

**CITY OF WOBURN  
NOVEMBER 18, 2008 - 7:30 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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Pursuant to an Order adopted by the City Council on October 21, 2008, the City Treasurer/Collector is to provide a report regarding status of the city's bank accounts and investments to the City Council at this meeting. City Treasurer/Collector Donald Jensen appeared and offered documents to the City Council for review. Motion made and 2<sup>nd</sup> that the documents be received and made part of the record, all in favor, 9-0. Treasurer/Collector Jensen stated that the Century bank account is used as a lock box account for water and sewer fees, that the report reflects a high point of collections, that all other account are collateralized by share insurance funds, that the money in the accounts is available and the banks are solvent, that he is confident that the city can access the funds if necessary, that a situation that colleges ran into accessing funds involved auction rate securities, that the city had one of those accounts with UBS but that has been discontinued, that the UBS Financial Services account has been discontinued and the account has been transferred to Merrill-Lynch, that the city had not issues with UBS in the past, that this money was from the Avalon project and was the only account with the auction rate securities, that the stabilization fund started at approximately \$9,000,000.00 and grew about \$2,000,000.00 to \$11,000,000.00 in the last five years, that the growth was at an annualized rate of over 4%, that his investment strategy is safety of the asset, that the rate of return is important but not more than the safety of the assets, that he has been reassured by the banks that all the accounts have been collateralized and insured, that there are some passbook accounts that the city has held for some time related to some projects such as Packard Street and Catherine Circle, and that some of these have been converted to statement accounts. Armand Bassi of Merrill-Lynch stated that everything is in AAA securities, that there are some in government securities, and that the goal is to provide security and liquidity. Alderman Denaro stated that he is concerned that the accounts may be frozen and that the city may not have access to the money, that a number of colleges had fund access frozen, that he is not comfortable that sufficient assurances have been given, that he would prefer liquidity access rather than rate of return if necessary, and that the city needs written enforceable documents of the

banks assurances. Alderman Gately stated that the passbook accounts may be funds that the city can use for reimbursement of work done by the city on those streets. No further action was taken by the City Council.

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**MAYOR'S COMMUNICATIONS:**

ORDERED That the amount of \$200,812.15 be and is hereby appropriated and approved as so stated to Police Salary Acct #0121051-511000 \$163,533.72, Police Sick Time Acct #0121051-515400 \$13,697.60, Police Holiday Acct #0121051-514500 \$14,600.83, Police Crossing Guards Acct #0121051-512500 \$2,580.00, Matrons Acct #0121051-512800 \$6,400.00, Total \$200,812.15

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

s/President Doherty (per request)

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 amount of \$2,000,000.00 be and is hereby appropriated and approved as so stated from Reserve for Appropriation – I/I Study \$2,000,000.00 to 1. Area #3 Acct #64158-589510 \$95,000.00, 2. Inflow Source Construction Acct #64158-589520 \$500,000.00, 3. Arlington Road Sewer Investigation Acct #64158-589530 \$120,000.00, 4. Horn Pond Interceptor Sewer Bypass Acct #64158-589540 \$25,000.00, 5. Area #3 Sewer Rehabilitation Construction Acct #64158-589950 \$1,020,000.00, 6. Area #3 Sewer Rehab Construction Services Acct #64158-589560 \$200,000.00, 7. Arlington Road Sewer Rehab Design Acct #64158-589570 \$40,000.00, Total \$2,000,000.00

I do hereby approve the above: s/Thomas L. McLaughlin, Mayor  
I hereby recommend the above: s/Vincent Ferlisi, Supt. Public Works  
I hereby recommend the above: s/John Corey, City Engineer  
I have reviewed the above: s/Gerald W. Surette, City 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 Woburn City Council hereby authorizes the Recreation Department to utilize a Departmental Revolving Fund under M.G.L. Chap. 44, Section 53E½. The Recreation Department may spend funds received without further appropriation during Fiscal Year 2009 for the purpose of operating a Youth Basketball Program. The “Youth Basketball Revolving Fund”, is to be created with all fees and charges not to exceed \$40,000.00 received during Fiscal Year 2009 from donations and monies collected. Any remaining balance at June 30, 2009 is to revert to the General Fund, unless the fund is re-established on a year-to-year basis. The City Council, upon recommendation of the Mayor, must have an annual vote prior to the start of the Fiscal Year. This authorization makes the approved Revolving Fund effective for the ensuing Fiscal Year Only.

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

s/President Doherty

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

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Motion made by Alderman Denaro and duly 2<sup>nd</sup> for reconsideration of his vote on the matter to send the appropriation for \$2,000,000.00 for sewer matters to the Committee on Finance, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO THE COMMITTEE ON FINANCE AND THE COMMITTEE ON WATER, all in favor, 9-0.

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On the Order to accept a deed in lieu of foreclosure pursuant to and in accordance with Massachusetts General Laws Chapter 60, §77C relative to certain land designated as Map 13, Block 25, Lot 01, on Baldwin Avenue and Merrimac Street, a VETO MESSAGE was received as follows: “Vetoed by Mayor. Not in overall interest of the City. No accompanying 21E evaluation.” 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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**PUBLIC HEARINGS:**

On the petition by Trade Center Park, LLC, 200 West Cummings Park, Woburn, Massachusetts 01801 for a special permit with site plan review pursuant to Section 5.1.41 of the 1985 Woburn Zoning Ordinances, as amended, to allow Research and Testing Laboratory use at TradeCenter 128, and seeks correspondingly, to modify the Certificate of Appeal of Special Permit dated December 22, 2006 by amending condition number 2 to allow such Research and Testing Laboratory use at 100 Sylvan Road. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Craig Ziady, Cummings

Properties LLC, 2 West Cummings Park, Woburn, Massachusetts 01801 and he stated that at the last meeting the petitioner proposed a compromise plan to situate the research and testing use only in the front building numbered 300 and 400, that an opinion was sought from the city solicitor relative to the authority of the City Council to grant a special permit notwithstanding a conflicting condition in a Planning Board special permit for the same property, that the city solicitor opined that the City Council could act on the new special permit, that research and testing is defined broadly in the zoning ordinances, and that the use includes quite a bit more than biosafety level components and includes electronics, alternate fuel and similar uses that do not rise to biosafety levels. Tony Gemmellaro, Director of Biological Safety for the City of Boston Department of Public Health stated that he inspects biosafety level 3 and 4 uses for the city of Boston, that he does not inspect biosafety level 1 and 2 uses as they are not regulated in Boston, that he has twenty-five years experience in this area, that there are regulations that laboratories are required to follow, that for biosafety 1 and 2 laboratories are required to follow standard biomedical practices, access to the laboratory is limited while work is being conducted, precautions are taken for handling sharps and biosafety cabinets are used, that biosafety includes that application of a combination of practices and procedure, facilities and equipment, that biosafety level 1 has well characterized agents not known to cause disease in healthy adults, that high school laboratories operate at the biosafety 1 level, that biosafety level 2 has moderate potential hazard, that biosafety level 1 and biosafety level 2 universal symbols have to be posted on the door so that emergency personnel know what is in the building before entering, that nothing in addition to sprinklers would be required for the building, that an ABC fire extinguisher is recommended, that smoke detectors are required, that he has been working with the city of Boston for approximately three years, that his focus has been on biosafety level 3 and 4 uses, that he has looked at biosafety level 1 and 2 laboratories that did not warrant additional regulation, that there are many biosafety level 1 and 2 laboratories that have good safety records, that he is not aware of any major spills or exposures in the Boston with biosafety laboratories, that generally the incidents have been spills or sharps impacting the individual using the substance, that he has no knowledge of exposures or release in Boston, that he knows of some communities that have established biosafety level 3 and 4 regulations, that Grafton is one of these communities, and that there is a possibility of self-regulated industries in which incidents may go unreported. Dennis Clarke, Cummings Properties stated that for decades similar research and testing uses have been operating in the office and industrial parks in east Woburn without incident, that the community may not be aware of these businesses as they have not had any negative impacts in the community, that they create good paying jobs, keep buildings occupied, support community activities and have a general positive impact on the community, that there are about 100 different firms described as life sciences in the Cummings Properties buildings without adverse impact, that if the use is adverse and would be incompatible with other uses and therefore detrimental to the property then the business would not be allowed to lease space, that there is 70,000 square feet of space available in the buildings, that the typical tenant is 3,500 square feet which will fit a research and testing use as well as other uses, and that the building is currently 37% to 38% leased. President Doherty stated that he wants to know whether a grant is lost whether this would impact a particular laboratory use. Alderman Mercer-Bruen stated that this may be an opportunity

to look at the biosafety level 1 and 2 uses in the city, that this could become a use requiring a special permit in the city, that the City Council can act on this petition but until the Planning Board decision is resolved then the intended uses cannot move forward, that there is not a tenant waiting to get into these buildings, and that there is time to look at this petition more closely. Alderman Drapeau stated that the City Council is not in conflict with the Planning Board but has its own rights to act in certain matters, that he is no record as being in favor of the petition, that the particular tenants of the building are not known as of this time, that he does not believe that the votes to pass the petition are present, that he would prefer to continue the public hearing until the Zoning Ordinance Review Committee can work further on the larger issue of biosafety level uses in the city. Alderman Galvin stated that the city has become more competitive with this use but there should be a definition of biosafety level 1 and biosafety level 2 uses, and that the uses may require larger buildings. President Doherty stated that the matter of biosafety regulations should be sent to the Zoning Ordinance Review Committee, that the public hearing on this petition can be continued to a later meeting to allow action on it when appropriate, that to act on this petition in the face of the Planning Board decision which has been appealed to court would appear to undermine the Planning Board, and that the City Council can request a legal opinion as to whether the could be a guarantee that the biosafety level 3 use would not be allowed on the property in the future. Motion made and 2<sup>nd</sup> that the communication dated November 10, 2008 from Attorney Jonathan Silverstein of Kopelman and Paige be accepted and made part of the record, all in favor, 9-0. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that he is in favor of the petition, that the City Council must focus on the research and testing use and not biosafety level resting, that medical offices with blood testing is biosafety level testing, and that these uses already exist in the city. OPPOSED: Jerry McCabe, 22 Elm Street stated that that Planning Board gave approval in December 2006 that this building would be for an office park use, that there was no mention of research and testing use at that time, that the Planning Board voted unanimously not to allow the research and testing use at the locus, that there are other solutions to this issue other than bringing the Planning Board to court, that he recommends that the City Council meet with the Planning Board and listen to their reasons for voting against the petition, that there should be limitations on the building if the special permit is granted, that there should be a limit of 25% in building 300 and 400 at biosafety level 1 and 2 only, that he is not comfortable with these uses, that there needs to be specific uses, that the City Council has to work with the Planning Board to move forward, and that it is not the city's fault that the petitioner cannot rent out its building as an office and that it now wants research and testing to be allowed. Bob Boissonneault, 3 Granny Smith Lane stated that once this property is allowed research and testing there is a possibility that this will go to biosafety level 3 and that this should not be allowed in a residential area. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON DECEMBER 2, 2008 AND THAT THE MATTER OF BIOSAFETY LEVEL RESEARCH BE FORWARDED TO THE ZONING ORDINANCE REVIEW COMMITTEE, all in favor 9-0.

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On the petition by Hugo G. Moraes, dba Taste of Brazil, Tuda Na Brasa, 6 Park Drive, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended, to allow authorize restaurant establishment and to allow for expansion of same at 414 Main Street. PUBLIC HEARING OPENED. A communication dated November 17, 2008 was received from Attorney John D. McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition – Hugo G. Moraes, dba Taste of Brazil, Tudo na Brasa – 414 Main St., Woburn, MA

Dear Councillors:

Please consider this as a request that the hearing on the above-matter be continued to your second meeting in January, 2009. There is now a question as to exact area or proposed areas which will be covered by this Special Permit, and the petitioner would like an opportunity to work through those issues before presenting the matter to the Council at a hearing. For the same reasoning, we have also asked the Planning Board to continue the matter to their first meeting in January. These proposed hearing dates should allow the Planning Board to review this prior to your re-scheduled hearing.

I will be present at the scheduled hearing date, but will not plan on speaking, unless requested to do so in response to any questions regarding this request.

Thank you for any courtesy and cooperation.

Sincerely, s/John D. McElhiney

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 JANUARY 20, 2009, all in favor 9-0.

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On the petition by Hess Corporation f/k/a Amerada Hess Corporation, One Hess Plaza, Woodbridge, New Jersey 07095 for a special permit pursuant to Sections 5.1.46a, 5.1.46b, 5.1.22a Note 16 and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow self-service/full service gasoline station with convenience store at site of already existing gasoline station, convenience store, car sales and repairs at 306 Montvale Avenue. PUBLIC HEARING OPENED. A communication dated November 18, 2008 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Hess Corporation, f/k/a Amerada Hess Corporation – 306 Montvale Ave. – To allow Self-Service/Full Service Gasoline Station with Convenience Store under Sections 5.1.46a&b,5.1.22a note 16, and 7.3

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on November 18, 2008, the Board voted to send a favorable recommendation to the City Council in accordance with the plans revised through November 17, 2008 subject to the following conditions:

1. That at least two attendants shall be required onsite at all times;
2. That the applicant shall comply with all the requirements of the Fire Department;
3. That the hours of operation shall be limited to 4 A.M. to midnight;
4. That the two parking spaces in front of the dumpster be signed as employee only 9 A.M. to 4 P.M. Monday through Saturday;
5. That signage shall be installed that limits entering and exiting to right in and right out only from Montvale Ave. any signage within the right of way will require Traffic Commission approval;
6. That trash pick up shall be limited to 9 A.M. to 4 P.M. Monday through Saturday;
7. That fuel deliveries shall be limited to 9 A.M. to 4 P.M. and that fuel deliveries may enter from Montvale Ave. and exit via Washington St.;
8. That storm water runoff from the convenience store roof shall be collected and infiltrated to the ground water;
9. That the land required for the proposed widening of Montvale Ave. and Washington St. shall be conveyed by easement or fee to the City of Woburn;
10. That the sign located in the widening area shall be relocated at the applicant's expense to not impede vehicular or pedestrian traffic, as a result of the widening, when notified by the City of Woburn;
11. That no auto sales or auto repair shall be allowed at this site; and
12. That the Planning Board shall approve and 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

A communication dated November 4, 2008 with attachments was received from Attorney Joan E. Langsam, Riemer and Braunstein, Seven New England Executive Park, Burlington, Massachusetts 01803 as follows:

Re: Special Permit Application/306 Montvale Avenue, Woburn, Massachusetts

Dear Mr. Campbell:

We are hereby filing twenty copies of revised site plans, for the property located at 306 Montvale Avenue, (the "Property") which include a landscaping plan and drainage calculations. In addition, we are also filing twenty copies of a traffic report for the Property. These documents are being filed as a supplement to the application for Special Permit for the Property that was previously filed with your office on October 20, 2008. It is my understanding that these documents along with our original application will be reviewed by both the City Council and the Planning Board on November 18<sup>th</sup>.

We thank you for your attention to this matter.

Very truly yours, s/Joan E. Langsam

Motion made and 2<sup>nd</sup> to received the communication from the Planning Board, that additional plans and the traffic study and make them part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney William Proia, Riemer and Braunstein, Seven New England Executive Park, Burlington, Massachusetts 01803 and he stated that there are three uses currently on the site, a gas station, a convenience store and car sales, that the convenience store will remain in the current cars sales building, that the current gasoline station building will be removed with new pumps located in that space, that the car sales use will be eliminated, that the open space will be increased to 21%, that the curb cuts will be improved, that there will be a reduction from four diesel pumps to diesel pump, that there will be a strip of land granted to the city to accommodate the widening of the intersection, that the grant of land will exactly what the city needs according to its own plan, that this is about an eight foot strip of land, that if the permitting process goes well the city will be well ahead of its schedule for the widening of the street, that the strip of land will be conveyed to the city upon the issuance of a building permit unless the city needs the conveyance to occur at an earlier date, that there will be no high speed diesel pumps installed on site, that the anticipated diesel user would be smaller users, and that it would take a very long time for a large diesel tank to be filled. Maureen Chlebek, McMahon Associates stated that she is the traffic engineer for the project, that the curb cuts on Montvale Avenue will be reduced from two to one, and that most traffic to the station from Montvale Avenue takes a right on Washington Street and enters the station from Washington Street. Luke DiStefano, Bohler Engineering stated that a preliminary proposed floor plan was submitted that shows the first floor plan, that this is a preliminary plan, that he can prepare a generic cost estimate, that the plan will be forwarded to the City Engineer, that the building is approximately 2,200 square feet, that there will be approximately 2,000 square feet used for retail sales, that ten parking spaces are required and provided for the retail use in the front and along the westerly side of the building, that most people will pumping gas will leave their cars at the dispensers and go into the store to pick up an item, that any snow can be removed from the site if necessary, that the dumpster will have four-sided masonry screening as well as evergreen trees, that there will be approximately 4,000 square feet of landscaping compared to the current 500 square feet of landscaping, that the locus may lose 800 to 1,000 square feet of landscaping with the proposed road widening but there will still be more than currently present and more than required under the zoning ordinances, and that there will be no large plantings in the proposed roadway widening area in anticipation of the widening.



Alderman Gonsalves stated that the traffic study indicates that even with the elimination of the cars sales use from the site that there will be a doubling of traffic to the site, that this is a tough intersection, and that there may have to be a land taking to allow widening of the road. Alderman Mercer-Bruen stated that she is not comfortable with the proposed hours of operation of 4:00 a.m. to 12:00 midnight with residences nearby the locus, and that she wants a more detailed landscaping plan for both design and a maintenance schedule. Alderman Gately stated that there is a truck restriction on Washington Street from 9:00 p.m. to 6:00 a.m., that any truck coming out of the station driveway onto Washington Street during those hours would violate the current traffic ordinances, that this restriction would apply not only to delivery trucks but customer trucks, and that even without the high speed dispensers if a truck comes off the highway and needs fuel it will stop for fuel. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that he is in favor of the petition, and that the landtaking for the road widening is the most important aspect of this 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 DECEMBER 2, 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 to further amend the 1985 Woburn Zoning Ordinances, as amended, be further amended by striking from Section 2 Definitions the definition for “Sign, Window” in its entirety and replacing same with the following: “Sign, Window: A sign that is applied or attached to a window or door, or a sign located near a window within a building for the purpose of being visible to and read from the outside of the building.” PUBLIC HEARING OPENED. Alderman Gately stated that the Committee on Ordinance will be meeting on December 1<sup>st</sup> to discuss this further. IN FAVOR: None. OPPOSED: None. Paul Meaney, Executive Director, Woburn Business Association, 10 Tower Office Park, Woburn stated that he did not want to be recorded in favor or opposed to the ordinance but did have comments, he stated that there is a list of more than sixty window signs in Woburn center that are not in compliance with the ordinance, that there has to be better communications with the businesses, that the Building Commissioner was going to cite the businesses for sign violations but has not done so, that a period should be allowed for businesses to bring their signs into compliance with the ordinance, and that the issue of the signs at the Salem Five building are nothing compared to signs at other businesses in the downtown area. President Doherty stated that a communication should be directed to the Building Commissioner inquiring as to whether citations have issued for violation of the sign ordinance in the downtown area, for an update on his process regarding this matter and allowing an opportunity for businesses to come into compliance. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 6, 2009 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor, 9-0.

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On the petition by Alderman Michael Raymond and Alderman Richard Gately to further amend the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. By striking Section 5.3.1 in its entirety and inserting in its place the following: "No fence, retaining wall, screen or other method of separation shall be erected without a permit; however, no permit shall be required for the erection of a fence in a location in which a previously existing fence was maintained provided that the new fence is erected within thirty (30) days of the removal of the former fence. No permit shall be required for the repair of a fence which is in broken or damaged condition including the replacement of the fence, or a section thereof, with a new fence." 2. By striking Section 5.3.3 in its entirety and inserting in its place the following: "No fence shall be maintained over forty-two (42) inches high within sixteen (16) feet of an intersecting street." PUBLIC HEARING OPENED. A report was received from the Committee on Ordinances as follows: "ought to pass." A communication dated October 29, 2008 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Alderman Michael Raymond and Alderman Richard Gately – Zone Change – Amend Sections 5.3.1 and 5.3.3 regarding fences

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on October 28, 2008, the Board voted to forward a favorable recommendation to the City Council to approve the zoning amendments as amended: By striking Section 5.3.1 in its entirety and inserting in its place the following: "No fence, retaining wall, screen or other method of separation shall be erected without a permit; however, no permit shall be required for the erection of a fence in a location in which a previously existing legally erected fence was maintained provided that the new fence is erected within thirty (30) days of the removal of the former fence and is not prohibited by state law or regulated by the Massachusetts State Building Code. No permit shall be required for the repair of a previously existing legally erected fence which is in broken or damaged condition including the replacement of the fence, or a section thereof, with a new fence provided that the fence is not prohibited by state law or regulated by the Massachusetts State Building Code." and by striking Section 5.3.3 in its entirety.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, AS AMENDED with the amendment as follows: That the recommendations of the Planning Board be adopted, all in favor, 9-0.

**Presented to the Mayor: Nov. 21, 2008 s/Thomas L. McLaughlin Nov. 24, 2008**

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On the petition by Alderman Gonsalves to further amend the 1985 Woburn Zoning Ordinances, as amended, by striking from the first sentence in Section 11.11.1 the words

and numbers “Sections 5.1.3(a) through 3(d), and Section 5.1.4” and replacing same with the words and numbers “Sections 5.1.3(a) through 3(d), Section 5.1.4, Section 5.1.69, Section 5.1.70, and Section 7.3” meaning and intending that the conditions of Section 11.11 shall apply to any development of more than two units of townhouse, garden, or elevator apartments. PUBLIC HEARING OPENED. A communication dated October 29, 2008 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Alderman Joanna Gonsalves – Zone Change – Amend Section 11.11.1 Affordable Housing

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on October 28, 2008, the Board voted to forward a favorable recommendation to the City Council to approve the zoning amendment as amended: by striking from the first sentence in Section 11.11.1 the words and numbers “Sections 5.1.3(a) through 3(d), and Section 5.1.4” and replacing same with the words and numbers “Sections 5.1.3(a) through 3(d), and Section 5.1.4; or any application for a Special Permit to create more than two units of Townhouse, Garden, or Elevator apartments under Section 5.1.69, Section 5.1.70, or Section 7.3”.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

IN FAVOR: Paul Meaney, Member of the Woburn Housing Authority, stated that he is in favor of the proposal, that the Executive Director of the Woburn Housing Authority is in favor of the proposal, and that he will inform the board of the Woburn Housing Authority about the position he took at this meeting concerning the proposal. OPPOSED: None. Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, AS AMENDED with the amendment as follows: That the recommendations of the Planning Board be adopted, all in favor, 9-0.

**Presented to the Mayor: Nov. 21, 2008      s/Thomas L. McLaughlin Nov. 24, 2008**

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On the petition by President Charles Doherty to amend the 1985 Woburn Zoning Ordinances, as amended, by establishing a new Section 23 entitled Commerce Way Corridor Overlay District as set forth in the petition. PUBLIC HEARING OPENED. President Doherty stated that the Zoning Ordinance Review Committee (ZORC) has met twice on the matter, that ZORC will meet further to fine tune the language, and that the affected property owners will be solicited for input on the proposal. Alderman Galvin stated that he is concerned with the density of the residential uses. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that he is in favor of the petition and that this will be a lifeline for future generations of the city. OPPOSED: None. Motion made and 2<sup>nd</sup> that the PUBLIC

HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 20, 2009 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor 9-0.

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**PERSONNEL:**

On the appointment of Robert McNabb as a Member of the Human Rights 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: Nov. 21, 2008      s/Thomas L. McLaughlin Nov. 24, 2008**

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On the appointment of the Reverend Dr. Neal Pearson as a Member of the Human Rights 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: Nov. 21, 2008      s/Thomas L. McLaughlin Nov. 24, 2008**

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On the appointment of Denis Murphy as a Member of the Human Rights 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: Nov. 21, 2008      s/Thomas L. McLaughlin Nov. 24, 2008**

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On the appointment of Lori Medeiros as a Member of the Human Rights 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: Nov. 21, 2008      s/Thomas L. McLaughlin Nov. 24, 2008**

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On the appointment of Alfred Tancreti as a Member of the Handicapped and Disabled Citizens 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: Nov. 21, 2008      s/Thomas L. McLaughlin Nov. 24, 2008**

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Alderman Galvin stated that Veronica Andrews was not reappointed to the Woburn Handicapped and Disabled Citizens Commission and that she made a valuable contribution to the commission. Alderman Gonsalves stated that she also acknowledges the service of Veronica Andrews on the commission. Motion made and 2<sup>nd</sup> that a

communication be forwarded to the Woburn Handicapped and Disabled Citizens Commission recommending that the commission seek the advice of Veronica Andrews as needed as she is a good resource for the community, all in favor, 9-0.

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**NEW PETITIONS:**

Petitions for renewal of First Class Motor Vehicle Licenses by C.N. Wood Company, Inc., 200 Merrimac Street; Lannan Chevrolet, Inc., 40-56 Winn Street; Lawless Chrysler Jeep, Inc., 196 Lexington Street; M&L Transit Systems, Inc., 60 Olympia Avenue; Woburn Foreign Motors, 394 Washington Street; and Woodco Machinery, Inc., 22 North Maple Street. 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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Petitions for renewal of Second Class Motor Vehicle Licenses by Anchor Body Corp., 3 Breed Avenue; Robert McSheffrey dba Bob McSheffrey Auto Sales, 306 Montvale Avenue; Capelo's Auto Service, Inc., 22 Winn Street; Kenneth L. O'Connor dba City Line Motors, 39 Rear Torrice Drive; Enterprise Rent-A-Car Company of Boston, 248 Mishawum Road; Exclusive Automobiles, 7 Independence Drive; George J. Hamilton dba George's Auto Body, 19 Jefferson Avenue, Unit C; J.C. Auto Sales, 84-86 Winn Street; Larade's Collision Repair Center, Inc., 20 High Street; McSheffrey Auto Sales, Inc., 878-880 Main Street; Ollie's Service Center, 310 Main Street; Southside Associates, Inc. dba Burke's Garage, 71 Main Street; Veloza Enterprises, Inc. dba Rogers Radiators; and Donald J. Socorelis dba Woburn Glass Company, 243 Main Street. 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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Petition for renewal of Third Class Motor Vehicles Sales License by Woburn Truck and Auto, Inc., 1095R Main Street. 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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Petition by Ali-A-Shleh dba Metro Car Service, 329 Washington Street for a new Taxi Cab 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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Petition by Mugerwa Nasser dba Hello Taxi Woburn, 68 Mill Street, Apt. 3 for a new Taxi Cab License. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, al in favor, 9-0.

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A communication dated November 12, 2008 was received from Attorney G. Michael Peirce, 60 Walnut Street, 4<sup>th</sup> Floor, Wellesley, Massachusetts 02481 on behalf of Mack

Investor LLC requesting clarification relative to a certain parcel of land located on Rainin Road and seeking a meeting with the Committee on Municipal Lands to discuss the matter. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON MUNICIPAL LANDS and that the matter be referred to the City Solicitor for recommended action on the issue, all in favor, 9-0.

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A communication dated October 22, 2008 was received from Attorney James J. Mawn, Mawn and Mawn, 215 Lexington Street, Woburn, Massachusetts 01801 as follows:

Re: Request for Extension of Special Permit  
Applicant: Mishawum Properties, LLC  
Property: Lot A, Mishawum Road, Woburn, Massachusetts

Dear Members of the Council:

On behalf of the above-named applicant, and for good cause as set forth below, request is hereby made for a two year extension of time within which rights under the above-referenced Special Permit may be exercised.

The original Special Permit was approved by a vote of the City Council on January 2, 2007, and the actual Special Permit was issued, following the expiration of the applicable appeal period on January 25, 2007.

Subsequent to the issuance of the Special Permit, the applicant has applied for and received Mass. Highway Indirect Access Permit (with an expiration date of June 27, 2009) and a Certificate of the Secretary of Environmental Affairs. The applicant has completed a Phase I and Phase II Environmental Site Investigation and completed a Class A-2 Response Action Outcome Statement Release Abatement Measure. The applicant has also caused the installation of an extensive sub-surface drainage facility designed to service both Lot A and Lot B on adjoining property. Additionally, the applicant has filed an application pursuant to M.G.L. Chapter 40 §54A and awaits final determination from the Executive Office of Transportation and Construction.

Work is now nearly complete on Lot B (Office Building), and while the applicant is still hopeful of starting work on Lot A within the next year, we are mindful of the fact that each stage of permitting at the state level takes a significant amount of time, and the current market conditions are not favorable for condominium development.

Reference is respectfully made to Section 11.2(10) of the Woburn Zoning Ordinances of 1985 as amended, wherein it is stated: "The City Council may grant an extension of good cause and shall grant an extension if the delay has been caused by the need to seek other permits."

Given the above, we hereby respectfully request that the City Council authorize a two-year extension of the Special Permit.

Thank you for your courtesy and cooperation in considering this request for an extension.

Very truly yours, s/James J. Mawn

Alderman Denaro stated that the project was delayed but is being processed and that the City Council commonly grants extensions for non-dormant projects. Attorney James J. Mawn appeared and stated that the property is owned by Mishawum Properties which was the owner when the permit was granted. Alderman Gonsalves stated that she was opposed to the density of the project originally and will oppose the extension to be consistent with that vote.

Motion made and 2<sup>nd</sup> that the time period for the Petitioner to exercise this rights under the Special Permit issued on January 25, 2007 to allow the development of 210 condominium units be extended for an additional two (2) year period to January 24, 2011, 7 in favor, 2 opposed (Galvin, Gonsalves opposed).

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Petition by NSTAR Electric Company and Verizon New England, Inc. for a grant of right in a way to remove one existing joint occupancy pole on the southeasterly side of Richardson Street Ext. approximately 78 feet northeast of Main Street (P186/1), to install one joint occupancy pole on the northwesterly side of Richardson Street Ext. approximately 60 feet northeast of Main Street (P186/1), and to install one joint occupancy pole and anchor guy on the northwesterly side of Richardson Street Ext. approximately 150 feet northeast of Main Street (P186/1A). Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by NSTAR Electric Company for a grant of right in a way to install conduit in Richardson Street Ext. northeasterly from pole 186/1A approximately 150 feet northeast of Main Street a distance of about eighteen (18) feet. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by Tibbetts Landscaping, Inc., 15 University Road, Arlington, Massachusetts 02474 for a special permit pursuant to Section 5.1.57B of the 1985 Woburn Zoning Ordinances, as amended, to allow outside parking of five (5) motorized commercial vehicles (pick-up trucks and small dump trucks, less than seventeen (17) feet in length) related to business of landscaping at 7 Breed Avenue. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by Woburn Department of Public Works, 55 North Warren Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.79 of the 1985 Woburn Zoning Ordinances, as amended, to allow the construction of a water treatment plant addition and appurtenant facilities at the existing Horn Pond Water Works site. Motion

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

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**COMMUNICATIONS AND REPORTS:**

A communication dated October 31, 2008 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the October meeting of the Council on Aging and the Director's report for the month of October. 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 November 6, 2008 was received entitled "Fuel Transactions (short format) from 9/1/2008 to 9/30/2008 – Woburn Police." 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 November 6, 2008 was received entitled "Fuel Transactions (short format) from 10/1/2008 to 10/31/2008 – Woburn Police." 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 October 18, 2008 with attachments was received from John E. Corey, Jr., PE, City Engineer entitled "South End Water Main Cleaning and Lining – Project Progress Report No. 2". 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 October 2008 was received from the City of Woburn Engineering Department entitled "MWRA Local Pipeline Assistance Program – Final Project Progress Report – Project Number: WRA8-037-167 – City of Woburn South end Water System Improvements – Cleaning and Lining Program – Year 2." 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 October 28, 2008 was received from Attorney Judith C. Cutler, Kopelman and Paige, P.C. relative to new Appeals Court decision invalidating "Major Residential Development" special permit requirement. 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 October 28, 2008 was received from Joseph E. Connarton, Executive Director, PERAC, 5 Middlesex Avenue, Suite 304, Somerville, Massachusetts 02145 advising that the city of Woburn required appropriation for the retirement system for Fiscal Year 2010 is \$4,500,046.00. Motion made and 2<sup>nd</sup> that the MATTER be



RECEIVED AND PLACED ON FILE and referred to Committee on Finance, 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 October 24, 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 John Flaherty of 28 West Street as a Member of the Handicapped & Disabled Citizens Commission. Please be advised that the term will expire on April 30, 2011. The effective date of this 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, Mayor

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

1. By striking Section 6.2.4 in its entirety and inserting in its place the following: "A fence, hedge, wall, or other enclosure may be maintained on a corner lot, provided: it shall not obstruct visual clearance at intersecting streets by being between 3 ft. and 10 ft. above the grade within the triangular area formed by the intersection of the lot lines and a straight line joining said curb lines at points which are 16 ft. distant from point of intersection of said lot lines."

s/Alderman Raymond

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

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Motion made and 2<sup>nd</sup> to 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.

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**COMMITTEE REPORTS:**

**POLICE AND LICENSES:**

On the petition by R.C. Olsen Cadillac, Inc. for renewal of First Class Motor Vehicle Sales 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: Nov. 21, 2008 s/Thomas L. McLaughlin Nov. 24, 2008**

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

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Alderman Dwyer requested a moment of personal privilege and stated that effective November 19, 2008 at 9:00 a.m. he will resign from the office of Ward 4 Alderman, that this was not an easy decision, that he has met with many State Representatives and House leaders, that there will be many time conflicts between his position as Ward 4 Alderman and State Representative for the 30<sup>th</sup> Middlesex District, that both positions require full time attention of the incumbents, that there are family issues that also require his attention, that he thanks his colleagues on the City Council, city department heads and staff for their service and assistance during his tenure, and that it has been an honor to serve the city in this capacity. All of the Aldermen extended best wishes to Alderman Dwyer in his new position and thanked him for his assistance, support and friendship during their time serving with him on the City Council.

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Motion made and 2<sup>nd</sup> to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:45 p.m.

A TRUE RECORD ATTEST:

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