

**CITY OF WOBURN  
MAY 20, 2008 - 6:30 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Denaro	Gately
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Galvin	Raymond

Doherty

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

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Motion made and 2<sup>nd</sup> to suspend the rules for the purposes of making a presentation to the 2008 Woburn Memorial High School Indoor Track Team, all in favor, 9-0. A brief ceremony ensued during which a presentation of certificates of the Resolution adopted at the April 1, 2008 Regular Meeting of the City Council was made to the team members along with congratulations of the Mayor and City Council on behalf of the community. Motion made and 2<sup>nd</sup> to return to the regular order of business, all in favor, 9-0.

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**MAYOR'S COMMUNICATIONS:**

A communication dated May 16, 2008 with attachments was received from his Honor the Mayor Thomas L. McLaughlin as follows:

Dear President Doherty and Members of the City Council:

In accordance with Section 25 of the City Charter, I hereby send this matter back to the Council for reconsideration.

Although I am in favor of the acceptance of this deed in lieu of the foreclosure, we need more time to evaluate any potential environmental concerns relating to these two parcels. Once we certify that there are no environmental considerations associated with the parcels, I would approve the resolve if the Council returned it to me for my signature.

Sincerely, s/Thomas L. McLaughlin

Attached thereto were two Resolutions of the City Council adopted on April 15, 2008 relative to a deed in lieu of foreclosure for property on Baldwin Avenue and Belmont Avenue and a deed in lieu of foreclosure for property on Longwood Avenue.

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

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ORDERED That the sum of \$25,000.00 be and is hereby transferred as so stated from Unreserved Fund Balance Acct #01-359000 \$25,000.00 to Veterans Cash Aid Acct #0154357-577000 \$25,000.00

I hereby approve the above. s/Thomas L. McLaughlin, Mayor  
I have reviewed the above. s/Gerald W. Surette, City Auditor  
I recommend the above. s/Ralph L. Garvey, Veterans Agent

s/President Doherty

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

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ORDERED That the sum of \$13,000.00 be and is hereby transferred as so stated from Unreserved Fund Balance Acct #01-359000 \$13,000.00 to Inspection Salary Acct #0125151-511000 \$13,000.00 – Sick Leave Buy Back for Jack Cavagnaro.

I hereby approve the above. s/Thomas L. McLaughlin, Mayor  
I have reviewed the above. s/Gerald W. Surette, City Auditor  
I recommend the above. s/Steven M. Paris, Building Commissioner

s/President Doherty

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

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ORDERED That the sum of \$45,000.00 be and is hereby appropriated from Cemetery Interest Fund to the Cemetery Fence Account #0149058-586602.

I hereby approve the above. s/Edmund McGrath, Chairperson  
I hereby recommend the above. s/Thomas L. McLaughlin, Mayor  
I have reviewed the above. s/Gerald W. Surette, Auditor

s/President Doherty

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

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ORDERED That the sum of \$22,000.00 be and is hereby appropriated from Cemetery Interest Fund and distributed as follows for Fiscal Year 2009: \$5,000.00 to Utility Acct. 0149052-521103, \$5,000.00 to New Equipment 0149058-586600, \$2,000.00 to Office Supplies 0149054-542000, \$5,000.00 to Equip/Bldg Maint 0149054-543000, \$5,000.00 to Tools/Supplies Acct 0149054-546100.

I hereby approve the above. s/Edmund McGrath, Chairperson  
I hereby recommend the above. s/Thomas L. McLaughlin, Mayor  
I have reviewed the above. s/Gerald W. Surette, Auditor

s/President Doherty

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

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ORDERED That the sum of \$90,000.00 be and is hereby appropriated from Cemetery Interest Fund to the Burial Sections Account #0149058-586601.

I hereby approve the above. s/Edmund McGrath, Chairperson  
I hereby recommend the above. s/Thomas L. McLaughlin, Mayor  
I have reviewed the above. s/Gerald W. Surette, Auditor

s/President Doherty

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

**PUBLIC HEARINGS:**

On the petition by David Richardson and Deborah Richardson, 2 Lafayette Road, Billerica, Massachusetts 01821 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow renovation of non-conforming property damaged by fire at 53-55 Prospect Street. PUBLIC HEARING OPENED. A copy of a communication dated May 12, 2008 from Brett F. Gonsalves, Senior Engineer, Engineering Department to Edmund Tarallo, Planning Director was received as follows:

Subject: 53-55 Prospect Street – Renovation Special Permit – Special Permit Applications Dated April 15, 2008 – Site Plan – Not Dated

This office has reviewed the special permit application for the above referenced location and offers the following comments.

The applicant is proposing to renovate an existing non conforming structure damaged by fire. The site plan shows the existing building footprint and it does not appear that there are any encroachments than what currently exists. With all the information that has been submitted, this offices no exception to the special permit and site plan as submitted.

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

A communication dated May 19, 2008 was received from Edmund P. Tarallo, Planning Director, Planning Board as follows:

Re: David and Deborah Richardson – 53-55 Prospect Street – To allow for a renovation of a nonconforming property damaged by fire under Section 7.3

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on May 13, 2008, the Board voted to send a favorable recommendation to the City Council to allow for a renovation of a nonconforming property damaged by fire under Section 7.3 at 53-55 Prospect Street in accordance with the following conditions:

1. That the parking shall be in compliance with the Woburn Zoning Ordinance; and
2. That the Planning Board shall approve the landscaping and the Board shall retain jurisdiction over the landscaping.

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 Robert Tedesco, Tedesco and Twomey, 88 Main Street, Woburn, Massachusetts 01801 and he stated that the property was damaged by fire, that under Section 7.3 it is debatable whether 50% refers to the value of the repairs or the area of the building, that the building department has determined that it is the value of the repairs, that the fire occurred in November 2007, that the petitioner will reconstruct the building, that the building will be the exact same size and in the same location, that the building will be improved with new siding and a new stairway, that the dimensions of the unit will be the same, that there will be some interior stair renovation, that there is adequate parking, that the building will be renovated to code, that the petitioner purchased the property in late 2004, that tandem parking is allowed under the zoning code if the parking is assigned to a specific unit, that the petitioner was doing work inside the building the past three years, that the building was rundown when he purchased it, that the building will look nice when completed, that the zoning code allows that the petitioner rebuild what was there and that is what the petitioner will do, that the cost of the renovation exceeds the value of the building by 50% and that is why the matter is before the City Council, that if decorative shutters and the like are need then the

petitioner will agree to that, that this process has delayed the renovation for two months, that the petitioner wants to move forward to renovate this empty burned-out shell, that the new kitchens, baths and the like will attract a better tenant, that the petitioner may consider converting the units to condominiums and establish home ownership once the market improves, and that the property has started to be a dumping ground. Alderman Gately stated that he met with the petitioner at the location, that he has no problem with the petition, that the landscaping will be improved, that the renovations will improve the property, that the petitioner must screen prospective tenants to avoid what has happened at this property in the past, that there will be four units, that there have been four units for some time, that there is a plan for the property that dates back to 1920, that the gangs of kids have left and the property has stayed that way, that this is a clean slate, that there are similar buildings in the neighborhood which are five and six units, that there has been no problem with those buildings, that this property can be made safe again, that there was parking on the street from this building in the past, that there were many visitors to the building in the past, that he is confident that the problem has been addressed, and that this matter can be sent to committee to get in writing the types of conditions that the City Council believes are needed. David Richardson stated that parking will be provided at the rear of the property with two parking spaces for each unit, that the roof and any damaged timbers in the roof will be replaced, and that the building will have a fire suppression sprinkler system and an alarm system. Alderman Gately offered a copy of the plan of the building for the record and Attorney Tedesco offered a copy of the plans as well for the City Council to review. Motion made and 2<sup>nd</sup> that the documents be received and made part of the record, all in favor, 9-0. Alderman Drapeau stated that the City Council should consider reducing the number of units in the building. Alderman Gonsalves stated that she is concerned with the parking, and that if possible she would like to see the roof redesigned so that the building does not have such a box-like appearance. Alderman Mercer-Bruen stated that the property looks like a box and that unless it will be documented that the property will have more architectural detail the petition should be sent to committee to make those a list of enforceable modifications. Alderman Dwyer stated that the aesthetics and safety of the building are two separate issues, that the proposal looks good but that he is concerned about who will rent the units, and that the safety of the neighbors is most important. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. Motion made and 2<sup>nd</sup> 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, 2. That decorative window shutters be installed, 3. That if a dumpster is placed on site it shall be screened from neighboring properties, and 4. That the floor plans and architectural concept rendering shall be the plans of record, all in favor, 9-0.

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On the petition by Kenneth Harrington, 8 Mill Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.44 of the 1985 Woburn Zoning Ordinances, as amended, to allow for an automobile and truck repair garage at Unit 12, 10 Draper Street. PUBLIC HEARING OPENED. A copy of a communication dated May 13, 2008 from Brett F. Gonsalves, Senior Engineer, Engineering Department to Edmund Tarallo, Planning Director was received as follows:

Subject: 10 Draper Street – Automotive Repair Facility Special Permit – Special Permit Application Dated April 14, 2008 – Revised Plans Dated October 24, 2005

This office has reviewed the special permit application and plans for the above referenced location and offers the following comments.

The applicant is proposing an automobile and truck repair facility at the above referenced location. There is no indication on the plans or the special permit application to the amount of parking spaces that are sought after for the site.

The amount of parking spaces can be noted separately and should not hold up the approval process. This office takes no exception on the special permit application or the plans as submitted.

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

A communication dated May 19, 2008 was received from Edmund P. Tarallo, Planning Director, Planning Board as follows:

Re: Kenneth Harrington – 10 Draper Street, Unit 12 – To allow for an automobile and truck repair garage pursuant to Section 5.1.44

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on May 13, 2008, the Board voted to send an unfavorable recommendation to the City Council to allow for an automobile and truck repair garage pursuant to Section 5.1.44 at 10 Draper Street, Unit 12 as the proposed use would not be compatible with the overall use of the site and the design of the site as originally approved by the Planning Board.

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 Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the locus is located in the industrial zoning district, that a special permit is required for the proposed use, that an overall permit was granted for the property in 2004, that the property owner learned of complaints on Draper Street relative to vehicles being worked on in the open, the outside storage of materials and that the property was a mess, that prior to the meeting a notice was sent to residents about the meeting and the concerns were made known to the owner, that there are no vehicle repairs, no overnight parking and no outside storage of materials,

that it was intended that no repairs would take place in the open area of the locus but rather inside the building, that there was no restriction on this use in the original Planning Board special permit, that forty commercial condominium units were allowed, that there were twenty-six conditions, that before the development of the property \$7,000.00 in property taxes was generated each year, that now \$5,100.00 per unit and a total of \$204,000.00 in property taxes are generated from the locus each year, that the petitioner has operated Kenny's Auto Service on Swanton Street in Winchester for twenty-six years, that he services four to six vehicles each day, that he has two employees, that the hours of operation are 7:00 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to 1:00 p.m. on Saturday, that the petitioner performs auto repairs, that the work is performed by appointment, that a vehicle is dropped off in the morning and picked up by the customer at the end of the day, that this is a low impact project, that the petitioner is a resident of Woburn, that at his current location the property is kept in neat order, and at the locus some of the units are 1,500 square feet in area and some are 1,800 square feet in area. Kenneth Harrington stated that he has been a resident of East Woburn for twenty-four years, that he has been operating in Winchester for twenty-six years, that he is not seeking a zoning change, that due to the passing of his landlord in March 2007 the property is being sold, that the property will most likely be razed, that the locus is over 1,000 feet from residential property, that he currently borders residential property, that he services four to six cars per day with 20% of his customers waiting for the work to be completed, that the vehicles must be taken at the end of each day, that the hours of operation will be 7:00 a.m. to 5:00 p.m. Monday through Friday, that he is open to restricted hours of operation on Saturday, that this will have low traffic impact, that all waste and refuse is picked up by licensed carriers, that a two week review of this proposal is not an issue, and that this unit is 1,500 square feet in area. Alderman Mercer-Bruen stated that she spoke to the petitioner, that she supplied the petitioner with the minutes and objections to a similar petition two years ago, that this issue was not the petitioner but the owner of the property and his failure to meet promises, that the promises have still not been met, that she must determine if there are no objections of the neighbors or of neighbors who objected to the last similar petition, that vehicles come and go all day long although this business will not, that the matter should remain in committee to alleviate the concerns of the neighbors, and that if the neighbors do not object then the petitioner should not be punished for the issues with the owner. Alderman Drapeau stated he is concerned with time constraints on the petitioner as he is losing his current location. Alderman Galvin stated that he will support the petition, that he is willing to vote at this meeting, that if urgent action is not required he is willing to support sending the petition to committee, that this is not a bad use in the area, that it is a small building, and that it may have been a mistake to deny the prior similar permit at the locus. Alderman Gately stated that he is willing to review the matter in committee but that he will likely support the petition. Alderman Dwyer stated that in retrospect the last petition should not have been denied but taking time to look at the petition in committee will be beneficial. IN FAVOR: Joe Maltacea, 13 Leonard Street stated that he has been a customer of the petitioner for many years, that the bays are kept clean, and that the petitioner is honest, reliable and dependable. Richard Cutts, 15 Linden Street stated that he is a customer of the client, that it is a clean shop, that the petitioner operates by appointment only, and that the petitioner currently operates next to residential neighbors.

George Berardi, 15 Playstead Avenue stated that he has been a customer of the petitioner for twenty years, that the operation is clean, and that the petitioner will be an asset to the city. Mike Hopkins, 2 Tremont Street stated that he has been a customer of the petitioner for many years, that the petitioner is honest, that it is a clean shop, that he does not work on vehicles outside of the building, that he works on a limited number of cars per day, and that he keeps computer records of all work done on vehicles. Barry Donaghey, 29 Lawrence Street stated that he has been a customer of the petitioner for many years, that the shop is clean and neat, and that the petitioner is honest. Bob Eaton, 25 Hawthorne Street stated that he has been a customer of the petitioner for many years, that the petitioner is currently located near residences and a restaurant, and that the property is kept neat. Jim Graham, 5 Marilyn Court stated that he has been a customer of the petitioner for many years, that it is an efficient and well-run shop, and that the shop is kept clean. Rick Lennon, 26 Glenwood Avenue stated that he is a customer of the petitioner, and that the move is not to expand the business but is a matter of survival as the petitioner is losing his place in Winchester. Anthony Roscillo, 11 Windsor Circle stated that he is a customer of the petitioner, and that the petitioner is currently located next to a restaurant and does not cause any issues for that business. Bill Fairweather, 15 Rose Farm Lane stated that he is a customer of the petitioner, that the shop is clean and efficient, that the petitioner keeps the number of cars on the lot limited, that a car cannot be left on the lot overnight, and that it is a clean shop. Paul Cudmore, 12 Central Street stated that he has known the petitioner for over twenty years and that he supports the petition. OPPOSED: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JUNE 3, 2008 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

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On the petition by James F. Catania and Ann M. Catania, 131 Main Street, Woburn, Massachusetts 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 59, Block 25, Parcel 25 and known and numbered as 131 Main Street from the R-2 zoning district to the B-N zoning district. PUBLIC HEARING OPENED. A communication dated May 19, 2008 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: James F. and Ann M. Catania – 131 Main Street – Amend Zoning Map from R-2 to B-N

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on May 13, 2008, the Board voted to forward a favorable recommendation to the City Council on the zoning map amendment for the lot at 131 Main Street from R-2 to B-N.

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



Sincerely, s/Edmund P. Tarallo, Planning Director

Appearing were the petitioners Ann Catania and James Catania. Ann Catania stated that he property is surrounded by business uses, and that she can fit approximately six vehicles on the site. Alderman Gately stated that the property is located next to a martial arts business, that the petitioners have difficult getting in and out of the property, that the change would be beneficial, that the residents are being forced out by the businesses, and that the property is for sale. President Doherty stated that he would like to look at the zoning map of the area in committee before taking action on the petition. Alderman Gonsalves stated that traffic and parking are an issue in the area. Alderman Raymond stated that he is concerned that this would be setting a precedent, that he has a similar situation next to the Skyworks building in north Woburn, that allowing the property to be rezoned can have the affect of moving business into residential areas street by street, and that although he agrees with the petition he does not agree with the principle. Alderman Gonsalves stated that the property near Skyworks is a residential lot surrounded by residential uses that would become a business lot. Alderman Galvin stated that this petition is not a big problem but it would make the house nonconforming. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor 9-0.

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On the petition by City of Woburn, 50 North Warren Avenue. Woburn, Massachusetts 01801 for a special permit pursuant Section 5.1.79 and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to erect a steel frame, fabric sheathed storage facility at 50 North Warren Avenue. PUBLIC HEARING OPENED. Alderman Galvin stated that he has not heard any objections from the neighbors. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor 9-0. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, all in favor, 9-0

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On the petition by Michael Tyminski, 14 Otis Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow earth removal or filling to level off yard at 14 Otis Street. PUBLIC HEARING OPENED. A copy of a communication dated April 8, 2008 from Brett F. Gonsalves, Senior Engineer, Engineering Department to Edmund Tarallo, Planning Director was received as follows:

Subject: 14 Otis Street – Fill Special Permit – Special Permit Application Dated October 26, 2007 – Slope Stabilization Letter Dated April 2, 2008 – Borselli Engineering Plans Dated September 17, 2007, June 4, 2007

The petitioner has requested to fill his property at the above referenced location. Plans from a design engineer were prepared and submitted for review. There were concerns with regards to how the slope would be stabilized and installed.

The applicant has submitted a letter on how the slope stabilization will be installed along with the size stone and placement procedures.

The applicant will need to have the splash pad installed on the drain outlet on the westerly portion of the property line and submit a maintenance plan for permanent record as shown on sheet C-1 of site plan dated 6/4/07.

This letter addresses our concerns on this site and takes no further exception to the design.

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

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

Re: Michael Tyminski – 14 Otis St. – To allow for filing of property under Section 5.5

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on April 8, 2008, the Board voted to send a favorable recommendation to the City Council to allow for the filing of property under Section 5.5 at 14 Otis St. in accordance with the plan prepared by Borselli Engineering & Development, Inc. dated 9/17/07 Sheet C-1 except as modified by the following conditions:

1. That the approval shall modify said plan in accordance with the letter from William A. Perkins, PE dated April 2, 2008;
2. That the work shall be done in accordance with Section 983 of the MassHighway Department's Specifications;
3. That a splash pad shall be installed on the drain outlet on the westerly portion of the property line as shown on sheet C-1 of site plan dated 6/4/07 prepared by Borselli Engineering & Development, Inc.; and
4. That the petitioner shall submit to the Engineering Department's satisfaction a maintenance plan to ensure that runoff from the outlet flows unobstructed said plan to be kept as a permanent record of the Engineering Department.

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 was the petitioner Michael Tyminski and he stated that eighteen inches of stone will be compacted into the slope with fabric below, that a splashguard and drywells will be installed, that he will level off the present fill, that the splashguard is for a drain

on the street, that the drywells will be installed for drains on the back of the house, that this addresses the neighbors concerns about drainage, that the property has been in his family for 45 years, that he leveled off the backyard, that he will add the stone eighteen inches in down the entire slope, that for two years the material has not budged, and that he is frustrated that he had to spend \$10,000.00 to do this necessary work but he is trying to do what is right. Mr. Tyminski offered a plan entitled "Special Permit Application – Built Rip-Rap Slope Side Slope – 14 Otis Street, Woburn, Massachusetts" dated 9/17/07 prepared by Borselli Engineering & Development, Inc." and a letter dated April 2, 2008 from William A. Perkins, PE, President, Saneco, Inc., Box 9B, 65 Eastern Avenue, Essex, Massachusetts 01929 to the City Council for review. Alderman Drapeau stated that he needs to understand the plan to be approved as stated in the Planning Board letter, that he brought in more fill than the project would allow, that the petitioner must follow the letter of the law, that some of the areas have been encroached on with rocks and material, that the petitioner should have reached out to his neighbors and made them comfortable with the plan, that the neighbors have not been unreasonable, that this has been a long process, that all parties have stated their opinions, and that the City Council has addressed the concerns. Alderman Doherty stated that the plan requires hay bales during construction. IN FAVOR: Lisa Tyminski, 14 Otis Street stated that the petitioner is her husband, that she wants her yard to look decent, that this has been a two year project, that this was to benefit her property and the neighborhood, that this process has been a waste of the taxpayer's money, that this need to be brought to a conclusion, and that her family has been hurt by the length of this process. Jeanne Lynch, 39 Revere Road stated that she is the petitioner's aunt, that there is no access to the back yard, that no one can use that patio because of the conditions, that there was a swimming pool and they wanted to make room in the yard for his children, and that no one thought the process would last this long. OPPOSED: Ron Manoogian, 55 Revere Road stated that this been going on a long time because the neighbors do not know what is going on, that this is the first time in two years that he has been told no more than that dirt was dumped in the yard, that it is still not clear what the plan is, that the petitioner has not made any attempt to show him what the plan is, that he has never seen the plan, that he has a real interest in knowing what the plan is as he resides down slope from the petitioner's property, that he has a lot of water runoff in his driveway, that there is a high water table in the area, that he is concerned that a change in grade will increase the water runoff to his property, that he had to have drainage added to his street to handle the runoff in the past, that the petitioner has not made an honest attempt to resolve this issue the right way until now, that he is not totally against the proposal but would like to see the plan so that he can see exactly what the plan is, and that there was no plan in the beginning. Dyann Carlson stated that she has no problem with the petition, that she is not in opposition to the petition, that she would like to see the plan, that there is an open culvert in her yard, that she does not want more mosquitoes, that she did not start this issue and does not want to feel that she is being blamed because this is costing the petitioner more money, and that she does not want dirt and rocks in her yard. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. Motion made and 2<sup>nd</sup> 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, 2. That the plan of record shall be the plan entitled "Special Permit Application – Built Rip-

Rap Slope Side Slope – 14 Otis Street, Woburn, Massachusetts” dated 9/17/07 prepared by Borselli Engineering & Development, Inc.” and a letter dated April 2, 2008 from William A. Perkins, PE, President, Saneco, Inc., Box 9B, 65 Eastern Avenue, Essex, Massachusetts 01929, and 3. That the recommendations of the City Engineer be accepted as conditions of the special permit, all in favor, 9-0. Motion made and 2<sup>nd</sup> that a communication be forwarded to the City Engineer and the Conservation Commission asking that they assess the drainage and environment between 55 Revere Road and 57 Revere Road and make recommendations to improve the open culvert conditions, all in favor, 9-0.

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Alderman Drapeau left the Council Chamber.

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On the petition by Sam Gandor, 290 Turnpike Road, Suite 354, Westborough, Massachusetts 01581 for a special permit pursuant to Section 7.1.3 of the 1985 Woburn Zoning Ordinances, as amended, for reconstruction or structural change to a pre-existing and non-conforming four family frame residential dwelling to allow the construction of a deck or porch structure at the rear elevation of principal dwelling at 11-13 Porter Street. PUBLIC HEARING OPENED. The petitioner did not appear. President Doherty stated that he is not certain whether the petitioner is still represented by legal counsel, that the house has been rehabbed with the approval to do so, that the issue of the special permit was to approve the reconstruction of a deck, and that the petitioner considers this to be a four family building and has rehabbed the property as a four family building. Alderman Gonsalves stated that no progress has been made and that the petition should be denied. President Doherty stated that the deck already exists and that the remedy would be to impose fines for having an illegal deck. Motion made and 2<sup>nd</sup> that the public hearing be closed, 7 in favor, 0 opposed, 1 absent (Drapeau absent), 1 abstained (Raymond abstained). Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be DENIED, 7 in favor, 0 opposed, 1 absent (Drapeau absent), 1 abstained (Raymond abstained). Motion made and 2<sup>nd</sup> that a communication be forwarded to the Building Commissioner requesting that he begin to impose fines to alterations done to the property without a permit, for an illegal deck and for using a three-family dwelling as a four-family dwelling, 7 in favor, 0 opposed, 1 absent (Drapeau absent), 1 abstained (Raymond abstained).

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On the petition by Lowe’s Companies, Inc., 15 Commerce Way, Woburn, Massachusetts 01801 for special permits pursuant to Section 5.1.45, 5.1.57a and 5.1.57b to allow for the rental of moving trucks; accessory storage or parking of storage containers, storage trailers or commercial trailers; and the accessory storage or parking of commercial motor vehicles at 15 Commerce Way. PUBLIC HEARING OPENED. A communication dated May 20, 2008 was received from Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Petition of Lowe’s Companies, Inc., 15 Commerce Way, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for May 20, 2008 be continued to the City Council meeting on June 17, 2008. If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Drapeau absent). Appearing for the petitioner was Attorney Joseph R. Tarby III and he stated that the Planning Board continues to review this matter. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JUNE 17, 2008 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, 8 in favor, 0 opposed, 1 absent (Drapeau absent).

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Alderman Drapeau entered the Council Chamber.

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On the petition by Andrew G. Eromin and Mary Eromin, both of 13 Waverly 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 conform to all dimensional requirements excepting lot size at 7 Richmond Avenue. PUBLIC HEARING OPENED. A copy of a communication dated May 19, 2008 from Brett F. Gonsalves, Senior Engineer, Engineering Department to Edmund Tarallo, Planning Director was received as follows:

Subject: 7 Richmond Avenue – Two Family Special Permit – Special Permit Application Dated February 12, 2008 – Proposed Location Plan Dated May 1, 2008 – Drainage Calculation Dated May 1, 2008

This office has reviewed the special permit application for the above referenced location and offers the following comments.

The petitioners is seeking permission to raze and existing single family dwelling and construct a new two family structure within an R-2 zoning district. According to the site plan, the dwelling will meet all dimensional requirements except lot area. The required lot area for an R-2 zoning district is 15,000 sf. And the proposed area shown on the plan is 13,710 sf. This would require a variance from the Board of Appeals.

A notation should be included on the plan stating that if the existing utilities would not be reused they will need to be cut and capped at their respective mains. This notation should not hold up any approval process and can be revised prior to issuance to a building permit.

The applicant is proposing four leaching catch basins to mitigate stormwater runoff from the roof of the proposed dwelling. This office has reviewed the submitted drainage calculations and takes no exception to the design.

After reviewing the above referenced materials, this office takes no exception to the special permit application and plan submitted.

Appearing for the petitioner was Attorney John D. McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 and he stated that a drainage plan was prepared and that this will be a two-family dwelling that will meet all dimensional requirements except for the lot size. Alderman Raymond stated that his only concern was that the house was over seventy-five years old and required approval of the Woburn Historical Commission to be razed, that he has visited the house, that it is in poor condition, that there are drainage issues at the rear of the property, that the tenants park in the street, that the neighbors are in favor of getting the parking off of the street, and that he is in favor of the petition. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the recommendations of the City Engineer be adopted as conditions of the special permit, all in favor, 9-0.

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On the petition by Maggie Ann LLC, 1 Red Leaf Lane, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.22b, 5.1.46b and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for an increase in the square footage of the existing convenience mart from 650 square feet to 2,286 square feet at 878 Main Street and 7 Tidd Avenue. PUBLIC HEARING OPENED. A communication dated May 19, 2008 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Maggie Ann LLC – 878 Main St. & 7 Tidd Ave. – To allow for an increase in the existing convenience mart to 2,286 S.F. under Sections 5.1.22b, 5.1.46b, and 7.3

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on May 13, 2008, the Board voted to send a favorable recommendation to the City Council to allow for an increase in floor area to the existing convenience mart under Sections 5.1.22b, 5.1.46b, and 7.3 at 878 Main St. & 7 Tidd Ave. subject to the following conditions:

1. That the petitioner shall install landscaping between the existing two-story dwelling on the rear of the property and the proposed building so as to restrict vehicular traffic. The landscaped area shall be approximately four (4) feet in width.
2. That the petitioner shall install landscaping between the southerly side of the building and the southerly lot line so as to restrict vehicular traffic moving from the rear of the property to the front of the property.

3. That the petitioner shall locate any dumpsters and/or air conditioning units on the northerly side of the building, so as to restrict the view of said items from the residences on Tidd Avenue.
4. That the site plan of record shall be a plan entitled "Community Service Stations, Inc., Proposed Convenience Store and Fueling Station, 878 Main Street, Woburn, Massachusetts, Sheet No. 1 of 2," prepared by Bohler Engineering, P.C., dated October 23, 2000 with revisions through December 19, 2000.
5. That elevation plan of record shall be a plan entitled "Community Service Stations, Inc., Proposed Convenience Store and Fueling Station, 878 Main Street, Woburn, Massachusetts, Sheet No. 2 of 2," prepared by Bohler Engineering, P.C., dated November 16, 2000,
6. That the landscape plan of record shall be entitled "Landscape Plan for Community Service Stations, Inc., 878 Main Street, Woburn, Massachusetts 01801," prepared by Heimlich's Nurseries, dated November 18, 2000.
7. That the recommendations of the Woburn Police Traffic Bureau that as the aprons to the property as they exist are adequate for a safe entrance and exit from the locus that the aprons remain as is in the site plan.
8. That the existing service station building, metal shed and one story brick garage shall be razed, with said structures replaced with a one-story 2,286 square foot service station building, having no basement. Within the new service station, the uses shall be limited to a service counter, offices, restroom facilities and a convenience mart. The convenience mart net retail area shall be restricted to 1803 square feet in accordance with the "Floor Plan, 878 Main Street, Woburn, Mass." prepared by Edward J. Farrell dated February 26, 2008.
9. That the hours of operation for the service station shall remain 5:00 A.M. – 10:00 P.M., 7 days a week.
10. That the Planning Board shall retain jurisdiction on landscaping for this project consistent with the landscape plan of record.

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 Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner requests Planning Board Condition 4 be amended to reflect the correct plan reference and that Planning Board Condition 8 be amended to indicate that the building will not be razed as the building has already been built, and that the building will be 2,286 square feet in area with a retail area of 1,803 square feet. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the recommendations of the Planning Board as further amended be adopted as conditions of the special permit, 2. That Planning Board condition 4 be amended to read "That the site plan of record shall be a plan entitled "Plan of Land, 878 Main Street, Woburn, Mass." dated February 26, 2008 and prepared by Edward J Farrell, Professional Land Surveyor, and 3. That Planning Board condition 8 be

amended to read “A one-story 2,286 square foot service station building, having no basement. Within the new service station, the uses shall be limited to a service counter, offices, restroom facilities and a convenience mart. The convenience mart net retail area shall be restricted to 1803 square feet in accordance with the “Floor Plan, 878 Main Street, Woburn, Mass.” prepared by Edward J. Farrell dated February 26, 2008.”, all in favor, 9-0.

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On the petition by William Highgas, III, Arpie E. Highgas, individually and as trustees of B.A.R. Realty Trust, landowners, to amend the 1985 Woburn Zoning Ordinances by adding the following: 1. Section 5.1 Table of Use Regulations line 42a self-storage warehouse facility – no storage of high hazard materials, trailers, motor vehicles or any outside storage shall be amended by deleting the “-“ under the B-I column and replacing with “P”; 2. Section 6.1 Table of Dimensional Regulations shall be amended by adding to the Floor Area Ratio column for the B-I Zoning District of the following: “(Note 5)”; 3. Section 6.1, Table of Dimension Regulations shall be amended by adding “Note 5” which shall state as follows: “The Floor Area Ratio for a self-storage warehouse facility as defined in this Ordinance shall be 2.0.” PUBLIC HEARING OPENED. A communication dated May 19, 2008 was received from Attorney Joseph Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Petition of William Highgas, III and Arpie Highgas – 420, 422 and 424 Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request tat the City Council public hearing on this matter be continued from May 20, 2008 to the City Council meeting on June 3, 2008. If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JUNE 3, 2008 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

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On the petition by to further amend the 1985 Woburn Zoning Ordinances as follows: Be it ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinances, as amended, be further amended by striking from Section 5.1.53 the words “High hazard use listed in the Building Officials Conference of America (BOCA) Code” and inserting in its place the words “High hazard use listed in the International Building Code as published by the International Code Council (ICC)”, meaning and intending to reflect the change in the accepted building code regulation. PUBLIC HEARING



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

Re: Alderman Doherty – To amend the Woburn Zoning Ordinances, as amended by striking from Section 5.1.53 the words “High hazard use listed in the Building Officials Conference of America (BOCA) Code” and inserting in its place the words “High hazard use listed in the International Building Code as published by the International Code Council (ICC)”, meaning and intending to reflect the change in the accepted building code regulation

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on April 8, 2008, the Board voted to forward a favorable recommendation to the City Council by striking from Section 5.1.53 the words “High hazard use listed in the Building Officials Conference of America (BOCA) Code” and inserting in its place the words “High-Hazard Use Groups listed in the Massachusetts State Building Code.”

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

Sincerely, s/Edmund P. Tarallo, Planning Director

A report was received from the Committee on Ordinances as follows “ought to pass.” IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: May 22, 2008      s/Thomas L. McLaughlin May 22, 2008**

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**CITIZEN’S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**FINANCE:**

On the Order to transfer the sum of \$70,000.00 from BLS Ambulance Receipts Account and ALS Ambulance Receipts Account to Fire Overtime Account, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: May 22, 2008      s/Thomas L. McLaughlin May 22, 2008**

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On the Order to appropriate the sum of \$24,500.00 from Cemetery Interest Fund Account to various Cemetery Accounts, committee report was received "ought to pass". Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: May 22, 2008 s/Thomas L. McLaughlin May 22, 2008**

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On the Order to appropriate the sum of \$806,272.00 from Unreserved Fund Balance Account to Salary Increases Various Departments FY2008, committee report was received "ought to pass". Motion made and 2<sup>nd</sup> that the committee report be received, all in favor, 9-0. Alderman Galvin stated that the Order should only be approved for contract that have been negotiated and completed, and that it should be reduced to fund the negotiated teachers' contract and police superior officers contract. Alderman Denaro stated that approving the Order will allow the city to negotiate the contracts and have the funds available for this fiscal year. Alderman Drapeau stated that the non-union department heads are not in negotiations. Alderman Denaro stated that he met with the mayor about the four non-union department heads, that the mayor stated he would match what happens with the other department heads, that the mayor did not fund department head salaries in this fiscal year budget because of the pending formation of the union, and that money is to be set aside to make the non-union department heads whole in line with the offer collectively bargained for with the department heads. President Doherty stated that there is no documentation stating the amount to be set aside for non-union department heads, that he knows the intent was not to fund salary increases for department heads because of the pending department head petition, and that he needs a document from the mayor stating his intent with respect to the non-union department heads. Alderman Denaro stated that there was a question whether four non-union department heads would be covered by the bargaining unit, that it was determined that these four positions would not be covered by the department head bargaining unit, and that these four employees now have no protection. President Doherty stated that there has to be a writing from the mayor concerning his intentions rather than a report of the mayor's oral expression of his intent. Alderman Gonsalves stated that money was set aside for anticipated negotiated union salaries. Alderman Galvin stated that setting aside the money for anticipated negotiated union salaries was a mistake and that the mistake should not be repeated this time. Alderman Raymond stated that the mayor has stated he cannot negotiate contracts without having money set aside, and that when a contract is completed then the city can appropriate the funds. Alderman Drapeau stated that this Order is no different than the proposal in December 2007, that this is the wrong way to approach negotiations, that the mayor will take care of the non-union department heads and they will be made whole, and that the City Council should approve what has been negotiated and placed on the table. Alderman Galvin stated that for the non-union department heads the mayor can send down an ordinance to set those salaries. Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, AS AMENDED with the amendment as follows: That the sum of \$185,140.00 be approved for Teachers School Department Salary and the sum of \$59,027.39 be approved for Police Superior Officers General Government Salary with a total sum of \$244,167.39 approved, all in favor, 9-0. NOTE: Pursuant to Rule 13 of the Rules and Orders of the City Council, Alderman Denaro filed a notice of intent to move for reconsideration at the next regular or special meeting of the

City Council of his vote on this Order on May 21, 2008 at 3:41 p.m. Motion made and 2<sup>nd</sup> that the Committee on Personnel work up personal service contracts for non-union employees and to develop clear and understandable job responsibilities and job performance standards, all in favor, 9-0.

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**PERSONNEL:**

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

**Presented to the Mayor: May 22, 2008 s/Thomas L. McLaughlin May 22, 2008**

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

**Presented to the Mayor: May 22, 2008 s/Thomas L. McLaughlin May 22, 2008**

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

**Presented to the Mayor: May 22, 2008 s/Thomas L. McLaughlin May 22, 2008**

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

**Presented to the Mayor: May 22, 2008 s/Thomas L. McLaughlin May 22, 2008**

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On the reappointment of Richard P. Haggerty as a member of the Historic District Commission, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: May 22, 2008 s/Thomas L. McLaughlin May 22, 2008**

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**POLICE AND LICENSE:**

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

**Presented to the Mayor: May 22, 2008 s/Thomas L. McLaughlin May 22, 2008**

On the petition by Dave's Automotive Inc. for a new Taxi Cab License, committee report was received "ought to pass". Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: May 22, 2008 s/Thomas L. McLaughlin May 22, 2008**

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On the petition by Amandeep Singh dba Best for Less Livery Service for a new Livery License, committee report was received "To deny". Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

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**NEW PETITIONS:**

Planning Board Petition by Draper Realty LLC, 201 Chadwick Drive, Bradford, Massachusetts 01835 for a Planning Board special permit to modify a special permit/site plan approval granted on June 18, 2007, as modified on October 5, 2007, by deleting the application of Condition 6 of the special permit as to Suite A only. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON SPECIAL PERMITS/SITE PLAN REVIEW, all in favor, 9-0.

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Petition by Cambridge Road Auto Service, Inc., 293 Cambridge Road, Woburn, Massachusetts 01801 for renewal of a Second Class Motor Vehicle Sales License. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

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**COMMUNICATIONS AND REPORTS:**

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

In accordance with Massachusetts General Laws Chapter 90, Section 20A½, I am submitting this on parking violations within the City of Woburn for the period ending April 2008: number of parking violations issued 506, number of violations paid 319, number of violations outstanding 275, amount collected and submitted to the Office of the Collector \$27,192.80. There exists a backlog of 5071 tickets for 1982 through 2007. Demands will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission \$4,350.00.

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

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

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A communication dated May 16, 2008 with attachment was received from the Woburn Traffic Commission as follows:

Re: Burlington Street, Locust Street and South Bedford Road Intersection

The Traffic Commission, with the assistance of the Engineering Department, has studied the issue of roadway improvements at the intersection of Burlington Street, Locust Street and South Bedford Road. Enclosed you will find a report dated May 13, 2008 that was prepared by Traffic Commissioner and City Engineer John E. Corey, Jr., PE.

The report includes a proposed amendment to the roadway layout which would require a taking by the city. The issue of land taking is not under the jurisdiction of the Traffic Commission. Therefore, the matter is being returned to the City Council for the purposes of taking whatever action it deems appropriate.

s/William C. Campbell, City Clerk

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

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A communication dated May 16, 2008 entitled "Fuel Transactions (short form) from 04/01/2008 to 04/30/2008 – Woburn Police, 25 Harrison Ave, Woburn, Mass. 01801" was filed. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A confidential communication was received from Attorney Jonathan M. Silverstein, Kopelman and Paige, P.C. regarding the matter of A.L. Prime Energy v. City Council of the City of Woburn, et. al., Land Court No. 08-MISC-370678. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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

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A communication dated May 20, 2008 was received from Attorney David C. Jenkins, Kopelman and Paige, P.C. relative to health insurance contribution rates. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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

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

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**APPOINTMENTS AND ELECTIONS:**

A communication dated May 31, 2008 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Re: Reappointment of Peter Lennon – Historic District Commission

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Peter Lennon of 629 Main Street as a member of the Historic District Commission for a period of three years.

Mr. Lennon's original appointment expired May 31, 2008.

Mr. Lennon's reappointment will be effective on the date of confirmation by the City Council, and his year term will expire three years from that date.

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

Sincerely, s/Thomas L. McLaughlin

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

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A communication dated May 19, 2008 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Loretta Schuck, 44 Leonard Street as a Member on the Board of Trustees of the Woburn Public Library. Please be advised that the term will expire on April 4, 2011. The effective date of the appointment will be the date of confirmation by the City Council.

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

Sincerely, s/Thomas L. McLaughlin

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

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A communication dated May 19, 2008 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Mary Hines of 305 Salem Street, #408, as a Life Member on the Board of Trustees of the Woburn Public Library. The effective date of the appointment will be the date of confirmation by the City Council.

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

Sincerely, s/Thomas L. McLaughlin

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

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**MOTIONS, ORDERS AND RESOLUTIONS:**

ORDERED WHEREAS, there presently exists a parcel of land located in the City of Woburn, Massachusetts known and numbered as 5 Lillian Street; and

WHEREAS, the condition of the chain link fence on the property has been allowed to deteriorate and is not being maintained;

NOW, THEREFORE, BE IT ORDERED be the City Council of the City of Woburn that the City Clerk and Clerk of the City Council schedule a public hearing pursuant to Mass. General Laws Ch. 139, Sec. 1, et. seq., and give notice thereof to the owner of said building or buildings, said hearing to be conducted for the purposes of determining whether said lot of land and chain link fence are a nuisance, a nuisance to the neighborhood, dilapidated or dangerous building or buildings or other structure or structures, as said terms are used in Mass. General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation.

s/Alderman Mercer-Bruen

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

**Presented to the Mayor: May 22, 2008 s/Thomas L. McLaughlin May 22, 2008**

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RESOLVED That the City Council of the City of Woburn hereby authorizes the Mayor to accept a deed in lieu of foreclosure pursuant to and in accordance with

Mass. Gen. L. c. 60 §77C in and to that certain parcel of land for which the City has a lien under Mass. Gen. L. c. 60, §37 for nonpayment of taxes, designated as Map 13, Block 25, Lot 01, on Baldwin Avenue and Merrimac Street, which parcel is described as:

Property Address: Baldwin & Merrimack. A parcel of land with any buildings thereon, containing about 25,579 square feet being described as Map 13, Block 25, Lot 01 in the Office of the Assessors and identified in Book 10462 on Page 024 at the County Registry of Deeds in the County of Middlesex.

On such terms and conditions as the Mayor, in consultation with the City Solicitor and tax Title Counsel, deems appropriate, and to take all action necessary or convenient to accomplish the foregoing.

s/President Doherty

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

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RESOLVED Whereas, the development of the courthouse and office buildings at the Trade Center on Sylvan Road has generated new traffic to the area and considerable traffic safety issues at the Elm Street and Main Street intersection;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that the Woburn Traffic Commission review that traffic patterns from and to the Trade Center with particular emphasis on Elm Street and adopt regulations necessary and advisable to remedy these issues.

s/Alderman Raymond

Motion made and 2<sup>nd</sup> that the RESOLVE be ADOPTED, all in favor, 9-0.  
**Presented to the Mayor: May 22, 2008 s/Thomas L. McLaughlin May 22, 2008**

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RESOLVED That the Traffic Commission study the feasibility of establishing a one-way restriction on Sunset Avenue.

s/Alderman Mercer-Bruen

Motion made and 2<sup>nd</sup> that the RESOLVE be ADOPTED, all in favor, 9-0.  
**Presented to the Mayor: May 22, 2008 s/Thomas L. McLaughlin May 22, 2008**

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

A TRUE RECORD ATTEST:

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