**CITY OF WOBURN**
**NOVEMBER 25, 2013 - 7:00 P.M.**
**REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

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| Anderson | Gately |
| DiTucci | Haggerty |
| Drapeau | Mercer-Bruen |
| Gaffney | Raymond |

Denaro

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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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**MAYOR'S COMMUNICATIONS:**

ORDERED Be it ordained that the City Council of the City of Woburn that the provisions of M.G.L. c.32B, §§21-23, are hereby accepted and implemented in order to allow changes in the City's health insurance plan designs without going through the collective bargaining process.

President Denaro stated that the matter has merit but requires clarification from the Massachusetts Ethics Commission or City Solicitor has to how to get this matter before the City Council, that eight Aldermen have the insurance and cannot sign the matter, and that there has to be an appropriate balance between the insurance for employees and the burden on taxpayers. Motion made and 2nd to suspend the rules for the purposes of hearing from the Mayor on the matter, all in favor, 9-0. Mayor Galvin offered the following letter to the City Council for review:

Re: Proposed Order to Accept the Provision of M.G.L. C. 32B, §§21-23

Members of the City Council:

I write regarding the proposed Order to accept the provisions of M.G.L. c. 32B, §§21-23 passed by Massachusetts lawmakers in 2011. The MA health care reform act has changed the way cities and towns negotiate their health insurance plans. According to the MA office of Administration and Finance, municipalities have saved over $200 million since the law was passed. If §§21-23 are adopted, it has been estimated the city of Woburn and its' employees could conservatively save over $1.5 million dollars in health insurance premiums for FY2015 with plan design changes.

At present, the Order has not been sponsored by a member of the City Council as required by Rule 28 of the Rules and Orders of the City Council. As all but one member of the City Council is a subscriber to the City's health insurance plan(s), it is understandable that there are concerns about a potential conflict of interest where a member is required to offer or sign the proposed Order, and where the City Council must act on the proposed Order. Though the State Ethics Commission's General Counsel has rendered an opinion addressing the invocation of the so-called "Rule of Necessity", which allows members who may have a conflict of interest to act with respect to their official duties, she did not provide a specific response when the City Solicitor inquired as to how a single City Council member could invoke the Rule of Necessity in order to sign the proposed Order so that it could be placed before the City Council for consideration.

Therefore, I have asked the City Solicitor to request a legal opinion on that issue from the Commission's General Counsel.

Respectfully, s/Scott D. Galvin

Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Mayor Galvin stated that the Mass. Health Care Reform Act passed in 2011, that municipalities have saved $200,000,000.00 since the law passed, that the city can save $1,500,000.00 in FY2015 with plan design changes, that the Order must be signed by an Alderman under City Council Rule 28, that the concern about a possible conflict is understandable, that the Rule of Necessity allows the City Council to act but the question as to how a single Alderman can invoke the Rule of Necessity to sign the Order requires clarification, and that he has asked that the Massachusetts Ethics Commission for a ruling on the matter and will advise the City Council. Motion made and 2nd to return to the regular order of business, all in favor, 9-0. No action was taken by the City Council on the Order.

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Motion made and 2nd for a two minute recess, all in favor, 9-0.

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President Denaro called the meeting back to order.

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**PUBLIC HEARINGS:**

On the matter relative to Tax Classification for the City of Woburn. PUBLIC HEARING OPENED. Appearing was Andrew Creen, Chief Appraiser, Board of Assessors, and he offered a communication dated November 25, 2013 with a series of charts entitled Analysis of Levy Limit, Analysis of Levy Limit Increase, Fiscal 2014 New Growth, Valuation by Class of Property, Classification Options, Tax Rate History, Median Sales Price of Single Family Homes, and Analysis of Competitive Communities attached thereto entitled Fiscal Year 2015 Classification Hearing to the City Council as follows:

Dear President Denaro and Council Members:

The Board of Assessors is pleased to report that the valuation roll for fiscal 2014 has been finalized after a reappraisal of all taxable properties was conducted by this office. The total assessed valuation for all real and personal property in the City effective January 1, 2013 is $5.820 billion. This represents an increase from the prior fiscal year's total of $5.716 billion. This increase in taxable valuation is attributable to the modest appreciation in the Commercial, Industrial and Personal Property classes as well as continued desirability of investor owned apartment properties for this fiscal year.

The City Council must now determine the relative tax burden to be borne by each class of property by selecting a "residential factor". To assist the Council in its deliberations, several charts have been prepared and are attached to this correspondence. These charts illustrate relevant valuation and tax levy data and the impact of your vote this evening.

By selecting a residential factor of "1" a single tax rate of $15.70 results. Choosing a factor less than "1" results in a portion of the tax levy shifting from residential properties to commercial, industrial and personal property taxpayers. For example, adopting a residential factor of ".67" means that the residential class of property would pay 67% of the levy they would pay if there were no classification. Under this scenario, the levy increases for the other classes of property by a factor of 175 percent. The chart entitled "Classification Options" best illustrates the various scenarios available to you.

Woburn Board of Assessors,
s/Robert E. Maguire, Jr., Chairman, s/Lori Medeiros, s/David J. Rufo

Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Mr. Creen stated that the maximum allowable FY2014 tax levy is $98,385,122.00, that this consists of the prior year levy of $93,983,266.00 plus a 2.5% increase of $2,349,582.00 plus new growth of $2,052,274.00, that there is a total levy limit increase of $4,401,856.00 over FY2013, that new growth consists of 85% personal property, 14% residential and 1% commercial/industrial, that values peaked in 2007 and 2008 and then the value dropped in 2010, 2011 and 2012 with some modest increase in 2013 and 2014, that investor owned residential rental properties have had values increase at approximately 8% on average while single family and condominium values have not had the same appreciation, that the increase in residential rental properties is among rental complexes as opposed to owner occupied rental properties, that a 100% factor would result in a $15.70 tax rate as to all classes of property, that a shift to the lowest factor of 66.6677% results in a $10.47 residential tax rate and a $27.48 commercial/industrial/personal property tax rate, that this compares to the FY2013 residential tax rate of $10.40 and a commercial/industrial/personal property tax rate of $27.01, that the Boston Metro Area median sale price of a single family home is running slightly higher than the median value in Woburn, that the projected average residential real estate tax bill in FY2014 is $3,581.00, that the FY2013 average residential tax bill was $3,553.00, that the prior year personal property tax was $1,400,000.00 compared to the FY2014 personal property tax of $1,700,000.00, that there are three hundred new

personal property tax accounts identified, that there will always be an interest in business of locating in Woburn due to its location at the intersection of I-95 and I-93/Route 128, that he can supply information to the City Council as to how new growth in the city compares to comparable communities, that a couple of properties were exempt from taxation or were at agricultural tax rates which have now come on the taxable property roles such as 855 Main Street and the Wyman Street project, that there has been little new growth in the commercial/industrial area, that he can determine the amount of commercial/industrial vacancies for the City Council, that the vacancy rate varies depending upon the class of the property, that smaller commercial properties are in strong demand while the larger warehouse facilities are not as strong, that all taxpayers can challenge the assessment of their properties, that over the last couple of years there has not been a strong number of appeals, and that the city has been successful in a number of appeals before the State Appellate Tax Board. John Connolly, Senior Appraiser, Board of Assessors stated that there have been approximately fourteen abatement filing but most were resolved in-house after a review of documents, and that with larger properties the Board of Assessors conducts interviews when values are being determined to learn of trends affecting values. PUBLIC COMMENTS: Paul Meaney, 1 Brandt Drive stated that he is active with the Woburn Business Association, that because of business in the city there residents enjoy a good tax rate, that the city has a good tax base, and the city is affordable. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that a TAX CLASSIFICATION FACTOR OF 66.6677% be ADOPTED, ROLL CALL: Anderson – Yes, DiTucci – Yes, Drapeau – Yes, Gaffney – Yes, Gately – Yes, Haggerty – Yes, Mercer-Bruen - Yes, Raymond – Yes, Denaro – Yes, MOTION ADOPTED.

**Presented to the Mayor: November 27, 2013 s/Scott D. Galvin November 27, 2013**

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On the petition by Herley Industries, Inc., 10 Sonar Drive, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 7.3 to allow for the alteration and expansion of a non-conforming use and structure to provide for an equipment area at 10 Sonar Drive. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: “Ought to pass with the following conditions: 1. That the Plans of Record shall be “Plot Plan, 10 Sonar Drive, Woburn, Mass.” Dated May 16, 2013 prepared by Edward J. Farrell, Professional Land Surveyor, 110 Winn Street, Suite 203, Woburn, MA. and “Nitrogen Supply D3 Equipment Layout, Herley Vega, Woburn, MA” drawn by A. Talas dated 03 Aug. 12 Sheet 1 of 1; and 2. That the hours of deliveries/fillings be limited to Monday through Friday from 8:00 am to 6:00 pm, with no deliveries/fillings on Saturdays or Sundays.” Appearing for the petitioner was Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he asked that the City Council move on the committee report. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED with the two conditions, all in favor, 9-0.

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Motion made and 2nd to hold the public hearing on the following two matters collectively, all in favor, 9-0.

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On the petition by OL Fresh, LLC, 22 Noble Hill Road, Beverly, Massachusetts 01915 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.29 and 12 to allow for a fast food restaurant at 307 Main Street and 6 High Street within the Groundwater Protection District. PUBLIC HEARING OPENED. A communication dated November 6, 2013 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: OL Fresh, LLC – 307 Main Street and 6 High Street – To allow for a fast food restaurant within the Groundwater Protection District pursuant to Sections 5.1.29 and 12

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on October 29, 2013, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of OL Fresh, LLC, regarding the property at 307 Main Street and 6 High Street to allow for a fast food restaurant pursuant to Sections 5.1.29 and 12 of the Woburn Zoning Ordinance subject to the following conditions:

1. That all unneeded existing water or sewer services shall be capped as required by the Engineering Department;
2. The petitioners shall conduct a test pit and perc test where the infiltration system is to be installed to confirm the soil conditions and infiltration rates are adequate and to the satisfaction of the engineering department;
3. A detail of the infiltration system and downspout connections shall be shown on a plan and approved by the engineering department prior to issuance of a building permit;
4. That the parking shall be in accordance with the plan dated Oct. 29, 2013 by Millennium Engineering, Inc.
5. That all parking shall be in compliance with Section 8.4.2.4; and
6. That the location of the dumpster shall not interfere with the access and egress to the parking spaces.

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, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner Ryeknot Properties – Woburn LLC is the proposed purchaser of the building, that the petitioner OL Fresh, LLC proposes to locate a yogurt shop on the first floor of the

building, that the main menu item of OL Fresh is yogurt, that eighty flavors will rotate throughout the year, that bottled water and soda will be sold, that there will be two full-time employees and ten part-time employees, that the hours of operations will be Sunday through Thursday between 12:00 noon and 10:00 p.m. and Friday and Saturday from 12:00 noon to 11:00 p.m., that there will be seven residential units with fourteen parking spaces provided under the building, that two parking spaces will be assigned to each unit, that the residential uses will be built over the store as well as in an addition to the rear of the building, and that the Planning Board voted favorably on both proposals. Attorney Tarby offered a copy of a parking plan and an artist's rendering of the building to the City Council for review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Chris Ragusa, of Ryeknot Properties – Woburn LLC stated that these will be two-bedroom apartments, and that the intention is to have the dumpster located within the garage area. Alderman Gately stated that the location is the site of the former Masotta's variety store, and that he supports the proposal. Alderman Drapeau stated that he supports the proposal, that this is the right project for the site, and that this proposal will be a great addition to the downtown area. Alderman Raymond stated that he supports the project which will clean that area of the city. Alderman Haggerty stated that this is a great example of what the city can do downtown. IN FAVOR: Paul Meaney, 1 Brandt Drive stated that he was speaking on behalf of the Board of Directors of the Woburn Business Association, that he is in favor of the project, that the proposal is forward thinking, that the project will keep people in Woburn center, and that the project is a step in the right direction. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON DECEMBER 17, 2013 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 Ryeknot Properties – Woburn LLC, 278 High Street, Newburyport, Massachusetts 01950 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.5, 12 and 15 to allow for seven (7) residential dwelling units above the first story in a commercial structure at 307 Main Street and 6 High Street within the Groundwater Protection District. PUBLIC HEARING OPENED. A communication dated November 6, 2013 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Ryeknot Properties - Woburn LLC – 307 Main Street and 6 High Street – To allow for seven residential dwelling units above the first story pursuant to Sections 5.1.5 and 12

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on October 29, 2013, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Ryeknot Properties, regarding the property at 307 Main Street and 6 High Street to allow for seven residential dwelling units above the first story pursuant to Sections 5.1.5 and 12 of the Woburn Zoning Ordinance subject to the following conditions:

1. That all unneeded existing water or sewer services shall be capped as required by the Engineering Department;
2. The petitioners shall conduct a test pit and perc test where the infiltration system is to be installed to confirm the soil conditions and infiltration rates are adequate and to the satisfaction of the engineering department;
3. A detail of the infiltration system and downspout connections shall be shown on a plan and approved by the engineering department prior to issuance of a building permit;
4. That the parking shall be in accordance with the plan dated Oct. 29, 2013 by Millennium Engineering, Inc.
5. That all parking shall be in compliance with Section 8.4.2.4; and
6. That the location of the dumpster shall not interfere with the access and egress to the parking spaces.

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

SEE NOTES FROM PRECEDING MATTER. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON DECEMBER 17, 2013 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

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Motion made and 2nd to hold the public hearing on the following two matters collectively, all in favor, 9-0.

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On the petition by Benchmark Senior Living, 40 Williams Streets, Wellesley, Massachusetts 02481-3904, Petitioner, and Lindquist Realty Trust, 320 Salem Street, Woburn, Massachusetts 01801, Landowner, to amend the Zoning Map of the City of Woburn by amending the zoning district for the property identified on Assessors Map 32, Block 04, Lot 01 known as 320 Salem Street containing an approximately 4.43 acre parcel from the R-1 zoning district to the R-3 zoning district. PUBLIC HEARING OPENED. A communication dated August 6, 2013 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Lindquist Realty Trust – Zoning Map Change – To amend the Zoning Map of the City of Woburn by changing the zoning district for the entire parcel of land known as 320 Salem Street, containing approximately 4.43 acres of land as shown on the City of Woburn Tax Map 32, Block 04, Lot 01 from the R-1 zoning district to the R-3 zoning district.

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on August 6, 2013, the Planning Board voted to send a favorable recommendation to the City Council for the Zoning Map Amendment to change the zoning of the property at 320 Salem Street from R-1 to R-3 subject to the establishment of a covenant which limits the use of the property to single family homes and extended care facilities only.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

Appearing for the petitioner was Attorney Mark T. Vaughan, Riemer and Braunstein, Seven New England Executive Park, Burlington, Massachusetts 01803 and he stated that the petitioner has met with the Committee on Ordinances and continued to take comments from neighbors to improve the project, that the home would remain on the property, that the project is an 87-unit assisted living facility on Cedar Street with access on Cedar Street, that there will be no new access on Washington Street, that an assisted living facility generate little traffic, that most residents of the facility do not drive, that the traffic would consist of staff and visitors, that the projected traffic will be ½ of 1% of the traffic currently in the area, that the petitioner will be installing new signalization software are Cedar Street and Salem Street, that the petitioner will provide a right of way for future widening of Washington Street if necessary, that the Salem Street/Cedar Street intersection will be realigned and squared off to be a safer approach, that motor vehicles cannot currently take a left turn from Washington Street to Carlena Terrace, that project will expand the right turn lane on Cedar Street to allow the ability to turn right then left onto Carlena Terrace, that the project will establish a left turn lane on Salem Street, that the petitioner has met with the City Engineer, that MassDOT has jurisdiction over Cedar Street and has approved the plans, that the existing home on the locus will remain to provide a residential context to the corner, that the height of the building will be comparable to the height of the home on Washington Street by building with the grade that slopes down, that the restrictive covenant on the property has been revised, that the change from the R-1 to R-3 zoning district is necessary to proceed with the assisted living facility, that the R-3 zoning district allows other uses as well and the restrictive covenant will prohibit allowable uses other than assisted living, that the restrictive covenant will provide that the assisted living use cannot creep into the parcel where the home is located, that the project will generate personal property taxes, real estate taxes and building permit fees for the city, that the Washington Street, Cedar Street and Salem Street lanes are still under consideration, that those changes would have to be reflected at the special permit phase, and that a balloon demonstration of the height of the building was conducted from four locations. IN FAVOR: Theron Rose, 5 Hobson Avenue stated that the project is a good fit for the site, and that he appreciates the attempt to improve the traffic flow. Nelson Doherty, 11 Carlena Terrace stated that he supports the petition as it will improve traffic in the area. Motion made and 2nd to accept a letter dated November 24, 2013 received from Nelson Doherty and make it part of the record, all in favor, 9-0. Amanda Marshall, 23 Milan Avenue stated that the proposal is the best use for the

property, and that there is a great need for elder care particularly those with memory deficit. William Mulrenan, 4 Field Terrace stated that there is a need for elder care and senior housing, and that he supports the project. Peggy Morrison, 17 Dewey Avenue stated that she is in favor of assisted living at the location. John Beauchamp, 224 School Street stated that this project is an opportunity for road improvements in the area, that the petitioner is providing resources for the work to complete the project, that the petitioner added seventeen parking spaces which should be sufficient, that the proposal is for a $26,000,000.00 building, that the property should not be left as open space, that the owners have the right to develop the property, that the petitioner will be paying the commercial water and sewer rate which will subsidize the residential water and sewer rates, and that there is no issue with fire trucks and ambulances at the property. Mr. Beauchamp offered a petition of 232 abutters to assisted living facilities who find this as a beneficial use. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. OPPOSED: Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn stated that he represents the thirty to forty units owners at the Chestnut Green office condominiums, that he objects to the public hearing while the matter is in committee, that a 2004 zoning amendment requires 1.8 parking spaces for an assisted living facility, that the petitioner is requesting to reduce parking requirements by almost 60% for all assisted living facilities in the city, that he objects to the project on this site, that he believes that there will be parking overflow from the site, and that the entrance to the facility will face the entrance to the condominium development. Larry Larson, 134 Washington Street stated that the residents of east Woburn have taken the burden of the traffic and noise of commercial development, that the zoning was set many years ago for a reason to protect residents from encroachment, that the petitioner has other areas in the city where they could locate the facility, that the proposal could open the way for further encroachment down the Washington Street corridor, that some former commercial property on Washington Street became residential recently, and that he is concerned about future encroachment over the years as properties are combined with the intent to develop commercial uses. Philip Spanos, 270 Washington Street stated that the locus was not sold previously because the former owner did not want to sell the property, that there was a statement that traffic improvements will not be made unless this petitioner is allowed to develop the property, and that the property should not be developed just because of proposed traffic improvements. George Spanos, 270 Washington Street stated that he is opposed to the project. Richard Iannetti, 10 Washington Terrace stated that he intended to oppose the facility, and that he opposes the project because of the change to the zoning laws. Nick Bagarella, 10 Arthur G. Pernokas Drive stated that he is concerned about encroachment into residential areas, and that the property should remain residential. Paul Andrews, 18 Arthur G. Pernokas Drive stated that there is too much traffic in the area, and that he is concerned about encroachment. Denise Kuhn-Kornblit, 132 Washington Street stated that traffic in and out of the facility will be 24 hours per day for various deliveries, that he sees potential for additional intrusion into the neighborhoods, and that the roads need to be improved but the city can make those improvements. Heather Carlson, 230 Washington Street stated that there will be ambulance runs to the locus, that the facility does not have acute care for residents, that the residents will have to be brought to the emergency room, and that even the claim of minimal traffic will add traffic to the street. Deborah Melander, 4 Robert Avenue stated

that she is opposed to the traffic that will be generated from the project, and that the property should remain residential. Joan Jackowictz, 3 Robert Avenue stated that traffic is difficult in the area already, and that she would prefer a residential use. Alexis Garcia, 130 Washington Street stated that she is opposed to the project because of the traffic, that assisted living in that area provides no diversion for the elderly who will live there except some trees and traffic, and that the intention is good but houses will be a better use. Attorney Geoff Curtis, 8 Cedar Street, Woburn stated that the Chestnut Green office park has smaller units of 2,000 square feet, that the owners have made some improvements to the buildings, that the units are the source of retirement savings for many of the owners, that there are currently 1.8 parking spaces required and the petition will reduce this to .7 parking spaces, that there have always been incremental changes with projects but this change is significant, that these assisted living facilities are little cities, that there is overlap between the shifts coming and leaving the locus, that there are specialists and people providing entertainment for the residents, that there are visitors for the residents, that there will be a significant increase in the height of the building and not an incremental change, that the property has been a good buffer, that if the owner could sell ten lots at $200,000.00 per lot that is a good return on the property, that there is little pedestrian access in the area, and that the proposed use will add to the burden of the neighborhood. Xingtao Wu, 229 Washington Street stated that he is not convinced how the traffic can be improved with this project, that adding the facility to the locus will add traffic to the area, and that after looking at the mitigation package it is not clear that the traffic will be better or smoother. Richard Corbett, 261 Washington Street stated that the traffic in the area is bad in terms of speeding and failing to stop at crosswalks, and that this project will add to those poor conditions. Steven Spanos, 270 Washington Street stated that Washington Street residents will be impacted although they have not been included in the neighborhood meetings, that the direct abutters to the locus seem to be the only residents consulted, that the locus is not the place for the project, that the locus should be used for single family homes, that the city should consider the Master Plan, that the request is for a rezoning, that the rezoning of the former truck terminal property to allow residences was an improvement but this proposal is not an improvement, that no traffic mitigation will prevent ambulances from responding to the location, that the proposal is for a 24-hour operation, that traffic flows until midnight in the area when it used to quiet at 9:30 p.m. or 10:00 p.m., that the project is adverse to the requirements of zoning, that the proposal is a business, that the proposal is not an appropriate use of the land, that other area landowners could band together and attempt to sell their property for a commercial use, and that he asks that the City Council vote against the proposal. Philip Flood, 250 Washington Street stated that the property was zoned residential to protect against the encroachment of business, that the lights are getting longer due to traffic, and that there are business zoned area in the city where business could be accommodated. Michael McGoldrick, 16 Arthur G. Pernokas Drive stated that the property should remain residential, and that the facility will not improve traffic. Leaman Baxter, 177 Washington Street stated that he learned of this meeting from his neighbors, that he opposes further rezoning in east Woburn, that the project sounds like a good use but not at this location, and that there are other parts of the city that can accommodate the proposed use. Susan Rodburg, 234 Washington Street stated that she is opposed to the project at this location. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE

REGULAR MEETING OF THE CITY COUNCIL ON DECEMBER 17, 2013 AND THAT THE MATTER REMAIN IN COMMITTEE ON ORDINANCES, 7 in favor, 2 opposed (Drapeau, Denaro opposed).

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On the petition by Benchmark Senior Living, 40 Williams Streets, Wellesley, Massachusetts 02481-3904, Petitioner, and Lindquist Realty Trust, 320 Salem Street, Woburn, Massachusetts 01801, Landowner, to amend the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. By revising the definition of "Extended Care Facility" contained in Section 2 as follows: the "period" after "rest homes" shall be deleted and the following language added: "and Assisted Living residences", 2. By revising Section 6.1 (Table of Dimensional Regulations) by adding a new footnote #9 to read as follows: "9. Assisted Living residences located in the Residential-Three (R-3) zoning district boundary lines in the City of Woburn shall have a maximum height of 42 feet and/or 3 stories.", and 3. By revising Section 8.2.5 (Schedule of minimum numbers of Required Off Street Parking Stalls) for Extended Care Facility by adding the following language after "1.8 space per dwelling unit" as follows: ", provided that Assisted Living residences shall have 0.50 space per unit and 1 visitor space per 10 units." PUBLIC HEARING OPENED. A communication dated August 6, 2013 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Lindquist Realty Trust – Zoning Ordinance Amendment – To amend the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. By revising the definition of "Extended Care Facility contained in Section 2 as follows: the "period" after "rest homes" shall be deleted and the following language be added: "and Assisted Living residences"; 2. By revising Section 6.1 (Table of Dimensional Regulations) by adding a new footnote #9 to read as follows: "9. Assisted Living residences located in the Residential-Three (R-3) zoning district boundary lines in the City of Woburn shall have a maximum height of 42 feet and/or 3 stories."; and 3. By revising Section 8.2.5 (Schedule of minimum numbers of Required Off Street Parking Stalls) for Extended Care Facility by adding the following language after "1.8 space per dwelling unit" as follows: ", provided that Assisted Living residences shall have 0.50 space per unit and 1 visitor space per 10 units.".

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on August 6, 2013, the Planning Board voted to send a favorable recommendation to the City Council regarding Zoning Ordinance Amendment 1. Revising the definition of "Extended Care Facility contained in Section 2 as follows: the "period" after "rest homes" shall be deleted and the following language be added: "and Assisted Living residences".

In addition, the Planning Board voted to send a favorable recommendation to the City Council regarding Zoning Ordinance Amendment 2. as modified to now read: to revise Section 6.1 (Table of Dimensional Regulations) by adding a new footnote #9 to read as follows: "9. Assisted Living residences located in the Residential-Three (R-3) zoning

district boundary lines in the City of Woburn shall have a maximum height of 42 feet and/or 3 stories; Assisted Living residences located in the R-2, R-3, R-4, B-H, B-I, and S-1 zoning districts shall have a Minimum lot area of 1 acre; a Minimum Lot frontage of 125 feet; a Minimum side yard setback of 25 feet; a Minimum rear yard Setback of 30 feet; and that the maximum number of residential units shall be not more than 1 bedroom per 1,000 square feet of gross lot area not including the area assigned to rivers or canals that may be on the lot and that an Alzheimer room/bed shall be construed to be a bedroom."

Finally, the Planning Board voted to send an unfavorable recommendation to the City Council regarding Zoning Ordinance Amendment 3. Revising Section 8.2.5 (Schedule of minimum numbers of Required Off Street Parking Stalls) for Extended Care Facility by adding the following language after "1.8 space per dwelling unit" as follows: ", provided that Assisted Living residences shall have 0.50 space per unit and 1 visitor space per 10 units."

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

Sincerely, s/Edmund P. Tarallo, Planning Director

SEE NOTES FROM PRECEDING MATTER. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON DECEMBER 17, 2013 AND THAT THE MATTER REMAIN IN COMMITTEE ON ORDINANCES, 7 in favor, 2 opposed (Drapeau, Denaro opposed).

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Motion made and 2nd to hold the public hearing on the following two matters collectively, all in favor, 9-0.

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On the petition by Lytron Realty Corp. and Lytron Incorporated to amend the Woburn Zoning Map for the parcels of land known as 73 Dragon Court containing approximately 5.3 acres of land; 41 Dragon Court containing approximately .52 acres of land; 39 Dragon Court containing approximately 1.31 acres of land; Dragon Court, Lot 1 containing approximately .28 acres of land and Dragon Court, Lot 2 containing approximately .28 acres of land, as shown on Assessors Map 16 Block 02 Lot 02, Map 16 Block 02 Lot 04, Map 16 Block 02 Lot 05, Map 16 Block 02 Lot 06 and Map 16 Block 02 Lot 07 from the R-2/I-P zoning district to the I-P zoning district. PUBLIC HEARING OPENED. 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 petitioner company was founded in 1958 as a manufacturer of equipment cooling liquids and provided the product to manufacturers, that the petitioner has been at this location since the 1960s, that the petitioner purchased adjacent property in 2005 and 2006, that the property is 113,000 square feet in area, that the petitioner purchased a home and tore down the building to provide more parking but has been prevented from

parking on the property, that the petitioner is attempting to balance their needs with the concerns of the residents on Florence Terrace, that the petitioner purchased additional property in 2011 for parking and not for expansion of the facility, that the petitioner consolidated an Ossipee, New Hampshire manufacturing facility to this location which added and additional thirty employees at the locus, that the petition to amend the zoning map will allow the petitioner to increase its parking, that the petitioner is willing to add more buffer than is currently proposed, that the zoning line would be back 193 feet from Florence Terrace and there is a further 55 foot buffer to the parking lot, that there will be a 248 feet distance from the parking lot to Florence Terrace, that there is also a buffer of trees, that the Planning Board will review the matter on December 3, 2013, that he asks that the matter be forwarded to the Committee on Ordinances, that there was no constructive feedback at the neighborhood meeting, that the proposed changes to the site map were based on the Ward Alderman's comments and prior City Council comments the last time the issue was reviewed, that the proposal to build additional homes on the street has been taken into consideration and is why the petitioner has provided a football field length buffer zone and trees, that there is not enough parking on the site, that one proposal is to change the zoning map and the other proposal is to permit parking by special permit, that the proposals affect very few other parcels in the city in the industrial area, that this proposal is about parking, that the proposal is for a parking lot and not a parking garage, that 98 parking spaces would be added in the area but 16 parking spaces would be taken from another area, that the plan is for 98 parking spaces, and that moving a contiguous zoning line is not spot zoning. Attorney Tarby offered an aerial photograph and a site plan for the City Council to review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Dave Long, Vice President and CFO of the petitioner stated that there are 240 employees at the Woburn facility and 300 employees worldwide, that the other positions are mostly overseas, that the petitioner can house 250 to 300 employees which was reduced following the recent economic recession, that Parker Hannifin has been a cooperative neighbor but the petitioner cannot continue to use the Parker Hannifin parking lot in perpetuity, that the proposed plan provides 340 parking spaces which could satisfy "burstable moments" of business growth, the revised plan increases parking to 300 parking spaces, that the church property had a large parking lot for near thirty years, that the petitioner did use that parking at times, and that the petitioner purchased the church property and parked at the church parking property even while the church was still operating at the location. Alderman Mercer-Bruen stated that this matter was before the City Council four years ago and the proposal was denied, that the proposal should be denied again, that there is no sympathy by the CEO of the petitioner and a lack of concern for the neighbors, that the parking requested is more than needed and she is concerned that it is a sign of further expansion of the facility, that there are plans to build ten two-family homes on Dragon Court, and that the owner was aware of the zoning of the church property when the land was purchased by the petitioner. PUBLIC COMMENTS: Paul Meaney, 1 Brandt Drive stated that he is a member of the Woburn Business Association Board of Directors, that he has a knowledge of the history of the petitioner's company, that the petitioner has been in Woburn since 1961, that there are many businesses located on Dragon Court, that Dragon Court is not the greatest access road to the commercial/industrial location but the city created this situation, that the petitioner was invited to build their business at the location, that the petitioner came

to the City Council in 2005 and 2006 to expand their property and purchased the property, that the City Council approved this action, that when the house was purchased by the petitioner the building was being used for improper uses, that the petitioner purchased the house and tore the building down, that the petitioner asked for 25 parking spaces and the City Council would not permit this additional parking, that the petitioner purchased the church property, that the petitioner is providing a significant buffer zone, that the City Council should keep an open mind with the proposal, and that the petitioner has jumped through hoops for the city. Mary Owen, 3 Florence Terrace stated that her property abuts the locus, that there trees on the petitioner's property were planted by the church property owners and have not been maintained, that her house was built sixty years ago when there was no industry in that area, that a decision was made to allow industry at the end of Dragon Court and the homes were sold and removed, that there is a significant amount of car and truck traffic on the street, that it is unsafe to enter and exit the street at shift changes, that there has to be a balance between residential and business uses, that there is no screening from the petitioner's property to her property, that she has a 2008 letter from Mr. Long seeking permission to destroy the out of use building, that the petitioner is using a self-created demand for parking to encroach on residential land, that there have been trucks and commercial parking on residential land, that the petitioner has other methods to address their parking needs, that the petitioner should explore these options, that Dragon Court will expand with a proposed ten two-family home development, and that she asks the City Council to deny the request. Dan Forsythe, 44 Marlboro road stated that he works as an environmental consultant for the petitioner, that the petitioner employees high skilled employees and pays a lot of taxes to the city, that he often has to wait for a parking space to open on site, and that the petitioner should be able to expand the parking to support their existing business needs. Richard Valentine, 22 Richardson Street stated that all the parking and including the fire lanes are often filled with parked cars, that the church had a parking lot that could be used and now it cannot be used for parking, that the petitioner's business has expanded and the petitioner provides employment, that the petitioner is not necessarily responsible for trash on the property as it may be dumped there by others, and that the petitioner is not looking to expand the business but just the parking lot. Payson Greene, Brannen Brothers Flutemakers, Inc., 58 Dragon Court stated that his business started in 1976, that they purchased their current location, that they have been happy operating at the location, that he does not understand the Owens concerns at they are located 30 feet from I-93 with its traffic and air quality issues, that he understands that the residential uses have decreased on the street, that often people have gone onto their company's property and dumped trash, that they have had to install security cameras to on their property, that there is difficulty in getting in and out of the street and perhaps a widening of Washington Street would be beneficial in that area, and that he supports the proposal. Carol McDonough, 2 Driftwood Drive stated that the petitioner is seeking parking, that the petitioner is a good company and her employer, that she can see only trees from the front door of the building, that the petitioner is considerate of the neighbors, that the residents and industry have to work together, that there is not adequate parking, that the petitioner cannot borrow parking from neighboring businesses, that the petitioner should not have to borrow parking from neighbors when they have land to accommodate the parking, that residential and commercial uses are found in close proximity all over the city, and that

the city needs industry or the tax rate will not stay favorable for the residents. Timothy Swain, 29 Dragon Court stated that he wants to live in peace, that there has to be something else that can be done other than changing the zoning such as building a parking garage, and that there is always room for compromise. Chris Owen, 3 Florence Terrace stated that there is not a compelling need to change the zoning, that the previous parking plan was a smaller request and it was denied on a 9 opposed, 0 in favor vote of the City Council, that the petitioner knew that the property was in the R-2 zoning district, that on paper the street is 30 feet wide but in reality the property is less than 30 feet wide, that truck traffic hits trees along the road and drive onto residents' lawns, that the street is a speed zone, that pot holes on the street keep the speed of traffic lower, that it is wrong to have the sole access road to an industrial area through a residential area, that there has been increased car and truck traffic on the street, that he has distrust of the petitioner, that the church property was 2.39 acres, that they were using the church parking area when the church was located there but this could not be identified because of mixed vehicles, that once the church left the property it was clear that the petitioner was using the church property for parking, and that he asks that both proposals be denied. Richard Callahan, Ariston Engraving and Machine Co., 56 Dragon Court stated that his company has been located at this location for several decades, that the petitioner is asking for additional parking, that the petitioner seems to be open to adjustments to the maps although none were offered in the neighborhood meeting, and that he asks that both sides be accommodated. Mary Ventura, 478A Washington Street stated that she is opposed to these amendments, that the traffic on Washington Street and Dragon Court are equally bad, and that there is a solution for the petitioner but not with this proposal. George Geraniotis, Geraniotis Realty Trust, 56 Dragon Court stated that he owns 56 Dragon Court, that there has to be a practical decision, that the petitioner has grown and has to be admired, that the petitioner has hired new employees, that the petitioner is a small well-managed company, that the city must help the petitioner with a compromise, that the petitioner wants additional parking, and that the petitioner supplies a good product. A communication dated November 24, 2013 was received from Mary Owen and Christopher Owen, 3 Florence Terrace in opposition to the proposal. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 21, 2013 AND THAT THE MATTER BE REFERRED TO COMMITTEE ON ORDINANCES FOR FURTHER REVIEW, all in favor, 9-0.

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On the petition by Lytron Incorporated to amend the 1985 Woburn Zoning Ordinances, as amended, 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 revising the following:

- Section 5.1, line 72, Table of Use Regulations shall be amended by replacing the "_" with "P" in the R-2 Zoning District and inserting: Note 26 under the heading: "Notes; Other Sections"

- Amend Section 5 Notes to 5.1 Table of Use Regulations by adding the following note:

26. Accessory parking facilities in an R-2 Zoning District for use in an IP Zoning District shall be subject to the following conditions:

a) No portion of the parking facility may be located within 100 feet of an immediate abutting property used for residential purposes;

b) Except for the following, the Buffer Requirements set forth in Section 5.7 are not applicable:

i. The buffer zone may be used to calculate the Minimum Useable Open Space percentages required in Section 6.1;

ii. The buffer zone may be used for driveways, useable open space, walkways and landscaped areas; and

iii. The perimeter of the parking facility shall contain a screen of evergreen plantings at least ten (10) feet from the edge of a road except for entrances and exits and any portion of the parking facility abutting a highway. Such evergreen plantings shall not be less than three (3) feet in width and six (6) feet in height at the time of occupancy of the parking facility and shall thereafter be maintained by the owner so as to maintain a dense screen year round. Other alternative screening devices may be permitted by Special Permit where topography, soils or other conditions make the planting or maintenance of such a hedge impractical.

c) The parking facility shall comply with the requirements of Section 8.4, 8.5 and 8.6; and

d) The City Council shall also impose such additional conditions of those specified in this Ordinance as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of this Ordinance, including but not limited to the following: Screening, buffers, or planting strip, fences, or walls, as specified by the Council; modification of the exterior appearance of the structure; method and time of operation, or extent of facilities; regulation of number and location of drives, accessways, or other traffic features, and off-street parking or loading, or other special features beyond the minimum required in the Ordinance.

- Section 8.3 shall be amended by adding a new paragraph as follows:

3. Within any R2 district, the City Council by Special Permit pursuant to the requirements of Section may allow accessory parking facilities for a use in the IP Zoning District on a lot separate from the use to be served provided such facilities immediately abut the use to be served in the IP Zoning District and are owned by the user of the parking facilities.

PUBLIC HEARING OPENED. SEE NOTES FROM PRECEDING MATTER. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 21, 2013 AND THAT THE MATTER BE REFERRED TO COMMITTEE ON ORDINANCES FOR FURTHER REVIEW, all in favor, 9-0.

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**ORDINANCES, CHARTER AND RULES:**

On the Order to amend Title 13 of the 1989 Woburn Municipal Code, as amended relative to water meters, committee report was received "ought to pass, as amended with the amendments as follows: 1. To delete the second sentence from the proposed revision to Section 13.2.14 of the 1989 Woburn Municipal Code, as amended, and replace same with the following: "All meters and meter reading devices shall be purchased by and remain the property of the Department of Public Works. For all residential units in existence as of January 1, 2013, all meters and meter reading devices shall be installed and remain the property of the Department of Public Works at no charge. All meter reading devices shall be purchased by, installed and remain the property of the Department of Public Works at no charge to all commercial units in existence as of January 1, 2013."; 2. To amend the third paragraph of the proposed revision to Section 13.2.14 of the 1989 Woburn Municipal Code, as amended, by deleting the words "Duplex and multi-family residential units" and replacing same with the following: "Multi-family dwelling units in excess of five (5) units, including condominiums and townhouses,"; 3. To add in the third paragraph of the proposed revision to Section 13.2.14 of the 1989 Woburn Municipal Code, as amended, the words "in the manner" before the words "as the Superintendent of Public Works shall direct" in the first sentence and the second sentence; 4. That the proposed revisions, as amended, to Section 13.2.14 of the 1989 Woburn Municipal Code, as amended, shall be adopted, as further amended; 5. To amend Section 13.2.19 of the 1989 Woburn Municipal Code, as amended, by deleting the following from the second sentence: ", at the expense of the Owner,"; 6. To amend the proposed revision to Section 13.2.35.2 of the 1989 Woburn Municipal Code, as amended, by deleting from the first sentence the words "single-family, duplex or multifamily units" and replacing same with the following: "Single Family Dwelling, Two Family Dwelling or Multi-Family Dwelling", and therefore adopt the proposed language as amended; 7. To adopt the proposed language for Section 13.2.35(C)(1) of the 1989 Woburn Municipal Code, as amended; 8. To amend the proposed revision to Section 13.2.35(C)(2) of the 1989 Woburn Municipal Code, as amended, by deleting from the second sentence the words "and commercial units in existence as of January 1, 2013" and replacing same with the following: "units in existence as of January 1, 2013 and meter reading unit at no charge for all commercial units in existence as of January 1, 2013" and

therefore adopt the proposed language as amended; 9. To adopt proposed language for Section 13.2.35(C)(3) and Section 13.2.35(C)(4) of the 1989 Woburn Municipal Code, as amended, and renumber the remaining paragraphs accordingly." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.
**Presented to the Mayor: November 27, 2013 s/Scott D. Galvin November 27, 2013**

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**NEW PETITIONS:**

Petition by National Grid for a grant of right in a way to install approximately 85 feet of 2 inch plastic main to supply house number 3 Hobson Avenue. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by Linear Retail Woburn #1 LLC, 5 Burlington Woods Drive, Burlington, Massachusetts 01803 for special permits pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.29, 5.1.63A, 7.3, 8.2.5 and 12 to allow for the alteration of an existing non-conforming structure to allow for: 1. Approximately 9,250 square feet of existing space presently occupied by one retail tenant to be divided into three (3) tenant spaces: Tenant A containing approximately 2,600 square feet more or less of gross floor area; Tenant B space containing approximately 2,500 square feet more or less of gross floor area; and Tenant C space containing approximately 4,150 square feet more or less of gross floor area; 2. A fast food restaurant in the Tenant A space with an outdoor seasonal seating area; 3. A drive thru for Tenant B space (bank); 4. A reduction in the required parking space from 171 parking spaces to 148 parking spaces; 5. Alteration of nonconforming signage; and 6. That Condition 1 to the Landowner's Decision and Notice of Special Permit dated February 20, 2011 be amended by deleting the reference to the Plan of Record and replace with the plan entitled "Site Plans for 299 Mishawum Road, Woburn, MA 01801" dated November 30, 2013 prepared for Linear Retail Woburn #1 LLC, Five Burlington Woods Drive, Burlington, MA 01803 by Allen & Major Associates, Inc., all at 299 Mishawum Road. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by David Donovan, 46 Plain Road, Westford, Massachusetts 01886 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended Section 7.6.2 to allow for the reconstruction of the existing non-conforming use and structure (two family) to provide for the construction of a new two family dwelling at 4 Prospect Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by Brian Carpentier d/b/a Koffee Kup Bakery, 436 Riverside Avenue, Burlington, Vermont 05401 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57b to allow for overnight parking of commercial

motor vehicles at 10 Micro Drive. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by Upland Architects, 250 E. Main Street, Norton, Massachusetts 02766 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57b to allow Comcast utility vehicles to park overnight on a regular schedule at 9 Forbes Road. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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**COMMUNICATIONS AND REPORTS:**

A communication dated November 15, 2013 was received from Charles L. O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 90, Section 20½, I am submitting this report to you on the parking violations within the city of Woburn for the period ending October 2013: number of violations issued 624, number of violations paid 330, number of violations outstanding 198, amount collected and submitted to the Collector's Office $37,004.20. There exists a backlog of 6,042 tickets from 1982 through 2012. Demand will be sent until all tickets have been paid. Parking fines referred to the Handicapped Commission $7,200.00.

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

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

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

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**APPOINTMENTS AND ELECTIONS:** None.

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**MOTIONS, ORDERS AND RESOLUTIONS:**

RESOLVED Whereas, there is a water pressure deficiency between 62 Robinson Road and the last house on Carol Road; and

Whereas, there is a plan to install a pressure booster/pump to increase the water pressure in the area from approximately 38 to 60 pounds per square inch; and

Whereas, the residents in the area have dealt with this deficiency for too long (decades);

Now, Therefore, Be It Resolved that the Superintendent of Public Works and the City Engineer finalize the design and install the pressure booster/pump to increase the water pressure in the area within six months between 62 Robinson Road and the last house on Carroll Road.

s/Alderman Anderson, President Denaro,
Alderman DiTucci and Alderman Drapeau

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.
**Presented to the Mayor November 27, 2013 and ten days having elapsed without same being approved, said Resolution became effective without his signature on December 10, 2013.**

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Motion made and 2nd to suspend the rules for the purposes of taking the following three requests for conservation restrictions from the Committee on Infrastructure and Public Lands and two accept the following two late filed financial matters and add them to the Order of the Day, all in favor, 9-0.

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On the Conservation Easement and Restriction received from Woburn Golf and Ski Authority granting to the City of Woburn in perpetuity and exclusively for conservation purposes a Conservation Restriction on a parcel of land located in the City of Woburn constituting 8.27 acres and more particularly described in Exhibit A and attached plan/sketch plan. Motion made and 2nd that the CONSERVATION RESTRICTION be ACCEPTED, all in favor, 9-0.
**Presented to the Mayor: November 27, 2013 s/Scott D. Galvin December 9, 2013**

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On the Conservation Easement and Restriction was received from Premier Homes LLC granting to the City of Woburn in perpetuity and exclusively for conservation purposes a Conservation Restriction on a parcel of land containing approximately 12,380 square feet of land and shown as Lot 3 on a plan entitled “Definitive Subdivision Meadowview Farms Lots 1-7” recorded in the Middlesex Registry of Deeds as Plan #832 of 2011. Motion made and 2nd that the CONSERVATION RESTRICTION be ACCEPTED, all in favor, 9-0.
**Presented to the Mayor: November 27, 2013 s/Scott D. Galvin December 9, 2013**

**********

On the Conservation Easement and Restriction was received from Premier Homes LLC granting to the City of Woburn in perpetuity and exclusively for conservation purposes a Conservation Restriction on a parcel of land containing approximately 12,380 square feet of land and shown as Lot 4 on a plan entitled “Definitive Subdivision Meadowview Farms Lots 1-7” recorded in the Middlesex Registry of Deeds as Plan #832 of 2011.

Motion made and 2nd that the CONSERVATION RESTRICTION be ACCEPTED, all in favor, 9-0.
**Presented to the Mayor: November 27, 2013 s/Scott D. Galvin December 9, 2013**

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ORDERED That the sum of $24,853.72 be transferred as follows: From Ward 5 Infrastructure Acct #360058-588325 $1,452.72, Sewer Project Acct #360058-588280 $12,005.00, Install Scada Equip-Sewer Acct #360058-588185 $2,950.00, Sewer System Installation Acct #360058-588150 $5,033.00, Sturgis Street Sewer Acct #360058-588130 $3,413.00, Total $24,853.72 to Dewey Ave Sewer Improvements Acct #0112158-586678 $24,853.72

I have reviewed the above: s/Gerald W. Surette, City Auditor
I recommend the above: s/Scott D. Galvin, Mayor

s/President Denaro

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

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ORDERED That the sum of $25,326.00 be transferred as follows: From Dewey Ave Acct #0112158-586678 $25,326.00 to Cummings Property Mitigation Acct #360058-588330 $25,326.00

I have reviewed the above: s/Gerald W. Surette, City Auditor
I recommend the above: s/Scott D. Galvin, Mayor

s/President Denaro

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

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Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 10:51 p.m.

A TRUE RECORD ATTEST:

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