishes to expand the business to include fast food service. Alderman Gately stated that he wants the petitioner to understand that A-frame advertising signs are not allowed. IN FAVOR: None. OPPOSED: None. Motion made and 2nd to close the public hearing, all in favor, 9-0. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the recommendations of the Planning Board be adopted as conditions of the special permit, all in favor, 9-0.

Alderman Wall announced that he would not participate in the following matter to avoid any potential conflict and left the Council Chamber.

On the petition by Robert W. Murray, Trustee of 330 Lexington Street Realty Trust, 27 Cambridge Street, Burlington, Massachusetts 01803 for a special permit pursuant to Section 5.1.3(d) for a townhouse development consisting of ten (10) townhouse units at

330 Lexington Street a/k/a 4 lots on Seaman Robert H. Doherty Drive and inclusive of roadway. PUBLIC HEARING OPENED. A communication dated April 16, 2009 was received from Attorney John D. McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Request – 330 Lexington Street, Woburn – Applicant: Robert W. Murray, Trustee

Dear Mr. Campbell:

This will confirm the above named applicant's consent to time on the above reference special permit request, up to and inclusive of June 4, 2009, in order to allow a public hearing on May 19, 2009 and follow-up action or a continued hearing to June 2, 2009, if necessary.

Thank you for your cooperation, and please contact me should you or the council have any questions.

Sincerely, s/John D. McElhiney

Motion made and 2nd that the time to act on the special permit be extended up to and including June 4, 2009, all in favor, 9-0. A communication dated April 21, 2009 with attachment was received from Attorney John D. McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 as follows:

Re: Notice of Submission of Request to Rescind Definitive Plan to Planning Board (MGL, Ch. 41, Sect. 81W)
Premises: 330 Lexington Street, Woburn, MA
Owner/Applicant: Robert W. Murray, Trustee of Three Hundred Thirty Lexington Street Trust

Dear Mr. Campbell:

I am submitting herein notice of the filing of the above referenced request to rescind a previously approved plan with the Planning Board, on this date. I enclose a copy of the request to the Board for your records.

Thank you for your cooperation.

Very truly yours, s/John D. McElhiney

A communication dated May 18, 2009 was received from George Poole, Commander, United Veterans Council of Woburn as follows:

Re: Seaman Robert H. Doherty Drive

All records on file with the Department of Veterans Services list Seaman Doherty's was not killed in action. In Accordance with Ordinance 121-1 as passed by the City Council, clearly states streets shall be named after a man or a woman Killed In Action. Therefore the United Veterans Council of Woburn would ask that the City Council adhere to the ordinance as passed.

Veterans Council of Woburn
George Poole, Commander

A communication dated May 18, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

RE: Robert W. Murray, Trustee Three Hundred Thirty Lexington Street Trust – 330 Lexington St – To construct ten townhouse units pursuant to Section 5.1.3d

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on May 12, 2009, the Board voted to send a favorable recommendation to the City Council subject to the following conditions:

1. That the subdivision approved on April 13, 2004 by the Woburn Planning Board shall be rescinded and be effective in compliance with Chapter 41 Section 81W;
2. That Planning Board approval for more than one residential structure on a lot shall be obtained;
3. That the four unit townhouse shall be rotated such that each driveway of the center units and the end unit closest to Lexington Street shall have at least 42' from the easterly edge of the 22' access drive to the door of the garage;
4. That the six unit townhouse shall have driveways of the center units and the end units that are at least 42' from the easterly edge of the 22' access drive to the door of the garage;
5. That the center unit garages in both buildings shall have a minimum of a 1' separation strip by curbing or landscaping to separate the driveways of each center unit and the driveways may be as wide as 12';
6. That the Fire Chief shall approve the location and number of fire hydrants that shall be provided by the developer to satisfy the fire safety needs of the proposal;
7. That the architectural plans and the engineering plans/ site plans be the plans of record unless modified by the conditions of the Site Plan approval;
8. That upon completion of the project an electronic as-built plan in AutoCAD shall be submitted to the Engineering Department for updating of the graphical information system;
9. That this proposal shall comply with the requirements of Section 11.11 the Affordable Housing Requirement of the Woburn Zoning Ordinance; and
10. That the applicant shall endeavor to acquire access through the Winning Farm site to this development.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

Motion made and 2nd that the three communications be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Wall absent). Appearing for the petitioner was Attorney John D. McElhiney and he stated that this project was before the City Council previously with respect to the petitioner's request to rezone the property to the R-3 zoning district, that 12,000 square feet is required to build one townhouse and an additional 5,000 square feet is required for each additional unit, that the lot contains 85,000 square feet of land, that approximately 20,000 square feet of the locus is located in the town of Lexington, that the petitioner has not counted the Lexington portion of the locus for this proposal, that the petitioner will develop 64,000 square feet of the locus and leave 20,000 square feet as a buffer or open space, that with 64,000 square feet being developed eleven units would be permitted and with all 84,000 square feet being developed fifteen units would be permitted, that this proposal is to develop only ten units, that the four-lot subdivision plan for the locus was rescind by the Planning Board, that the northerly side of Lexington Street has single family residences and the southerly side of Lexington Street where the locus is located has approval for a 140 unit condominium development at the former Winning Farm, this parcel, a single family property and an additional multi-family development, that this use fits with the multi-family uses in that area, that the buildings will be turned on their sides, that access way will connect the units, that a secondary or emergency access will be developed to the Winning Farm driveway, that the buildings will have the appearance of a single family home, that the proposal is trading four single family homes with ten condominium units, that there will be likely similar traffic generated from either type of development, that there will be more tax revenue generated from the project, that there will be less drain on the infrastructure of the city, that the roadway, water and sewere lines will be maintained by the development rather than the Department of Public Works, and there will likely be fewer school children residing in the development. Alderman Denaro stated that he likes one unit facing the street for the appearance of a single family house with the remainder of the units located behind, and that this proposal provides additional buffer to the Canterbury Road residents. Alderman Gonsalves stated that Section 11.11 of the zoning ordinances requires either a unit sold by the Woburn Housing Authority by lottery or a payment in lieu of donation to the Affordable Housing Fund, and that the City Council should have the right to approve payment in lieu. President Doherty stated that the affordable housing component must be determined before occupancy or sale. Alderman Gately stated that there will be no city snow plowing at the development and tax benefits to the city, that the project is good for the city, and that he will support the petition. Alderman Drapeau stated that there have been some neighborhood meetings concerning the proposal, that he is in favor of the petition, that he has not received any calls in opposition to the proposal, and that he would like to see the petition approved at this meeting. IN FAVOR: A communication dated May 12, 2009 was received from Paul J. Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn in favor of the petition. OPPOSED: None. Motion made and 2nd that the public

hearing be closed, 8 in favor, 0 opposed, 1 absent (Wall 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, and 2. That the northerly unit closest to Lexington Street shall face Lexington Street and give the appearance of a single family dwelling, 8 in favor, 0 opposed, 1 absent (Wall absent).

Alderman Wall returned to the Council Chambers.

On the petition by 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 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 May 15, 2009 was received from Attorney Jonathan M. Silverstein, Kopelman and Paige, P.C. as follows:

Re: Pine Street Rezoning Petition

Dear Members of the City Council:

You have requested my opinion on two questions regarding the above-referenced rezoning petition: first, you have asked whether the voluntary withdrawal of one of the two property owners who signed the original petition affects the Council's ability to act on the petition as to the remaining petitioner; second, you have asked whether the Council could impose restrictions on the proposed rezoning in order to limit development of the property to a single duplex residential structure. In my opinion, as further explained below, the City Council may properly consider the remaining zoning petitioner's request that his property be rezoned, notwithstanding the withdrawal of the other original petitioner. In my further opinion, although the Council may not impose conditions on a zoning change, there may be other options that could accomplish the same purpose.

A. Withdrawal of a Petitioner

Based upon the information with which you have provided me, the original petition was submitted and signed by two property owners: Rae Gulliver, owner of 35 Pine Street (Lot 1A) and June Ross, owner of 35 Pine Street (Lot 1B). According to the plan submitted with the petition, Lot 1A contains approximately 12,685 square feet and is improved with a residential structure, and Lot 1B is an unimproved lot containing approximately 160,554 square feet. Both lots are bisected by the zoning line that separates the R-2 District (along the lots' frontage with Pine Street) and the I-G District (which encompasses the rear portions of both lots). The two property owners submitted a

petition to the Council requesting that the zoning map be changed so as to include the entirety of both parcels in the R-2 District.

Subsequent to the petition being filed, but prior to any action by the Council, Ms. Gulliver requested that she be permitted to withdraw her petition as to Lot 1A, and the Council voted to grant this request. The other petitioner, Ms. Ross, apparently desires to continue with the petition to rezone Lot 1B.

In my opinion, the withdrawal by one property owner of her request to rezone her land does not affect the Council's ability to act on the petition with respect to the other property owner. Pursuant to G.L. c.40A, §5, a zoning change "may be initiated by the submission to the city council...by an individual owning land to be affected by change or adoption..." In this case, two property owners happened to submit their requests for zoning changes together in a single petition. However, they certainly were not required to do so, and either or both could have submitted separate petitions regarding the individual properties.

Of course, if the Council, from a procedural or parliamentary standpoint, wished to establish a policy or rule that would address this issue, it would have the ability to do so. I have reviewed the Council's Rules and Orders, and there does not currently appear to be any provision that would be implicated by the Council's question.

There is nothing in the statute that would prevent the Council from considering just one of the petitioners' requests in light of the voluntary withdrawal by the other. Moreover, in my opinion, no new hearing or publication is required, since the rezoning of one of the lots is certainly within the scope of the original petition, which included both lots.

B. Placing Conditions on the Requested Zoning Change

You have indicated that the prospective purchaser of Lot 1B has indicated his intent to construct a single duplex dwelling on the parcel. The Council has asked "what restrictions [it] can adopt that would ensure that only one dwelling will be constructed on the parcel if the zoning amendment is approved." In my opinion, the Council may not place conditions or restrictions on a zoning change—which is a legislative act, as opposed to a quasi-adjudicatory act such as granting a special permit. Indeed, in my opinion, a zoning amendment that placed specific conditions on just one property in the R-2 District would be subject to challenge as not in keeping with the so-called "uniformity" requirement set forth in G.L. c.40A, §4, which requires that every property within a particular zoning district be subject to the same requirements as every other property in that district.

I have not been asked to opine as to the development potential of Lot 1B, if the zoning change is approved, and I have no information regarding the conditions or features of the property. However, I would note that the property contains over 160,000 square feet, and that only 15,000 square feet of area is required for construction of a new duplex structure

in the R-2 zone. Thus, if the entire parcel is rezoned R-2, there appears to be the potential for subdivision of the lot for the construction of multiple duplexes.

Although the Council does not have the ability to impose conditions on a zoning change that would not apply district-wide, it could, in my opinion, instead choose to rezone only enough of the lot to permit construction of a single duplex. As noted, the Zoning Ordinances (Section 6.1) require a minimum area of 15,000 square feet for the construction of a new duplex unit. Though the plan attached to the petition does not show the amount of area of Lot 1B contained within the R-2 District, it appears to be approximately the same size as the entirety of Lot 1A—i.e. approximately 13,000 square feet. The Council could choose, in my opinion, to rezone just enough Lot 1B to provide the lot with the minimum 15,000 square feet (or, if a larger area is desired, less than the minimum 30,000 necessary for construction of two duplexes) for construction of a duplex. It appears that the rest of the lot could then be divided from the residential portion and used for I-G purposes via the apparent access over Walnut Hill Park.

As an alternative, there is certainly nothing to prevent the applicant from voluntarily offering the City a deed restriction providing that Lot 1B may only be used for construction of a single duplex structure in the event the zoning change is approved. Should the applicant offer to provide such a deed restriction running in favor of the City, we would be happy to work with the applicant's counsel to develop an acceptable document to be recorded if and when the zoning change is approved.

Please do not hesitate to contact me should you have any further questions regarding this matter.

Very truly yours, s/Jonathan M. Silverstein

Motion made and 2nd to accept the communication from the City Solicitor and make it part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Malcolm Houck, 7 Winn Street, Woburn, Massachusetts 01801 and he stated that he represents the landowner June Ross and the petitioner Sean Coakley, that the petitioner is seeking to rezone a portion of the Ross lot from the I-G zoning district to the R-2 zoning district, that the City Solicitor states that the City Council is authorized to proceed with the Ross petition, that the plan has been revised, that the proposed duplex and the delineated resource area are shown on the revised plan, that the area where the petitioner could build on the locus without a zoning change has poor soil conditions, that the area where the petitioner proposes to build is virgin soil and suitable for a single two-family building, that this revised plan does not include the Gulliver parcel, that the petitioner has stepped out a 70 foot buffer zone to the industrial property, that without a new plan the City Council can approve the rezoning with a narrative, that an additional plan may be required to be filed, that 250 square feet of wetland can be developed as long as it is replicated elsewhere, that Mr. Coakley dedicated a parcel of land in north Woburn for conservation purposes that is twice the size of this parcel, that Michael Langone who opposes the petition signed a purchase and sale agreement relative to the land for the identical purpose in September 2008 and now objects to the proposal, that Mr. Langone's

offer was never accepted, and that Mr. Langone likely did not conduct the due diligence that Mr. Coakley has with respect to developing the property. Attorney Houck offered a plan entitled "Plan of Land to Amend Zoning in Woburn, MA" to the City Council for review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Attorney Houck offered a sample declaration of restrictions for the benefit of conservation conditions to the City Council for review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Sean Coakley, 640 Main Street stated that the petition creates an industrial buffer zone, that he will offer a conservation restriction on wetlands and build a single duplex residence on a five acre parcel of land, that this is the best plan that he can offer, and that this keeps the industrial uses from extending closer to the residential areas. Alderman Mercer-Bruen stated that the neighbors are concerned that their property values will suffer for the benefit of one landowner, that the wetlands can be developed, that she is still concerned about the proposal, and that she will not support the petition if it will be a detriment to other property owners. Alderman Galvin stated that there are ways to ensure only one duplex is constructed such as a deed restriction. Alderman Drapeau stated that Mr. Coakley is a responsible developer, that this is another opportunity to spur growth, that the petitioner can be sensitive to the neighbors, that a deed restriction can be obtained. Alderman Gonsalves stated that she cannot support the petition without further review in committee. IN FAVOR: None. OPPOSED: Ed Gabriel, 35 Pine Street stated that he owns the property known as Lot 1A, 35 Pine Street with Rae Gulliver, that the petitioner's proposed duplex house is in their backyard, that the proposed house will obstruct their view, that the petitioner has 113 feet of frontage on Pine Street, that there is no need for rezoning the parcel or to build a house in his backyard, that a driveway will be built in the area where the proposed house could be built, and that Ms. Gulliver had been misled with respect to no building being constructed next to her house. Michael Langone, 952 Main Street stated that he owns 16 Walnut Hill Park to the rear of the parcel, that he made a low offer to purchase the parcel because building a house on the locus would have been costly, that the house belongs on Pine Street and not in a neighbors backyard, that the petitioner is trying to avoid these costs with this rezoning petition, that there is no hardship here, that this is a business decision of the petitioner, that the house will be built and the petitioner will move on, that the neighbors will be stuck with the consequences, and that there are four houses along Pine Street that were built with embankment. Motion made and 2nd to close the public hearing, 8 in favor, 1 opposed (Denaro opposed). Motion made and 2nd that the ORDER be DENIED, 2 in favor, 7 opposed (Denaro, Drapeau, Galvin, Gately, Raymond, Wall, Doherty opposed). Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor 9-0.

On the petition by Alderman Raymond to further amend the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. By deleting in Section 2 Definitions the following definitions: "RESEARCH LABORATORY"; 2. By inserting in Section 2 Definitions the following definitions: "BIOMEDICAL FACILITY: Any facility or research laboratory engaged in the use of Recombinant DNA, live animals for testing, the use of potentially infectious cell lines, or infectious material." "RESEARCH AND TESTING

LABORATORY: A laboratory which engages in research, experimental and testing activities, including but not limited to the fields of chemistry, electronics, engineering, geology, and physics but not including biomedical facilities. Some prototype development may be included, but the primary function is research.” 3. By inserting the following in Section 5 Use Regulations, Section 5.1 Table of Use Regulations: “41a Biomedical Facility: under R-1, R-2, R-3, R-4, B-N, B-H, B-D, B-I, S-1, S-2 and O-S shall be “-” not a permitted use; under, I-P, IP-2, I-G, O-P, and OP-93 shall be “X” a by right use.” PUBLIC HEARING OPENED. A communication dated May 18, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Alderman Michael Raymond – Zone Change – Definitions “Biomedical Facility” & “Research and Testing Laboratory” and Addition of “Biomedical Facility” to Use Table

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on May 12, 2009, the Board voted to forward a favorable recommendation to the City Council on the above-cited zoning amendment.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

Alderman Raymond stated that this gives biomedical facilities the flexibility to move into the city, that the Biomedical Oversight Committee will be regulatory, and that the proposal adds a level of review for every biomedical facility that comes into the city to be approved and then reviewed every year as long as the business is in the city. Alderman Denaro stated that if the committee is regulatory it will have all authority over these issues, and that this process establishes more roadblocks in government. President Doherty stated that the Biomedical Oversight Committee has already been approved, and that this is a zoning amendment that regulates where the uses will be allowed. Alderman Gonsalves stated that this will be a simpler process to go before the Biomedical Oversight Committee rather than the City Council, that a prohibition of the BL-3 and BL-4 uses could be added as a note, that high hazard uses are not allowed in the Trade Center Park building, that the typical hazard in the BL-1 and BL-2 levels is a hazard to the person using the material rather than to abutters, and that she understands that change is sometimes necessary but not so close to residential uses. Alderman Drapeau stated that he agrees that the Biomedical Oversight Committee will add another layer of government, that he cannot support the creation of the committee when a similar body was just dissolved, that he is comfortable with the definitions for BL-1 and BL-2, and that this is an overreaction to earlier projects. Alderman Galvin stated that it should be stated in the zoning ordinances that BL-3 and BL-4 uses are not allowed, and that the definitions of BL-3 and BL-4 as defined by the appropriate source can be used. Alderman Doherty stated that the addition of BL-3 and BL-4 prohibition in the zoning ordinances would be redundant but worthwhile. IN FAVOR: A communication dated May 12, 2009 was

received from Paul J. Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn in favor of the petition. OPPOSED: Paul Lyness, 7 Cortland Circle stated that he is an abutter of a parcel that will have this use, that the building is seven stories high and impacts his property value, that there are 500,000 square feet in the building, and that the more of the building that is used for biomedical uses the more chance for accidents. Motion made and 2nd to close the public hearing, all in favor, 9-0. Motion made and 2nd that the ORDER be ADOPTED, AS AMENDED, with the conditions as follows: 1. That a Note 24 be added to Section 5.1 line 41a as follows: "24. Any use defined as "BL3" and "BL4" by the NIH Guidelines promulgated in the Federal Register on May 7, 1986 and any subsequent federal amendments shall not be permitted in the City of Woburn," 8 in favor, 1 opposed (Denaro opposed).

Presented to the Mayor: May 22, 2009 s/Thomas L. McLaughlin May 26, 2009

On the petition by Alderman Wall to further amend the 1985 Woburn Zoning Ordinances, as amended, as follows: By adding to Section 8.4.3 a new second sentence in the paragraph for "Residential" as follows: "For a detached two-family dwelling in the R-2 zoning district, the maximum driveway width serving the lot shall be forty-eight (48) feet." PUBLIC HEARING OPENED. A communication dated May 18, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Alderman Wall – Zone Change – Driveway width for two-family dwelling in an R-2 Zoning District

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on May 12, 2009, the Board voted to forward a favorable recommendation to the City Council on the above-cited zoning amendment.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

Alderman Wall stated that if garages in the two-family dwelling are built on the end unit then the width of the driveways are not an issue, that if the garages are constructed in between the two units only one 24 foot wide driveway is permitted which makes design difficult, that this will allow two 24 foot driveways or one 48 foot wide driveway, that the zoning ordinances currently allow a minimum of 12 feet and a maximum of 24 feet for driveways, and that he has run into this issue and knows of others who have faced this issue. Alderman Gately stated that this will increase parking for residences and is necessary. IN FAVOR: None. OPPOSED: None. Motion made and 2nd to close the public hearing, all in favor, 9-0. Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.

Presented to the Mayor: May 22, 2009 s/Thomas L. McLaughlin May 26, 2009

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$27,500.00 from Police Department Sick Leave Buy Back Account to Police Department various accounts, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: May 22, 2009 s/Thomas L. McLaughlin May 26, 2009

On the Order to transfer the sum of \$50,000.00 from BLS Ambulance Receipts Account to Fire Overtime Account, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: May 22, 2009 s/Thomas L. McLaughlin May 26, 2009

POLICE AND LICENSES:

On the petition by Cambridge Road Auto Service, Inc. for renewal of Second Class Motor Vehicles Sales License, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: May 22, 2009 s/Thomas L. McLaughlin May 26, 2009

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 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: May 22, 2009 s/Thomas L. McLaughlin May 26, 2009

On the petition by Marc E. Dionne dba Silver Cue Billiards for renewal of Billiard Table License, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: May 22, 2009 s/Thomas L. McLaughlin May 26, 2009

NEW PETITIONS:

Petition by American Classic Limousine, Inc., 215 Salem Street, Suite 8 for renewal of Livery License for thirteen (13). Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

Petition by Woburn Cab Co. Inc., 100 Ashburton Avenue for renewal of Taxi Cab License for twelve (12). Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

Petition by Woburn Cab Co. Inc., 100 Ashburton Avenue for renewal of Livery License for three (3) vehicles. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

Petition by Parmjit Singh Bhatti, 470 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.29 of the 1989 Woburn Zoning Ordinances, as amended, to allow fast food at 470 Main Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Anne M. Beauchamp, 7 Marietta Street, Woburn, Massachusetts 01801 and John J. Beauchamp, 2 Ryan Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to alter and change a pre-existing non-conforming structure by razing the same and constructing a new, two-family structure which will also be non-conforming with respect to some dimensional requirements and changing the use from single family to two-family at 222 School Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated May 12, 2009 was received from Charles L. O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 90, Section 20½, I am submitting a report to you on the parking violations in the City of Woburn for the period ending April 2009: number of parking violations issued 726, number of violations paid 411, number of violations outstanding 330, amount collected and submitted to the Office of the Collector \$23,859.00. There exists a backlog of 4,814 tickets for 1982 through 2008. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$4,250.00.

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

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

A communication dated May 14, 2009 was received from Philip L, Mahoney, Chief of Police, Woburn Police Department as follows:

A team of assessors from the Massachusetts Police Accreditation Commission, Inc. is scheduled to arrive on June 9, 2009, to begin examining various aspects of the Woburn Police Department's policies and procedures, operations, and facilities.

Verification by the assessment team that the Department meets the Commission's standards is part of a voluntary process to gain state accreditation – a self-initiated evaluation process by which police departments strive to meet and maintain standards that have been established for the profession, by the profession.

The accreditation program consists of 253 mandatory standards as well as 122 optional standards. In order to achieve accreditation status, the Department must meet all applicable mandatory standards as well as 65% of the optional standards.

Achieving accreditation is a highly prized recognition of law enforcement excellence. Anyone interested in learning more about the accreditation program may contact Captain James Martin, the Department's Accreditation Manager, at 781-932-4531.

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

A communication dated May 11, 2009 with attachment was received from John E. Corey, Jr., PE, City Engineer as follows:

Subject: Discontinuance of a Portion of Central Street

On behalf of the Woburn School Committee and in accordance with Title 12 of the Municipal Code, we request that the City Council entertain the discontinuance of a portion of Central Street at the intersection of Montvale Avenue, Central Street and Orange Street. The area of proposed discontinuance is shown on a plan prepared by Edward Farrell, professional land surveyor, dated April 20, 2009, a copy of which is enclosed.

The portion of Central Street to be discontinued contains 34, 437 square feet of lawn area and is contiguous to the Goodyear School along the easterly boundary of the school property. The remaining portion of Central Street will be sixty feet in width from the northerly sideline of Montvale Avenue north to the intersection with Orange Street, at which point Central Street is presently sixty feet in width. The physical layout of the existing pavement and sidewalks is completely encompassed by the proposed width of

sixty feet, thus requiring no alterations to the physical improvements as the currently exist.

The proposed discontinuance of Central Street affects the two abutters to the north of the Goodyear School property. The present access to these two properties is via a driveway along the easterly boundaries of said properties from Orange Street. This driveway shall remain intact and continue to be the access for these properties. The intent of the proposed discontinuance of this portion of the street is to provide addition land area to the Goodyear School property which presently contains 92,872 square feet. The addition of the discontinued portion of the street to the school property would result in a total land area of 127,309 square feet or 2.923 acres. Following a favorable action by the City Council, the Planning Board must endorse an "Approval Not Required" and then the property can be conveyed from the City to the School Department.

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

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

A communication dated May 13, 2009 with attachments was received from City Clerk William C. Campbell as follows:

Re: Anderson Regional Transportation Center – Taxi Cabs

Enclosed you will find a proposed set of regulations received from MassPort concerning taxi cabs operating from the Anderson Regional Transportation Center. Although the property is within the jurisdiction of MassPort, a request has been received by the City of Woburn seeking the city's endorsement of these regulations. Enforcement of the regulations will be controlled by MassPort unless they seek assistance from the Woburn Police Department in certain instances.

s/William C. Campbell, City Clerk

Attached thereto was the following:

ANDERSON REGIONAL TRANSPORTATION CENTER
DRAFT: WOBURN TAXI / LIVERY OPERATING STANDARDS

- 1) The Taxi Stand is for use only by licensed Woburn Taxis. Taxi's must bear a Taxi License Plate issued by the MA RMV and must adhere to the City of Woburn's ordinances regarding hackneys and display any licenses/permits/identification required by or issued by the City of Woburn.
- 2) Vehicles bearing Livery Plates (LV Prefix) may not use the Taxi stand and must park in the short term parking area. The driver / operator may not solicit passengers within

the Anderson RTC and can only pick up customers that arrive at the RTC with a prior reservation.

- 3) Taxis must display their Company Name and Phone number on their vehicle on both sides of the vehicle. Paper or temporary signs are not permitted. The information must be affixed by decal, painted letters or magnetic sign to the passenger and driver side front doors.
- 4) Taxis must operate on a First in / First out basis. Line jumping will result in a one day (24 hour) suspension from use of the Anderson RTC.
- 5) The Anderson RTC Manager may bar vehicles from using the facility if in manager's sole judgment that the vehicle fails to meet the following standards:
 - Vehicle exterior and interior must be cleaned daily
 - Vehicle must bear a current valid inspection sticker. Vehicles with inspection stickers marked with an R (Rejected) may not operate at the RTC
 - Driver must be dressed in appropriate attire. At a minimum they must wear a collared shirt. Shorts are acceptable during warm weather. RTC Manager may bar any taxi driver that in his sole judgment is not properly attired.
 - Vehicles with obvious safety deficiencies will be required to leave the facility until the defect is repaired. This includes but is not limited to bald/worn tires, excessive body damage, cracked windshields, inoperable directional head and tail lights, and inoperable doors. Seatbelts must be functional.
- 6) Vehicle owner must provide proof of insurance upon request.
- 7) Operator will display an Anderson RTC Taxi Permit. Permits will be issued during the month of May and must be visible within the vehicle. Vehicles not bearing a permit will not be allowed to operate after June 1, 2009. Permits must be renewed after 1 year.

Motion made and 2nd that the MATTER be APPROVED and that a communication be sent to MassPort, the Police Department and a copy to the Committee on Police and Licenses, all in favor, 9-0.

Presented to the Mayor: May 22, 2009 s/Thomas L. McLaughlin May 26, 2009

A communication dated May 7, 2009 was received from Anthony Blazejowski, Water Treatment Plant Manager, Woburn Department of Public Works as follows:

Subject: Water Quality – 38 Buckman St.

In response to the letter sent to City Council on April 7, 2009 regarding a water quality complaint at 38 Buckman Street, we wish to inform you that the water department investigated the matter and determined that the cause of the problem was an abnormal increase in water consumption and due to the warmer weather. The water department was not contacted on the day of the incident and the complaint was received the following Monday making it difficult to establish the source of the problem.

The water department strongly encourages that a resident calls the water department when they receive discolored water, even if it occurs after hours. It is in our best interest to

do whatever we can to alleviate the dirty water in a timely fashion. We do realize there may be some unforeseen circumstances that lead to the discolored water but without the phone calls there is no knowledge of it.

I trust the information provided addresses the complaint. If you have any further questions or comments, please do not hesitate to contact my office.

Sincerely, s/Anthony Blazejowski, Water Treatment Plant Manager

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

A communication dated March 19, 2009 was received from George Poole, Commander, United Veterans Council of Woburn and Ralph Garvey, Woburn Veteran's Director inviting the City Council to participate in the annual Memorial Day parade on May 25, 2009 beginning on Main Street across from the Armory Building with formation at 8:00 a.m. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated May 11, 2009 was received from Anthony Circo, 68 Arlington Road relative to a complaint concerning the fare for taking a Woburn licensed taxi from Anderson Transportation Center to his home in Woburn. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE with a copy to Committee on Police and Licenses, all in favor, 9-0.

A communication was received from Jennifer Nice, 39 Brentwood Road requesting that the City Council consider alternative uses rather than ordering the demolition of the Armory building located at 320 Main Street aka 286 Main Street. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated May 7, 2009 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Re: Edward Robertson – Zoning Board of Appeals

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Edward Robertson of 16 Hart Place as a member of the Board of Appeals for a period of three years. Please be advised that Mr. Robertson's term will begin upon 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 to suspend Rule 34, all in favor, 9-0. Motion made and 2nd that the APPOINTMENT be CONFIRMED, all in favor, 9-0. Motion made and 2nd to restore Rule 34, all in favor, 9-0.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Be It Ordained by the City Council of the City of Woburn that the 1989 Woburn Municipal Code, as amended, be further amended by deleting Title 5, Article V, Section 5-41 in its entirety and inserting in its place the following:

5-41 Transient vendors

A. Definitions

1. Transient vendor: any person, either principal or agent, who engages in a temporary or transient business in the city, selling goods, wares or merchandise either in one locality or traveling from place to place.

B. No transient vendor shall sell goods, wares, merchandise or services, as prohibited by MGL c. 101, § 16. No transient vendor shall sell goods, wares, merchandise or services unless duly licensed by the director of standards of the commonwealth and/or permitted by the Woburn City Council except for those articles permitted to be sold without a license under MGLA, c. 101, § 17 or as allowed by (1) below.

C. Conduct of business. All transient vendors shall be governed by the following restrictions:

1. No unpermitted transient vendors shall sell goods, wares, merchandise or services on public land or public ways unless they are members of a non-profit service or youth organization with an established local chapter within the City. A sign indicating the service or youth organization involved in the fundraising effort must be displayed prominently.

2. Permitted transient vendors may sell goods, wares, and merchandise only in those public streets or public ways explicitly stated on their permit and for no longer than fifteen minutes at any given location on an approved route.
 3. No vendor shall sell goods, wares, merchandise or services on private, commercial property without the written permission of the owner of private land. Such written permission shall be produced upon request of the City Council, police, sealer of weights and measures, building inspector and/or Board of Health officials. Transient vendors may not sell goods, wares, merchandise or services on residential property.
 4. All transient vendors shall operate from carts, mobile food units or tables which are neat and clean.
 5. All food vendors operating mobile food units or push carts as regulated by 105 CMR 590.052 (I) shall obtain the board of health permission prior to any sales.
 6. All transient vendors shall clearly and prominently post prices for all foods, beverages, goods, merchandise and services offered for sale.
 7. Transient vendors are prohibited from selling or offering goods, wares, merchandise or services within two thousand (1,000) feet of any school in the city.
 8. Transient vendors are prohibited from selling or offering goods, wares, merchandise or services between the hours of 8:00pm to 6:00 am.
 9. Transient vendors shall provide suitable receptacles for the placement of any trash and litter that may be expected to result from the sale of their wares and shall remove said trash and litter.
 10. All permits and licenses shall be kept with the vendor in a visible location at all times.
- D. The fine for violation of any portion of this ordinance is \$200 per day. The fine may be issued by the Police Department or the Building Inspector.

s/Alderman Gonsalves

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

ORDERED Be It Ordained by the City Council of the City of Woburn that the 1989 Woburn Municipal Code, as amended, be further amended by adding a new Title 5, Article V, Section 5-42 as follows:

5-42 Transient vendors, hawkers and peddlers place of sale.

- A. All hawkers and peddlers shall be moving at all times other than when servicing a customer. For vendors on foot, moving shall be walking in a normal manner along a street, path or way with all goods, wares, merchandise or service. For vendors operating from vehicles, moving requires the vehicle to be driven along a street, path or way, stopping only to service customers and allow traffic to pass.
- B. No transient vendor shall sell goods, wares, merchandise or services from a fixed location on any public land, including without limitation streets, ways, parks, playgrounds and municipal parking lots. Any transient vendor selling goods, wares, merchandise or services from a fixed location located on private property shall file a notice of registration with the office of the city clerk at least seventy-two (72) hours before commencing such sale and shall pay to the city of Woburn the sum of \$200.00 as a registration fee. Non-profit, charitable and religious organizations must register with the office of the city clerk but are exempt from paying the registration fee required by this section. The notice of registration shall be on a form prepared by the city clerk.
- C. The fine for violation of any portion of this ordinance is \$200.00 per day. The fine may be issued by the Police Department.
- D. If any provision(s) of this ordinance or the application of this ordinance to certain circumstances shall be held to be invalid, the validity of the remainder of this ordinance and the application of such provisions to another person or circumstances shall not be affected thereby.

s/Alderman Gately

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

ORDERED That the Chair of the School Building Committee and the Superintendent of the Department of Public Works appear at the Regular Meeting of the City Council scheduled for June 2, 2009 regarding the handicapped

accessibility improvements recently made at the Woburn Memorial High School.

s/Alderman Wall

Alderman Raymond stated that he spoke to the Director of the Department of Building Facilities in the School Department, that these were not code compliance changes or left out of the original plan, that these ramps were added as a convenience at the request of the Superintendent of Schools, and that the additional ramps were added as a convenience once the use of the school was determined. Alderman Denaro stated that this matter can be discussed at the Committee on Finance meeting with the School Department tomorrow. President Doherty stated that this matter has merit as major improvements were made whether for convenience or not. Alderman Gately stated that the Director of the Department of Building Facilities should be before the City Council to answer the questions. Alderman Galvin stated that this matter would be better handled in the Committee on Liaison. Motion made and 2nd that the MATTER be REFERRED TO THE COMMITTEE ON LIAISON and that the Superintendent of Schools and the Director of the Department of Building Facilities of the School Department also be invited to attend the meeting in addition to the Chair of the School Building Committee and the Superintendent of the Department of Public Works, all in favor, 9-0.

RESOLVED Whereas, an initial review of valuations of commercial and industrial property indicates incorrect valuations of several parcels; and

Whereas, the Assessors Department agrees that several of the valuations included in the partial review were incorrect;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that a complete and comprehensive re-evaluation of all commercial and industrial properties in the city be conducted by the Board of Assessors and that a report of its findings, including a list of changes in valuations and the additional revenue realized by the city, be submitted to His Honor the Mayor and the City Council.

s/Alderman Wall and President Doherty

Alderman Wall stated that in examining records he found some inconsistencies in the valuation of commercial property, that the commercial property should be re-evaluated as it could generate additional revenue for the city, that Alderman Galvin is concerned about using the same vendor to do this work, and that it was the work of the independent contractor with these inconsistencies and therefore he should not be used again. Alderman Wall further stated that the Mayor is supportive of reviewing the records. Alderman Galvin stated that he understands that the initial review indicated a minimum of \$500,000.00 in additional tax revenue. President Doherty stated that this does not require new tax payments but a more consistent valuation of commercial and industrial property, that it is

easier to reassess residential property, and that the commercial and industrial property has to be more aggressively valued and compared commercial to commercial. Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.

Presented to the Mayor: May 22, 2009 s/Thomas L. McLaughlin May 28, 2009

RESOLVED That the Traffic Commission investigate the feasibility of installing a crosswalk at 905 Main Street in the interest of safety for parents crossing the street with their pre-school children.

s/Alderman Raymond

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

Presented to the Mayor: May 22, 2009 s/Thomas L. McLaughlin May 26, 2009

RESOLVED That the Superintendent of the Department of Public Works repair and replace the sidewalks along Central Street including granite curbing and that the street be repaved.

s/Alderman Mercer-Bruen

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

Presented to the Mayor: May 22, 2009 s/Thomas L. McLaughlin May 26, 2009
Subject to funding

RESOLVED Whereas, the purpose of the Boy Scouts of America, incorporated on February 8, 1910, and chartered by Congress in 1916, is to provide an educational program for boys and young adults to build character, to train in the responsibilities of participating citizenship, and to develop personal fitness; and

Whereas, for nearly 100 years, the Boy Scouts of America has been teaching values and leadership and preparing young people to make ethical choices over their lifetimes by instilling in them the values of the Scout Oath and Law; and

Whereas, Scout Law provides that Scouts be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent; and

Whereas, the Boy Scouts of America endeavors to develop American citizens who are physically, mentally, and emotionally fit; have a high degree of self-reliance as evidenced in such qualities as initiative, courage,

and resourcefulness; have personal values based on religious concepts; have the desire and skills to help others; understand the principles of the American social, economic, and governmental systems; are knowledgeable about and take pride in their American heritage and understand our nation's role in the world; have a keen respect for the basic rights of all people; and are prepared to participate in and give leadership to American society; and

Whereas, to earn the Eagle Scout rank, the highest advancement rank in Scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills; and

Whereas, Michael DeBruyckere has been recognized for fulfilling all the requirements necessary to advance to the rank of Eagle Scout;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that the residents of the City of Woburn extend their warm and proud congratulations to Michael DeBruyckere for his dedicated work and accomplishments in attaining the rank of Eagle Scout and their best wishes for his continued success in his future endeavors.

s/Alderman Drapeau

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

Presented to the Mayor: May 22, 2009 **s/Thomas L. McLaughlin May 26, 2009**

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

ORDERED That the sum of \$245,000.00 be and is hereby appropriated as so stated from School Stabilization Fund Acct #704059-596100 \$245,000.00 to Traffic Study Plan Implementation at the Clapp School Acct #626058-586765 \$245,000.00

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

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

s/President Doherty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE and that the City Auditor provide to the Committee a monthly report of all expenses to determine the cost of this project, all in favor, 9-0.

COMMITTEE REPORTS:

FINANCE:

On the Order to appropriate the sum of \$3,325,359.38 from Debt Reserve Fund Account to Debt Principle Account and Debt Long Term Interest Account, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: May 22, 2009 s/Thomas L. McLaughlin May 26, 2009

On the Order to transfer the sum of \$150,000.00 from School Department Energy Receipts Reserved for Appropriation Account to FY2009 School Department Budget Energy Account, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: May 22, 2009 s/Thomas L. McLaughlin May 26, 2009

POLICE AND LICENSES:

On the petition by Frances L. Lucas dba Professional Livery for renewal of a Livery License, committee report was received "ought to pass with a review in six (6) months." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: May 22, 2009 s/Thomas L. McLaughlin May 26, 2009

ORDINANCES:

On the Order to amend Section 5-33 of Title V, Article V of the 1989 Woburn Municipal Code, as amended relative to the prohibition of the use of public parks and ways by hawkers, peddlers or transient vendors, committee report was received "That the City Council forward a letter to the Police Department requesting enforcement of the hawker, peddler and transient vendor laws in accordance with the opinion of the city solicitor." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED with a copy to the Mayor and the Police Department, all in favor, 9-0.

Presented to the Mayor: May 22, 2009 s/Thomas L. McLaughlin May 26, 2009

PERSONNEL:

On the re-appointment of Patricia Dyer as a Member of the Woburn Housing Authority, committee report was received "That the matter be given leave to withdraw." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

ORDERED SECTION 1. The city of Woburn may transfer the care, custody and control of the parcels of land shown as "Proposed Tank Parcel, Area = 95,601 SF (2.195 Ac.) CC-3" and "Existing Access Easements" on a plan entitled "Preliminary Plan of Land Owned by the city of Woburn, Location Hillside Avenue Woburn, Massachusetts," dated June, 2007, prepared by city of Woburn engineering department, which parcels are a portion of the premises described in a deed recorded with the Middlesex South District Registry of Deeds in Book 3986, Page 198, from the conservation commission for conservation and passive recreational purposes to the superintendent of public works for water supply purposes.

SECTION 2. The transfer of land in section 1 of this act is in exchange for a transfer of the care, custody and control of the parcel shown as "Existing Tank Parcel CC-2" on a plan entitled "Preliminary Plan of Land Owned by the city of Woburn, Location Hillside Avenue Woburn, Massachusetts," dated June, 2007, which parcel is described in a Order of Taking recorded with said Deeds in Book 9609, Page 591, from the superintendent of public works for water supply purposes to the conservation commission for conservation and passive recreation purposes; and a transfer of the care, custody and control of the parcel of land shown as "Parcel CC-1, Area = 3.0±Ac." on a plan entitled "Land Transfer Plan to Woburn conservation commission," dated January, 2009, prepared by the Woburn engineering department, which parcel of land is a portion of the premises described in the Order of Taking recorded with said Deeds in Book 1258, Page 2, from the superintendent of public works for water supply purposes to the conservation commission for conservation and passive recreation purposes, except that the city of Woburn may continue to use the portion of the land shown on said plan as "Proposed 2 Rod Wide Access Easement over Gravel Roadway" for access to the remaining city-owned land shown on the plan as "City of Woburn Remaining Area = 27 Ac.±."

SECTION 3. This act shall take effect upon its passage.

s/President Doherty

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

Presented to the Mayor: May 22, 2009 s/Thomas L. McLaughlin May 26, 2009

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

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 10:50 p.m.

A TRUE RECORD ATTEST:

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