

**CITY OF WOBURN
OCTOBER 16, 2012 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Gaffney	Raymond
Denaro	

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

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$200,000.00 be and is hereby transferred as so stated from BLS Receipts Acct #31359-595000 \$200,000.00 to Ambulance Salaries Acct #0122051-513100 \$200,000.00

I hereby recommend the above: s/Paul Tortolano, Chief, Fire Department
I have reviewed the above: s/Gerald W. Surette, City Auditor
I hereby approve 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.

ORDERED That the sum of \$5,751.45 be and is hereby transferred as so stated from Inspection Salary Acct #0125151-511000 \$5,751.45 to Inspections Temp Help Acct #0125151-513100 \$5,751.45.

I hereby approve the above: s/Scott D. Galvin, Mayor
I hereby recommend the above: s/Thomas C. Quinn, Jr.,
Building Commissioner
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Denaro

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

ORDERED That the sum of \$200,000.00 be and is hereby appropriated as so stated to Veteran's Cash Aid Acct #0154357-57700 \$200,000.00.

I hereby approve the above: s/Scott D. Galvin, Mayor

I hereby recommend the above: s/Lawrence Guisepe, Veteran's Agent

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

s/President Denaro

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

PUBLIC HEARINGS:

On the petition by Salvatore Turco, 749 Boston Road, Billerica, Massachusetts 01866 for a special permit pursuant to Section 5. 5 of the 1985 Woburn Zoning Ordinances, as amended, to fill greater than 100 cubic yard limit to allow for the construction of a single-family dwelling with associated driveway and utilities at property Off Silvermine Road identified on Woburn Assessors Map as Map 72, Block 2, Lot 59 and Map 72, Block 7, Lot 1. PUBLIC HEARING OPENED. A communication dated September 26, 2012 was received from Planning Director Edmund P. Tarallo, Woburn Planning Board as follows:

Re: Salvatore Turco – Off Silvermine Road/Brook Road – To allow for the filling of a property pursuant to Section 5.5

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on September 25, 2012, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Salvatore Turco, regarding property off Silvermine Road/Brook Road to allow for the filling of a property pursuant to Section 5.5 subject to the following conditions:

1. That no new fill shall be brought to the site and the fill shall be limited to the approximately 740 cubic yards as shown on the Residential Site Plan dated 7/17/12 by Hancock Associates;
2. That the plans presented are only to legalize and approve the fill and are not being approved for building permit purposes; and
3. That all retaining walls in excess of 4' shall be designed and stamped by a Structural Engineer and shall comply with Section 5.3 of the Woburn Zoning Ordinance

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 October 16, 2012 was received from Superintendent of Public Works John Duran as follows:

Subject: Special Permit for Land off Silvermine Road

I have reviewed the plans prepared by Hancock Associates dated July 17, 2012. The plans do not clearly depict the grading on the property. In addition, the sizes of the proposed water and sewer services are not clearly shown. Based upon the length of the water service and the fact that the service is dedicated solely to this proposed house, the ownership should remain entirely on the homeowner to its connection at the main in Silvermine Road. In addition, the City of Woburn should also not accept any ownership for the proposed force main in Silvermine Road or for the proposed pump station. The design and size of the pump station is not clearly shown on this plan. Ownership of all utilities need to be clearly defined on this plan package before any approvals should be issued. Please feel free to contact me for further discussion on this Special Permit application.

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Matthew Hamor, Project Manager, Hancock Associates, 185 Centre Street, Danvers, Massachusetts 01923 and he stated that they are the design engineers and site surveyor for the project, that the petitioner brought fill into the site no knowing that a special permit was required, that the petitioner was notified of the violation by the Building Commissioner, that a site visit was made to be certain the project is not encroaching on an environmentally significant area, that the property is 4½ acres in area, that 740 cubic yards of fill have already been brought on site, that no additional fill will be brought in, that vegetation has begun to grow on the fill while it sat since the stop work order issued, that the source of the fill can be determined, and that he will provide the City Council with the addresses of the locations from where the petitioner obtained the fill. The petitioner Salvatore Turco stated that the fill was acquired from one contractor working at sites in Arlington and Lexington. Alderman Gately stated that the fill should have been tested, that the city needs to know what is in the fill, and that the fill has to be tested before further action on the petition. Alderman Drapeau stated that the soil testing should be completed before the committee meeting, and that testing of the soil is more important than the address from which the soil was obtained. IN FAVOR: Paul Meaney, 1 Brandt Drive stated that he supports the petition. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 20, 2012 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS with the following condition: 1. That testing of the soil should be conducted before the Committee on Special Permits meeting scheduled

for October 29, 2012 and that the results of the soil testing be presented at the committee meeting, all in favor 9-0.

On the petition by Monarch Homes, LLC, c/o Dave Mann, 857 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 8.2.5 and 13.6 of the 1985 Woburn Zoning Ordinances, as amended, to reconfigure the shape of the parking lot and to realign the approved exterior freestanding sign, both at 857 Main Street. PUBLIC HEARING OPENED. A communication dated September 26, 2012 was received from Planning Director Edmund P. Tarallo, Woburn Planning Board as follows:

Re: Monarch Homes, LLC – 857 Main Street – To modify the existing Special Permit to allow for alteration of the parking lot and realignment of the exterior permanent sign pursuant to Section 22

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on September 25, 2012, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Monarch Homes LLC, regarding property at 857 Main Street to amend the December 21, 2010 Special Permit by allowing the alteration of the parking lot and realignment of the exterior permanent sign subject to the following conditions:

1. That condition #1 of the December 21, 2010 decision shall be modified to read: “The Plans of Record shall be the plans consisting of sheets G-1, S-1, C-1, C-2, C-3, L-1, D-1, D-2 and D-3 with the cover sheet G-1 entitled “Special Permit Woburn City Council Alzheimer’s Care Facility Part of 859 Main Street, Woburn, Massachusetts” by Waterfield Design Group, 5 Cross Street, Winchester, Massachusetts 01890 dated October 18, 2010 revised November 23, 2010 except for Sheet S-1 dated 06/8/10 and Sheets C-1 and C-2 amended 08/28/12 (“Plans”);
2. That an additional condition be added to the December 21, 2010 decision to read “16. The exterior sign shall be perpendicular to Route 38 and readable from both sides, pursuant to Section 13.6 as shown on Sheet C-1 amended 08/28/12.”
3. That all other conditions of the December 21, 2010 decision shall remain in full force and effect unless modified by this decision.

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 David Errico, President, Monarch Homes, 750 Main Street, Winchester, Massachusetts 01890 and he stated that he is one of the owners of the assisted living facility, that the altered parking lot will be better for use and during snowplow removal, that the sign was parallel to Main Street but would be more useful if perpendicular to the to Main Street, that the recommendations of the Planning Board are

acceptable, and that the sign is set back approximately twenty feet from the road. Alderman Raymond stated that the building is as close to the proposed drawing before construction as he has ever seen, and that the petitioner is doing a good job. 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 SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the recommendations of the Planning Board be adopted as conditions of the special permit, all in favor, 9-0.

On the petition by West Marine, 299 Mishawum Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57a of the 1985 Woburn Zoning Ordinances, as amended, to allow storage units on premises at 299 Mishawum Road. PUBLIC HEARING OPENED. A communication dated September 26, 2012 was received from Planning Director Edmund P. Tarallo, Woburn Planning Board as follows:

Re: West Marine – 299 Mishawum Road – To allow use of the property at 299 Mishawum Road for accessory storage or parking of one or more storage container, storage trailer, commercial trailer or semi trailer pursuant to Section 5.1.57A

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on September 25, 2012, the Planning Board voted to send an unfavorable recommendation to the City Council on the Special Permit application of West Marine, regarding property at 299 Mishawum Road to allow for accessory storage or parking of one or more storage container, storage trailer, commercial trailer or semi trailer pursuant to Section 5.1.57A because the accessory storage units will take up required parking spaces that were approved as part of the plan of record.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

Appearing for the petitioner was Barbara Miele of West Marine and she stated that the storage container is located in the far corner of the parking lot near the Scrub-A-Dub facility, that the storage trailer is being used for non-toxic antifreeze and shelf storage, that their building has a lot of selling space but not a lot of storage space, and that one storage trailer with non-toxic antifreeze stored in it would remain until February 2013. Alderman Gately stated that the parking spaces on which the storage trailer is located are required under the zoning code for use of the building. Alderman Mercer-Bruen stated that she does not support the petition because of the parking issue, and that the building should not have outside storage. 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 SPECIAL PERMIT be DENIED, all in favor, 9-0. Ms. Miele stated that the petitioner will need time to empty the trailers and find inside

storage. Alderman Mercer-Bruen stated that the storage trailers should be removed within two weeks.

On the petition by Robert Brady, 12 Lawson Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow alteration of a preexisting nonconforming structure by replacing an existing structure with a two family dwelling at 8 Lawson Street. PUBLIC HEARING OPENED. A communication dated September 26, 2012 was received from Planning Director Edmund P. Tarallo, Woburn Planning Board as follows:

Re: Robert Brady – 8 Lawson Street – To allow for the alteration of a preexisting nonconforming structure by replacing an existing structure with a two family dwelling pursuant to Section 7.3

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on September 25, 2012, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Robert Brady, regarding the property at 8 Lawson Street to allow for the alteration of a preexisting nonconforming structure by replacing an existing structure with two-family dwelling pursuant to Section 7.3 subject to the condition that the rear setback shall be at least 24 feet.

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 October 15, 2012 was received from Superintendent of Public Works John Duran as follows:

Subject: Special Permit for 8 Lawson Street

I have reviewed the plans prepared for 8 Lawson Street dated September 8, 2012. The plans are confusing pursuant to grading, utilities, etc. The locations and size of the utilities should be field verified and then clearly shown. For proper connection I recommend that plans be updated properly to clearly show the intent of the design. The plans as they are currently designed are unclear and will present problems if approved in their current state. Existing and proposed conditions should be shown separately for plan clarity. Please feel free to contact me for further discussion on this Special Permit Application.

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that the petitioner will raze the

present house and construct a new two-family dwelling, that the two-family use is a by-right use except that the width of the lot is 25 feet, that each unit will have 1,800 square feet of area, that there is sufficient off-street parking, that the new house will be set back further from the street than the current house, that the rear setback will be 24 feet rather than the required 30 feet, that the locus is surrounded by other two-family homes, that the petitioner is willing to condition the special permit on approval by the Superintendent of Public Works, that the issues could be addressed at the building permit level, and that there will be patios in the rear of the building but not decks. Alderman Mercer-Bruen stated that the petition can be moved forward at this meeting, that this is a two-family house, and that many issues will be controlled by the Department of Public Works. Alderman Gately stated that there are issues with the setback, the grade and drainage from the site, however if the Ward Alderman is comfortable moving forward with the petition then he will support granting the special permit. IN FAVOR: None. OPOSED: 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 SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. The plans shall be updated regarding grading, utilities and size of the utilities and should be field verified and clearly shown on the plans; 2. The plans in terms of grading shall be reviewed and approved by the Superintendent of the Department of Public Works; 3. The plans shall be updated to show the intent of the design; 4. The existing and proposed conditions shall be shown separately for plan clarity, and 5. That the recommendations of the Planning Board shall be adopted as conditions of the special permit, all in favor, 9-0.

On the petition by Amy Sullivan and Joshua Klimek, 4 Harlow Court, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the alteration of a pre-existing nonconforming use from single family to two family at 4 Harlow Court. PUBLIC HEARING OPENED. A communication dated September 26, 2012 was received from Planning Director Edmund P. Tarallo, Woburn Planning Board as follows:

Re: Amy Sullivan & Joshua Klimek – 4 Harlow Court – To allow for the alteration of a pre-existing nonconforming use from single family to two-family in a BD zone pursuant to Section 7.3

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on September 25, 2012, the Planning Board voted to send an unfavorable recommendation to the City Council on the Special Permit application of Amy Sullivan and Joshua Klimek, regarding the property at 4 Harlow Court to allow for the alteration of a preexisting nonconforming structure use from single family to two-family in a BD zone due to the fact that the petition does not meet the required parking for a two family house.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that the locus is located in the B-D zoning district, that single-family and two-family dwellings are not allowed in the zoning district, that the petitioners purchased the property in 1985 as a two-family dwelling, that the dwelling was set up and intended to be used as a two-family residence, that the building has two kitchens, that the locus is within 500 feet of a municipal parking lot, that on-street parking is available, that there are other two-family dwellings located in the area, that the locus is located close to the R-2 zoning district, and that the property has been used as a two-family dwelling for many years. Alderman Gately stated that there is no parking for a two-family use at the locus, that on-street parking is not an acceptable alternative, and that the municipal parking lot is generally full and is not an acceptable alternative. 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 SPECIAL PERMIT be GRANTED, 7 in favor, 2 opposed (Drapeau, Gately opposed).

On the petition by Coviello Electric and General Contracting Co., Inc., 77 Mystic Avenue, Medford, Massachusetts 02155 for a special permit pursuant to Sections 5.1.57b and 15 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the outside storage and parking of commercial motor vehicles, trucks and contractor's equipment at 23-25 Garfield Avenue. PUBLIC HEARING OPENED. A communication dated September 26, 2012 was received from Planning Director Edmund P. Tarallo, Woburn Planning Board as follows:

Re: Coviello Electric and General Contracting Co., Inc. – 23-25 Garfield Ave. – To allow for the outside storage and parking of commercial motor vehicles, trucks, and contractor's equipment pursuant to Sections 5.1.57b and 15

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on September 25, 2012, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Coviello Electric and General Contracting Co., Inc, regarding the property at 23-25 Garfield Avenue subject to the following conditions:

1. That the petitioner shall provide to the City Engineer a letter of compliance with section 15 of the zoning ordinance prior to Building Permit;
2. That Spaces #11-18 as proposed shall be signed "Truck Parking Only," and all commercial vehicles stored overnight shall be parked in the designated parking spaces located within the gated area of the site;
3. That all vehicles associated with the use of this building that are owned by the applicant shall be registered in the City of Woburn;

4. That the regular hours of operation shall be limited to 7 A.M. to 7 P.M. Monday through Saturday;
5. That no deliveries shall be allowed on the site prior to 7:30 a.m. or after 5:00 p.m., Monday through Friday and there shall be no deliveries on Saturday or Sunday;
6. All loading shall be done onsite;
7. That all fencing shown on the plan shall be sight impervious;
8. That all existing exterior storage tanks on the property shall be removed and disposed of prior to occupancy;
9. That all vegetative growth and rubbish shall be cleared and removed, and no junk shall be stored outside; and
10. That the handicapped parking space as shown on the Plan shall meet all local, state and federal handicap code requirements.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

A report was received from the Committee on Special Permits as follows:

PROPOSED CONDITIONS
PER CITY COUNCIL SPECIAL PERMITS COMMITTEE
MEETING OF OCTOBER 9, 2012
RELATIVE TO COVIELLO ELECTRIC AND GENERAL CONTRACTING CO., INC.
23-25 GARFIELD AVENUE, WOBURN, MA

1. That the petitioner shall provide to the City Engineer a letter of compliance with section 15 of the zoning ordinance prior to Building Permit;
2. That Spaces #11-18 as proposed shall be signed "Truck Parking Only," and all commercial vehicles stored overnight shall be parked in the designated parking spaces located within the gated area of the site;
3. That all vehicles associated with the use of this building that are owned by the applicant shall be registered in the City of Woburn;
4. That the regular hours of operation shall be limited to 7 A.M. to 7 P.M. Monday through Saturday;
5. That no deliveries shall be allowed on the site prior to 7:30 a.m. or after 5:00 p.m., Monday through Friday and there shall be no deliveries on Saturday or Sunday;
6. All loading shall be done onsite;
7. That all fencing shown on the plan shall be sight impervious;
8. That all existing exterior storage tanks on the property shall be removed and disposed of prior to occupancy;
9. That all vegetative growth and rubbish shall be cleared and removed, and no junk shall be stored outside;
10. That the handicapped parking space as shown on the Plan shall meet all local, state and federal handicap code requirements;
11. That there shall be no on-street employee parking;

12. That all trucks shall use Jefferson Street west to Prospect Street, and not use residential neighborhoods; and
13. That the rear lighting shall be shielded from the residents.

Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner has met with the Committee on Special Permits and the Planning Board has issued recommendations, and that he requests that the City Council grant the special permit. 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 SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the committee report be adopted subject to the further amendment of Condition 2 by adding the words “for a maximum of eight (8) vehicles” after the words “within the gated area of the site” of Condition 2, all in favor, 9-0.

On the petition by John P. Flaherty and Kathryn A. Flaherty, 28 West Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the alteration of a pre-existing nonconforming structure to allow for a two-family residence at 22 Central Street. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Robert W. Tedesco, Gosselin Law, 1026 Main Street, Winchester, Massachusetts 01890 and he stated that the Planning Board issued an “information” but not a recommendation, and that it has been difficult to determine whether Section 7.3 is the correct vehicle for this issue. Motion made and 2nd for a two minute recess to allow the Clerk to obtain from the Planning Board the report on the petition, all in favor, 9-0. President Denaro called the meeting back to order. Attorney Tedesco stated that the report has been received from the Planning Board, that the building was used as the Rectory for the former St. Joseph’s Parish for about 100 years, that there will be no exterior change to the building, that this is a large single-family home, that there is a large kitchen, six bedrooms and three bathrooms, that it would make sense to convert the building to a two-family use, that there is sufficient parking, that the only issue with the property is the setback, that every special permit petition is reviewed by the Building Commissioner, that the Building Commissioner approved proceeding under Section 7.3, that the Planning Board raised constitutional issues as to whether the building ever came under the zoning code because of the religious use, that the City Solicitor and Building Commissioner became involved in the matter, that the constitutional issues were dropped, that the building is a preexisting nonconforming structure, that the deed for the property is from 1907, that there were no conveyances of the property until 2012, that a nonconforming use or structure may be extended so long as the change is not substantially more detrimental than the current use, that the building was conforming when it was built in 1907, that the building is now nonconforming with the later changes to the zoning code, at issue is the last sentence of Section 7.3 which refers states a proposal “that is not seeking a change of use” in which case the matter is under the jurisdiction of the Board of Appeals and all other petitions are under the jurisdiction of the City Council, that the building is a single-family house with one kitchen, three bathrooms and six bedrooms, that the property does not have two utility meters, that the property is not a rooming house, that the matter is properly before

the City Council, that Section 7.3 is in the zoning ordinances for this situation, that there are many multiple-family houses in the area, that this is not a characteristically single-family area and the property is located in the R-2 zoning district, and that a written opinion has not been received from the City Solicitor. A communication dated October 16, 2012 was received from the Planning Board Director Edmund P. Tarallo as follows:

Re: John P. Flaherty and Kathryn A. Flaherty – 22 Central Street – To allow for the alteration of a pre-existing nonconforming structure to allow for a two-family residence pursuant to Section 7.3

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on October 16, 2012, the Planning Board voted to inform the City Council that the Building Commissioner has determined that Special Permit application of John P. Flaherty and Kathryn A. Flaherty regarding the property at 22 Central Street to allow for a two-family residence is not entitled to a Special Permit under Section 7.3 but must seek a variance from the Board of Appeal.

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 October 15, 2012 was received from Superintendent of Public Works John Duran as follows:

Subject: Special Permit

I have reviewed the plan prepared for 22 Central Street. I have no objections to this plan as shown. The applicant should secure pertinent street opening permit for a proposed curb cut if this petition is approved. Please feel free to contact me for further discussion on this Special Permit Application.

Motion made and 2nd that the communication from the Planning Board Director and the communication from the Superintendent of Public Works be received and made part of the record, all in favor, 9-0. Alderman Mercer-Bruen stated that the proposed use is not out of character with the neighborhood, that there has been no opposition from neighbors and she has received comments supporting the petition, that if the Building Department and the Planning Board have said that this is a Board of Appeals matter she is not comfortable voting on this matter as the vote may have other implications. Alderman Anderson stated that this is a use by a church which is allowable, that the property is a single-family use in the R-2 zoning district, that the petitioner will be changing the use but not the footprint of the building, and that he believes that the matter is properly before the City Council. Attorney Tedesco stated that at the Board of Appeals it would be difficult to demonstrate hardship under the ordinances necessary for a variance as there are no exterior changes to the property. Alderman Drapeau stated that since there is a

legal disagreement on jurisdiction the matter should move to committee to review that issue. Alderman Gately stated that the proposal meets the criteria under Section 7.3, and that the City Council is the special permit granting authority for this petition. Alderman DiTucci stated that based on common sense this matter should be handled by the City Council. Alderman Mercer-Bruen stated that she wants the matter sent to committee to obtain information from the Building Commissioner and the Planning Board as to whether there will be impact on future projects, that she requests time to speak to the City Solicitor and the Planning Board Director in order to understand their positions and refer the matter to committee for time to do so, that the Building Commissioner looked at Section 5.1.2a relative to conversion of a single-family dwelling to a two-family dwelling, and that she does not know why Section 7.3 is applicable if 5.1.2a is definitive. Alderman Gately agrees that there may be some issues but the City Council should act on the matter at this time. Alderman Anderson stated that he agrees that the City Council is the special permit granting authority for this matter, and that the petitioner is changing nothing on the appearance of the building. IN FAVOR: Paul Meaney, Liaison for the Woburn Business Association, Ten Tower Office Park stated that the City Council has broad authority under Section 7.3, that if the petitioner went to the Board of Appeals they may to come back to the City Council after Board of Appeal action, and that this matter belongs before the City Council. Arthur Duffy, 38 Alfred Street stated that he is in favor of approving this petition at this location. Robert McSheffrey, 2 Red Leaf Lane stated that he supports this petition, and that if the property is not converted to a two-family dwelling it may be converted to a rooming use. 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 SPECIAL PERMIT be GRANTED, AS AMENDED with the condition as follows: 1. That the plan of record shall be the plan entitled "Site Plan, 22 Central Street, Woburn, MA" prepared by Allan Engineering, L.L.C., dated September 6, 2012, all in favor, 9-0.

On the petition by Robert C. McSheffrey, 878 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.23, 5.1.29, 7.3 and 13 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the alteration of the existing nonconforming use and structure to relocate the existing Mr. Charlie's from 891 Main Street to 880 Main Street, to allow for 47 parking spaces and for the alteration of the existing nonconforming pylon sign, all at 880 Main Street. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the special permit will allow the alteration of an existing structure, that the sign is on the site plan, that the sign as approved would remain but the order of the businesses on the sign would change, that the property is a 14,052 square foot retail shopping center, that there is a Dunkin Donuts restaurant, convenience store, embroidery store, and repair facility, that the subject area is 3,300 square feet which was operated as a Dunkin Donuts restaurant and as a Baskin Robbins ice cream shop for a number of years, that the petitioner will install kitchen facilities, that the petitioner will sell pizza, soup, sandwiches and ice cream, and that the hours of operation will be 10:00 a.m. to 12:00 midnight. Motion made and 2nd for a two minute recess, all in favor, 9-0. President Denaro called the meeting

back to order. Tim Williams, Allen and Major Associates, Inc., 250 Commercial Street, Suite 1001, Manchester, New Hampshire 03130 stated that there will be two new light poles, that bollards will be placed in front of the restaurant, that the parking plan will be the same as previously approved with some minor changes, that the pylon sign will be moved, and that 47 parking spaces are proposed while 71 parking spaces are required. Rebecca Brown, TEC Engineering, 65 Glenn Street, Lawrence, Massachusetts 01843 stated that they prepared the traffic impact study, that the study included conservative assumptions, that traffic counts taken in July were adjusted to peak use, that the traffic is generally decreasing .6% per year, that the study used a five-year design horizon, that the study included the development at 859 Main Street including the Alzheimer's facility, the 98-unit condominium development and the Parish center, as well as the Woburn Heights project, the development at 880 Main Street and the proposed pharmacy, that there are no accidents occurring at the site currently, that there are less than three accidents per year at either driveway, that there is adequate traffic capacity, that the morning peak is 7:00 a.m. to 9:00 a.m., that the evening peak is 4:00 p.m. to 6:00 p.m., that the Saturday peak is 11:00 a.m. to 1:00 p.m., that a parking study was included with the current parking, that the study accounts for weekday midday traffic for the lunch rush, early evening peak and Saturday peak, that the parking surveys included the use of the vacant retail space, that the convenience store was operating during the parking survey, and that the survey included the present use parking for businesses currently operating at the locus. Alderman Gately stated that he has no issue with moving the fast food restaurant to the location except for safety, that there needs to be protection for pedestrians crossing the parking lot, that if a dedicated crosswalk is included in the parking lot then some parking spaces may be lost, and that the exterior paint job of the locus is not acceptable. Ms. Brown stated that a flashing device cannot be installed at the location, that a complete stop would be required, that there are no warning signs for southbound traffic at the crosswalk, and that new signs could be installed with a supplemental arrow placard to indicate the crosswalk. Alderman Gately stated that the concern is not crossing Main Street but foot traffic on the locus. Alderman Raymond stated that it would be worth losing two parking spaces to have a clearly marked crossing area on the locus for pedestrians, and that he has not found records of anyone being hit by a vehicle at the locus. Alderman Haggerty stated that safety is the biggest concern. Attorney Tarby stated that there are no plans for picnic tables at the locus at this time. Alderman Haggerty stated that taking out a couple of parking spaces to improve safety may be a solution, and that there will be younger people on the locus. Alderman DiTucci stated that there needs to be a clearly marked lane for pedestrians and a speed bump or other control to keep speed of vehicles low on the lot. IN FAVOR: Paul Meaney, Liaison for the Woburn Business Association, Ten Tower Office Park stated that speed bumps do work and at the proposed crosswalk this might be a solution, that perhaps the picnic tables could be moved across Main Street with trash receptacles provided by the petitioner, that there is a question as to whether the business will be open all year as the current location is not open all year, and that the traffic safety officer could be assigned to the area. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 20, 2012 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

On the petition by Robert C. McSheffrey, 878 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.45 and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the sale or rental of automobiles, trucks, truck trailers and motorcycles and for a Second Class Motor Vehicle Sales License, at 880 Main Street. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petition is for the sale of automobiles and trucks at the location with a license to sell from the location, that the current license is for the property across Main Street, that the current license is limited to six vehicles, that the petitioner will limit the proposed license to four vehicles, that there is sufficient parking, that there will be an area dedicated to parking four vehicles, that most of the vehicles sales originate online, that the parking will be behind the building, that there is no intention to establish a used car lot at the locus, that most sales will be through the internet or private sales, that the testimony of Tim Williams, Allen and Major Associates, Inc., 250 Commercial Street, Suite 1001, Manchester, New Hampshire 03130 and Rebecca Brown, TEC Engineering, 65 Glenn Street, Lawrence, Massachusetts 01843 from the previous petition is offered for this petition, that the Registry of Motor Vehicles requires an office on site and the petitioner will have an office with 3,000 square feet of area, ad that the abutting gasoline station has a second class motor vehicle sales license however that is under separate ownership. Alderman Gately stated that he is no comfortable with used car sales at the locus, that four parking spaces will be lost, that parking spaces were already lost when the property was renovated, that he understands that the proposed restaurant may be seasonal and perhaps the vehicle sales could be limited to an alternate season, that he will not support the petition at this time, and that the safety issues must be addressed. Alderman Raymond stated that the matter can be reviewed in committee to determine whether there is a workable solution, that he is concerned about the safety issues, and that it must be determined if the two uses of fast food sales and motor vehicle sales are workable at the locus. IN FAVOR: None. OPPOSED: Michael Donahue, 14 Winter Street stated that the site will not support two used car lots, and that there is too much going on at the locus now. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 20, 2012 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

On the petition by Main Street Woburn RX, LLC, 300 Trade Center, Suite 7700, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.22c and 63a of the 1985 Woburn Zoning Ordinances, as amended, to allow for: 1. A retail establishment greater than 15,000 square feet of gross floor area, and 2. A Drive-up Customer Service Facility, at 1 School Street, 3 School Street, 13 School Street, 891 Main Street, 893 Main Street and 895 Main Street. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the locus is located in the B-H zoning district, that a special permit is required for a 15,000 square foot

facility and a drive-thru use, that the J.N. Phillips Glass Co., Inc. property is not included in the proposal, that the property involved currently have residential, fast food, auto repair and other users, that the petitioner has developed over 2,000,000 square feet of property, that the petitioner is active in the community and is located in Woburn, that the company is the ideal developer for the proposal, that the locus is 2.8 acres in area, that the proposal is for a 16,315 square foot retail pharmacy with a drive-thru component operated by CVS, that the proposal is an improvement to the area, that four of six current curbcuts will be closed reducing the curbcuts to two, and that the store will create 29 new jobs. Tim Williams, Allen and Major Associates, Inc., 250 Commercial Street, Suite 1001, Manchester, New Hampshire 03130 stated that there will be 72 parking spaces which are all 10 feet by 18 feet and with 24 foot drive aisles, that there will be a 24 foot curbcut at School Street and a 24 curbcut at Main Street, that there will be loading for a WB50 truck, a compactor and a recycling dumpster, that there will be pedestrian access out to an enhanced sidewalk on Main Street, that the proposal meets setbacks for abutting residential lots, that drainage will come off the site, that stormwater discharges to School Street and to Main Street as sheet flow and to the ballpark, that the proposal will raise the site and a retaining wall will be installed, that the retaining wall will be between two feet and six feet in height, that a filtration system will be installed, that this will mitigate stormwater, that the petitioner will follow DEP standards to control for quality and quantity, that MassDOT will limit access for utilities, that MassDOT controls Main Street south from Elm Street, that utilities will be connected at School Street, that there is a comprehensive lighting plan, that there will be twenty foot high light poles, that eighteen foot high poles will be installed at the perimeter, that there will be no light spillage off the site onto adjacent properties, that plantings within the residential buffer and interior landscaping islands will be native species as part of the low impact development plan, that snow storage has been coordinated with the landscaping plans, that there is 7,500 square feet of snow storage at five feet high, that there will be temporary storage of up to one foot of snow on site until off-site removal is required, and that the petitioner will remove snow from the site when snow storage exceeds acceptable levels. Rebecca Brown, TEC Engineering, 65 Glenn Street, Lawrence, Massachusetts 01843 stated that there are six driveways currently on the site, that these will be consolidated to one driveway on School Street and one driveway on Main Street, that the driveways will be pushed as far away from the intersection as possible to enhance vehicle queuing at the traffic signals, that the crash counts at the intersection is lower than the state averages, that consolidating driveways will reduce traffic conflict points, that they adjusted traffic counts for peak month use with a five year design horizon, that they used a conservative pass-by rate, that CVS generally experiences a 50% pass-by rate, that MassDOT reduced pass-by rate to 25% which was used, that there will be 50 vehicels trips during the evening peak hour, that this is the equivalent of 25 vehicles entering and exiting the locus, that they assumed 130 vehicle trips during peak hour for a worst case scenario, that the consolidation of driveways will improve delays in queues as it reduces conflict of vehicles, that long delays at peak hours will not be adding to degradation of delay, that the project will only result in a five second per vehicle delay and one additional vehicle queue, and that one of the drive-thru lanes will be for drop-off only and the other vehicle drive-thru lanes will be for pick-up and delivery. Alderman Raymond stated that he is concerned about vehicles turning left onto School Street. Ms. Brown stated that both

driveways will be full access with left and right turns. Mr. Williams state that the retaining wall will be along the back side of the property near the field and the abutting property, and that the highest point of the retaining wall is six feet. Alderman Anderson state that this is a good project for the area, and that currently this type of pharmacy requires residents of the area to travel distance. Mr. Williams stated that parking must be five feet off the property line, that currently parking is ten feet off the property line, that the total setback of the parking will b fifteen feet, that an additional buffer is required to be added near the abutting residential properties, that there is a standard setback and an additional setback near the residential abutters, that there is delivery capacity for a 7 foot cab and 42 foot trailer. Alderman Gately stated that it will be very difficult for trucks to make turns to and from School Street, and that the plan looks good but the reality at the location is different. IN FAVOR: Paul Meaney, Liaison for Woburn Business Association, Ten Tower Office Park stated that the proposal provides a pharmacy to the area and eliminates some properties that needed upgrades, that some of the locus should be reserved for the future roadway widening, that there should be review to determine whether the corner turn from Main Street onto School Street could be improved, that there should be a right turn only lane on Main Street, and that there should be restrictions to prohibit outside sale of flowers or items out of trucks so as not to infringe on other businesses in the area. OPPOSED: Michael Donohue, 14 Winter Street stated that the drive-thru use will be unnecessary, and that driving out of the site onto Main Street will be a disaster. Michael Gazda, 2 Lord Terrace stated that he is opposed to the petition, that there is enough traffic on School Street and Main Street in that area, and that the traffic is backed up to Route 128 an to Wilmington in the morning. Joe Tuzzolo, 6 Lord Terrace stated that the traffic is getting worse in the area, that School Street traffic is a nightmare especially in the morning, and that more projects do not make for a better neighborhood. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON DECEMBER 4, 2012 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS:

PUBLIC SAFETY AND LICENSES:

On the transfer of the Inflammable License at 23 Pleasant Street from Global Companies, LLC to Nicolas Realty III LLC, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor 9-0.

Presented to the Mayor October 19, 2012 and ten days having elapsed without same being approved, said license became effective without his signature on October 30, 2012.

NEW PETITIONS:

Petition by Hashem Obaid dba Logan Taxi, 329 Washington Street for a new Livery License for one (1) livery vehicle. Motion made and 2nd that MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petition by Woburn Foreign Motors, Inc., 394 Washington Street for renewal of First Class Motor Vehicles Sales License. Motion made and 2nd that MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petitions for renewal of Second Class Motor Vehicle Sales Licenses by David Dellarocco dba Woburn Auto Sales, 5 Crescent Avenue #4; Donald J. Socorelis dba Woburn Glass Co., 243 Main Street; and Enterprise Rent-a-Car Company of Boston, LLC, 248 Mishawum Road. Motion made and 2nd that MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petition by National Grid for a grant of right in a way to install approximately 250 feet of 2 inch psig PL main from the existing 2 inch PL main in Massachusetts Avenue to serve two new buildings. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Charles J. Sillari, Jr., 382 Lowell Street, Wakefield, Massachusetts 01880 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow an alteration of a non-conforming use from warehousing to business services and business sales to allow use as a catering kitchen at 1 Sullivan Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING at the Regular Meeting on December 4, 2012, all in favor, 9-0.

Petition Luigi Colucciello, 142 Washington Circle, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow addition to a pre-existing nonconforming structure and to convert from a single-family to a two-family residence at 142 Washington Circle. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING at the Regular Meeting on December 4, 2012, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated September 28, 2012 was received from Charles L. O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 90, Section 20½, I am submitting a report to you on the parking violations in the City of Woburn for the period ending August 2012: number of parking violations issued 514, number of violations paid 234, number of violations outstanding 258, amount collected and submitted to the Office of the Collector \$23,818.00. There exists a backlog of 5,863 tickets for 1982 through 2011. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$3,550.00.

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

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

A communication dated October 2, 2012 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Director's Report and the minutes of the Council on Aging for the month of September 2012. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated October 9, 2012 with attachments was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Rag Rock Water Rock

I am submitting herewith for the City Council's review and approval, two Orders concerning the City's municipal water tanks at Rag Rock. The first Order is to authorize the Mayor to enter into up to eight (8) leases for the installation of telecommunications antennae on the new water tank as previously authorized by a special permit issued on March 25, 2010, a copy of which is also attached.

The second Order seeks to have the old water tank declared "old and unnecessary material" in accordance with Section 3-6 of the Woburn Municipal Code, and to authorize the sale or conveyance of the water tank as scrap metal. The proposal to sell the old water tank is an alternative to issuing an RFP for the demolition thereof, and is based upon the City Engineer's suggestion that it may have some value as scrap metal.

Please do not hesitate to contact me if you have any questions regarding these Orders or wish to discuss the contents thereof.

Although in excess of 2 years old, this special permit remains valid as a result of the enactment of legislation which in total authorized a four (4) year extension for permits that were issued but not exercised: Section 173 of Chapter 240 of the Acts of 2010 and Sections 74 and 75 of Chapter 238 of the Acts of 2012.

Attached thereto were the following two proposed Orders. Alderman Haggerty stated that he would like the matter relative to the wireless antennas to be referred to committee for review, that the Order set the precedent of using a public location for these facilities, and

that this proposal puts the city in competition with private businesses. Alderman Anderson stated that the Order regarding the wireless antennas should be subject to the State bid and procurement law and the time of the second Order should be limited and the removal of the old water tank should expedited as it is an eyesore.

ORDERED That the Mayor be and is hereby authorized to enter unto up to eight (8) leases for the installation of telecommunications antennae on the Rag Rock Water Tank in accordance with the special permit issued by the City Council on March 25, 2012, each lease being for an initial term of five (5) years with the option for three (3) additional five (5) year terms.

s/President Denaro

Motion made and 2nd that the ORDER be ADOPTED, AS AMENDED with the amendment as follows: 1. By adding after the words “with the option for three (3) additional five (5) year terms” the following – “subject to the State bid and procurement law,” all in favor, 9-0.

Presented to the Mayor October 19, 2012 and ten days having elapsed without same being approved, said Order became effective without his signature on October 30, 2012.

ORDERED That the old municipal water tank located at Rag Rock be declared old and unnecessary material pursuant to Section 3-6 of the Woburn Municipal Code and M.G.L. c. 30B, §15, and that the mayor be authorized to sell, convey, or put such water tank up for auction as scrap metal upon such terms and conditions as are determined to be in the best interest of the City of Woburn.

s/President Denaro

Motion made and 2nd that the ORDER be ADOPTED, AS AMENDED with the amendment as follows: 1. By adding a second sentence that states as follows – “If disposition of the water tank is not under contract within four (4) months of the date of this Order, then a Request for Proposals for the demolition of the water tank shall issue,” all in favor, 9-0.

Presented to the Mayor October 19, 2012 and ten days having elapsed without same being approved, said Order became effective without his signature on October 30, 2012.

A communication dated October 9, 2012 was received from City Solicitor Ellen Callahan Doucette as follows:

Re: The Woburn Armory LLC v. Paul J. Denaro, et al – No. 2012-MICV-1528

On June 19, 2012, the City Council voted to grant an extension of its demolition order with respect to the Woburn Armory property located at 320 Main Street a/k/a 286 Main, Street, Woburn, for one hundred twenty (120) days, thereby extending the ordered demolition date from July 2, 2012 to October 30, 2012. Commensurate with the City Council's vote, the attorney for The Woburn Armory and I filed a Joint Motion to Stay the Litigation with the Superior Court to allow the property owner the opportunity to investigate options to develop the site.

I understand that in an effort to develop the property, the owner has filed petitions with the City Council to change the zoning of that property from R-2/B-D to all B-D and to amend the zoning ordinances which petitions have been referred to committee, and the matters were continued to November 20, 2012. I am therefore requesting that the City Council vote to grant a further extension of the demolition order up to and including January 31, 2013 so that I may file another request to stay the litigation.

Very truly yours, s/Ellen Callahan Doucette

Motion made and 2nd that the communication be accepted and that the extension of the demolition order up to and including January 31, 2013 be granted, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING:

Review of matter declaring the property located at 18-20 Campbell Street, Woburn as a nuisance pursuant to Massachusetts General Laws Chapter 139, Section 1. Alderman Anderson stated that the occupants of the property were going to allow an inspection of the property by the Building Department and Board of Health, that tentative arrangements were made for the inspection, that when the Building Commissioner and Health Agent arrived that the location no one was at the house, that there has been no response to subsequent telephone calls to set up the inspection, that no inspection has been made of the property as of this time, that the Mayor and City Solicitor met with representatives of the Attorney General's office relative to a receivership program for these type of properties, and that the Board of Health may be able to make a greater inspection than from the sidewalk. Alderman Anderson read a communication from Maria Pesola and Maria Ramos who own 14-16 Campbell Street regarding poor conditions at the locus. Motion made and 2nd that a communication be forwarded to the Board of Health requesting that the department pursue an inspection of the premises immediately, all in favor, 9-0. Motion made and 2nd that the matter be placed on the agenda for the City Council Regular Meeting of November 20, 2012 as a public hearing with notice to the abutters who have appeared before the City Council on this matter in prior meetings, all in favor, 9-0.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

From the Traffic Commission:

ORDERED GLENWOOD AVENUE – No parking on Glenwood Avenue a distance of 140 feet easterly from the intersection with Summit Street.

Motion made and 2nd that the MATTER be TAKEN FROM THE TABLE, all in favor, 9-0. A communication dated October 15, 2012 was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Traffic Commission Regulation – Glenwood Avenue No Parking

I am in receipt of a request to provide the City Council with an opinion regarding whether it has the authority to amend a regulation established by the Traffic Commission before such regulation becomes effective and, if an amendment is proposed, may the Council or a subcommittee thereof hear evidence on the issue which is the subject of that regulation. A copy of the City Council's request is attached hereto for reference.

Chapter 103 of the Acts of 2005

The Traffic Commission was established by Chapter 103 of the Acts of 2005 (hereinafter "Ch. 103"). Section 4 of Ch. 103 empowers the Traffic Commission with the "exclusive authority, except as otherwise provided in this act, to adopt, amend, alter and repeal rules and regulations" relative to vehicular and pedestrian traffic and parking in the City. (emphasis supplied) Thereafter Section 6 of Ch. 103 provides that "[a]ll rules and regulations of the traffic commission will be established by the traffic commission, subject to approval, change, or amendment by the city council." (emphasis supplied)

The language of Section 6 making the Traffic Commission's rules and regulations "subject to" City Council action is clear and unambiguous, and can only mean that despite the enactment of special legislation and the "exclusive authority" conferred upon the Traffic Commission, the City Council retained the authority to approve (or disapprove) and to change or amend any rule and regulation adopted by the Traffic Commission.

Public Hearing Requirement

Notwithstanding that Ch. 103 is silent on the issue of a public hearing, authority for holding a public hearing can be found by analogy in the Administrative Procedures Act, M.G.L. c.30A, §1, et seq. Chapter 30A, §2 requires that a public hearing be held prior to the adoption, amendment or repeal of any regulation if for instance, a violation of that regulation will be punishable by a fine. In addition, there is decisional law which recognizes the existence of due process issues in rulemaking and it has been held that, in order to impose a binding rule or regulation and/or a fine for violation thereof, some mechanism should be used to gain the views of those individuals who will be bound by

the regulation(s). Therefore, even if a formal public hearing is not required, at the very least notice that the regulation will be under consideration by the City Council should be published.

In conclusion, while Ch. 103 does not require a public hearing, the City Council is not prohibited from notifying residents of Glenwood Avenue that the Traffic Commission's "No Parking" regulation has been submitted for approval, and that interested parties will be allowed to speak to the issue. Of course there is also no requirement for the City Council to duplicate the Traffic Commission's efforts in that regard.

If you have additional questions or require further assistance regarding this matter, please don't hesitate to contact me.

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

ORDERED That the City Council Regular Meeting scheduled for January 1, 2013 shall be rescheduled for January 2, 2013.

s/President Denaro

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

ORDERED That the City Council Regular Meeting scheduled for December 18, 2012 shall begin at 6:30 p.m.

s/President Denaro

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

ORDERED It is hereby ordered that the following ways as described below be laid out and accepted as public roads in the City of Woburn in accordance with M.G.L. c.82, §§1-13, inclusive, and Chapter 120 of the Acts of 2011 "An Act Relative to the Acceptance of Streets as Public Ways in the City of Woburn":

ADELE ROAD

As shown on a plan of land entitled "Plan of Land Woburn Industrial Park November 29, 1971, Approval Not Required Plan, Charles E. Moncrief Surveyor" and recorded with the Middlesex South District Registry of Deeds as Plan 568 (B of 4) of 1972 and being described as follows:

Beginning at a point on the southerly side of Industrial Way; thence running on a counterclockwise curve having a radius of 25.00' (twenty five and 00/100) feet and tangent length of 25.00' (twenty five and 00/100) feet to a point; thence turning and running S 27°09'19" W, 325.70' (three hundred twenty five and 70/100) feet to a non tangent point of curvature; thence running on a counterclockwise curve having a radius of 62.50' (sixty two and 50/100) feet, 349.29' (three hundred forth nine and 29/100) feet to a point; thence running N 27°09'19" E, 320.88' (three hundred twenty 88/100) feet to a point of curvature; thence running, on a clockwise curve having a radius of 25.00' (twenty five and 00/100) feet and a tangent of 25.00' (twenty five and 00/100) feet to the southerly sideline of Industrial Way; thence running northwesterly by the southerly sideline of said way to the point of the beginning, and to accept any fee or easement in said roadway, and drainage, utility and/or other related easements.

ALBERT DRIVE

Shown on a plan entitled "Subdivision Plan of Land in Woburn, MA Scale 1 in. = 40 ft. Aug. 4, 1967, Fred R. Joyce, Surveyor, Belmont, Mass." and recorded with the Middlesex South District Registry of Deeds as Plan 1315 of 1969 and being described as follows:

Beginning at a point on the southeasterly sideline of Mill Street; thence running S 8°08'10" W, 20.12' (twenty and 12/100) feet to a point; thence running S 2°26'10"E, 484.06' (four hundred eighty four and 06/100) feet to a point of curvature; thence running, on a counterclockwise curve having a radius of 45.00' (forty five and 00/100) feet, 47.12' (forty seven and 12/100) feet to a point of reverse curvature; thence running, on a clockwise curve having a radius of 45.00' (forty five and 00/100) feet, 188.49' (one hundred eighty eight and 49/100) feet to a point; thence running, N2°26'10"W 505.45' (five hundred five and 45/100) feet, to a point on the southeasterly

sideline of Mill Street; thence running northeasterly by the southeasterly sideline of said street to the point of the beginning, and to accept any fee or easement in said roadway, and drainage, utility and/or other related easements.

ALTAVESTA CIRCLE

As shown on a plan entitled "Plan of Land in Woburn, Mass showing a subdivision of land off Main Street Scales 1:=20 Hor. /1"=4' Ver. By: William Caperci, R.L.S." and recorded with the Middlesex South District Registry of Deeds as Plan 1711 of 1987 and being described as follows:

Beginning at a point on the westerly sideline of Main Street thence running; N 67°13'48", 156.65' (one hundred fifty six and 65/100) feet to a point of curvature; thence running, on a clockwise curve having a radius of 50.00' (fifty and 00/100) feet, 215.04' (two hundred fifteen and 04/100) feet to a point of reverse curvature; thence running

on a counterclockwise curve having a radius of 50.00' (fifty and 00/100) feet, 57.96' (fifty seven and 96/100) feet to a point; thence running S 67°13'48" E, 44.77' (forty four and 77/100) feet to a point of curvature; thence running on a counterclockwise curve having a radius of 25.00' (twenty five and 00/100) feet, 31.65' (thirty one and 65/100) feet to a point on the westerly sideline of Main Street, thence running southwesterly by the westerly sideline of said street to the point of the beginning, and to accept any fee or easement in said roadway, and drainage, utility and/or other related easements.

ANTHONY DRIVE

As shown on a plan entitled "Final Plan of Land in Woburn, Mass. showing a proposed subdivision off Beach St., Scale as shown By: William A. Caperci, R.L.S. March 22, 1974" and recorded with the Middlesex South District Registry of as Plan 568 (A of 2) of 1974 and being described as follows:

Beginning at a point on the Northerly sideline of Beach Street; thence running on a counterclockwise curve to a point; thence running N 41°23'25" E, 176.07' (one hundred seventy six and 07/100) feet to a point of curvature; thence running, on a counterclockwise curve having a radius of 30.00' (thirty and 00/100) feet, 26.90' (twenty six and 90/100) feet to a point of reverse curvature; thence running, on a clockwise curve having a radius of 50.00' (fifty and 00/100) feet, 246.64' (two hundred forty six and 64/100) feet to a point of reverse curvature; thence running, on a counterclockwise curve having a radius of 30.00' (thirty and 00/100) feet, 26.90' (twenty six and 90/100) feet to a point; thence running, S 41°23'25" W, 148.55' to a point of curvature; thence running, on a counterclockwise curve to the northerly sideline Beach Street; thence running, northwesterly by the northerly sideline of said street to the point of the beginning, and to accept any fee or easement in said roadway, and drainage, utility and/or other related easements.

ARROW DRIVE

As shown on a plan entitled "Subdivision Plan of Land Prepared By Medford Engineering & Survey 5 High Street Medford, MA Wildwood Industrial Park Woburn, Mass. Scale 1"=40' Sept. 5, 1979" and recorded with the Middlesex South District Registry of Deeds as Plan 1177 of 1979, and being described as follows:

Beginning at a point on the westerly sideline of Wildwood Avenue; thence running, on a clockwise having a radius 30.00' (thirty and 00/100) feet, 47.83' (forty seven and 83/100) feet to a point; thence running S 72°08'14" W, 317.12' (three hundred seventeen and 12/100) feet to a point of curvature; thence running, on a clockwise curve having a radius of 30.00' (thirty and 00/100) feet, 36.93' (thirty six and 93/100) feet to a point of reverse curvature; thence running on a counterclockwise curve having a radius of 60.00' (sixty and 00/100) feet, 262.35' (two hundred sixty two and 35/100) feet to a point; thence running N 72°08'14" E, 415.00' (four hundred fifteen and 00/100) feet to a point of curvature; thence running on a clockwise curve having a radius of 30.00' (thirty and 00/100) feet, 39.93' (thirty nine and 93/100) feet to a point on the westerly sideline of

Wildwood Avenue; thence running, northerly by the westerly sideline of said street to the point of beginning, and to accept any fee or easement in said roadway, and drainage, utility and/or other related easements.

ATLANTIC AVENUE

Being shown on a plan on file with the Massachusetts Highway Department as Layout Number 7376 Sheet 5 of 7 being a 1997 State Highway alteration, and on an approval not required plan entitled "Subdivision Plan of Land in Woburn, Massachusetts Prepared for National Development of New England Scale 1 Inch = 120 Feet, July 15, 1997" and recorded with the Middlesex South District Registry of Deeds as Plan No. 1191 of 1997 and being described as follows:

Beginning at a point on the westerly sideline of Commerce Way; thence running, on a counter clockwise curve having a radius of 60.00' (sixty and 00/100) feet, 95.87' (ninety five and 87/100) feet to a point; thence running, S 65°10'39" W, 165.52' (one hundred sixty five and 52/100) feet to a point; thence running, S 67°31'19" W, 82.16' (eighty two and 16/100) feet to a point; thence running, S 64°01'54" W, 643.45' (six hundred forty three and 45/100) feet to a point; thence running, N 25°58'06" W, 60.00' (sixty and 00/100) feet to a point; thence running, N 64°01'54" E, 789.35' (seven hundred eighty nine and 35/100) feet to a point; thence running, N 62°05'23" E, 119.21' (one hundred nineteen and 21/100) feet to a point of curvature; thence running, on a counter clockwise curve having a radius of 60.00' (sixty and 00/100) feet, 84.63' (eighty four and 63/100) feet to the sideline of commerce way; thence running, southeasterly by the westerly sideline of said way to the point of beginning, and to accept any fee or easement in said roadway, and drainage, utility and/or other related easements.

BATTLEMARCH WAY

As shown on a plan entitled "Wood's Farm Estates at Whispering Hill in Woburn, Mass. as drawn for Wood's Farm Realty Trust December, 1981" and recorded in the Middlesex South District Registry of Deeds as Plan 219 (D of 4) of 1982 and described as follows:

Beginning at a point on the northerly sideline of Sylvanus Woods Lane; thence running, on a clockwise curve having a radius of 30.00' (thirty and 00/100) feet, 47.12' (forty seven and 12/100) feet to a point; thence running, N 28° 56' 17" W, 90.00' (ninety and 00/100) feet to a point of curvature; thence running, on a clockwise curve having a radius of 80.00' (eighty and 00/100) feet, 125.66' (one hundred twenty five and 66/100) feet to a point; thence running, N 62° 03' 43" E, 106.35' (one hundred six and 35/100) feet to a point of curvature; thence running, on a clockwise curve having a radius of 277.93' (two hundred seventy seven and 93/100) feet, 55.78' (fifty five and 78/100) feet to a point of compound curvature; thence running, on a clockwise curve having a radius of 30.00' (thirty and 00/100) feet, 26.87' (twenty six and 87/100) feet to a point of reverse curvature; thence running, on a counter clockwise curve having a radius of 50.00' (fifty and 00/100) feet, 246.65' (two hundred forty six and 65/100) feet to a point of reverse curvature; thence running, on a clockwise curve having a radius of 30.00' (thirty and

00/100) feet, 26.87' (twenty six and 87/100) feet to a point of reverse curvature; thence running, on a counter clockwise curve having a radius of 317.93' (three hundred seventeen and 93/100) feet, 63.81' (sixty three and 81/100) feet to a point; thence running, S 62° 03' 43" W, 303.42' (three hundred three and 42/100) feet to a point of curvature; thence running, on a clockwise curve having a radius of 300.00' (three hundred and 00/100) feet, 41.89' (forty one 89/100) feet to a point; thence running, N 70° 03' 43" W, 119.00' (one hundred nineteen and 00/100) feet to a point of curvature; thence running, on a counter clockwise curve having a radius of 50.00' (fifty and 00/100) feet, 222.98' (two hundred twenty two and 98/100) feet to a point of reverse curvature; thence running, on a clockwise curve having a radius of 30.00' (thirty and 00/100) feet, 39.54' (thirty nine and 54/100) feet to a point; thence running, N 70° 03' 43" E, 41.54' (forty one and 54/100) feet to a point of curvature; thence running, on a counter clockwise curve having a radius of 340.00' (three hundred forty and 00/100) feet, 47.47' (forty seven and 47/100) feet to a point of reverse curvature; thence running, on a clockwise curve having a radius of 77.07' (seventy seven and 07/100) feet, 121.06' (one hundred twenty one and 06/100) feet to a point; thence running, S 28° 56' 17" E, 92.93' (ninety two and 93/100) feet to a point of curvature; thence running, on a clockwise curve having a radius of 30.00' (thirty and 00/100) feet, 47.12' (forty seven and 12/100) feet to the sideline on the northerly sideline of Sylvanus Woods Lane; thence running, northeasterly by the northerly sideline of said lane to the point of beginning, and to accept any fee or easement in said roadway, and drainage, utility and/or other related easements.

BIRCHWOOD LANE f/k/a SANBORN AVENUE

As shown on a plan entitled "Rumford Park Downs in Woburn, Mass. Definitive Subdivision Lot Layout Plan Scale 1"=40', November 27, 1995" and recorded with the Middlesex South District Registry of Deeds as Plan 1068 of 1996, said way formerly known as Sanborn Avenue being shown on a plan recorded with the said Deeds in Plan Book 94, Plan 49 (C of 3) and being described as follows:

Beginning at a point on the northerly sideline of Mishawum Road; thence running, N 14°46'15" W, 480.47' (four hundred eighty and 47/100) feet to a point on the southerly sideline of a right of way known as Highet Avenue; thence running, easterly by the southerly sideline of said Highet Avenue to a point; thence running, S 14°46'15" E to a point on the northerly sideline of Mishawum Road; thence running, southwesterly by the northerly sideline of said road to the point of beginning, and to accept any fee or easement in said roadway, and drainage, utility and/or other related easements.

BLUEBERRY HILL ROAD

Section 1

Beginning at a point on the easterly sideline of Garfield Avenue; thence running easterly 521.96' (five hundred twenty one and 96/100) feet to a point of curvature; thence running on a clockwise curve having a radius of 15.00' (fifteen and 00/100) feet, 19.88' (nineteen

and 88/100) feet to a point; thence running southerly 8.30' (eight and 30/100) feet to a point; thence running easterly 15.00' (fifteen and 00/100) feet to a point; thence running northerly 81.78' (eighty one and 78/100) feet to a point; thence running westerly 15.00' (fifteen and 00/100) feet; thence running on a clockwise curve having a radius of 15.00' (fifteen and 00/100) feet, 27.62' (twenty seven and 62/100) feet to a point; thence running westerly 500.54' (five hundred and 54/100) feet to a point on the easterly sideline of Garfield Avenue; thence running southerly by said avenue to the point of beginning,

said portion of Blueberry Hill Road being shown on a plan recorded in the Middlesex South Registry of Deeds as Plan 503 of 1953.

Section 2

Beginning at a point at the easterly terminus of the section 1 right of way described above; thence running southeasterly 41.25' (forty one and 25/100) feet by the easterly terminus of said right of way; thence running N 66°00'00" E, 96.49' (ninety six and 49/100) feet to a point; thence running N 50°10'20" E, 20.47' (twenty and 47/100) feet to a point of curvature; thence running on a counterclockwise curve having a radius of 240.00' (two hundred forty and 00/100) feet, 65.00' (sixty five and 00/100) feet to a point; thence running N 37°00'00" E, 359.10' (three hundred fifty nine and 10/100) feet to a point of curvature; thence running on a clockwise curve having a radius of 480.00' (four hundred eighty and 00/100) feet, 92.15' (ninety two and 15/100) feet to a point; thence running N 48°00'00" E, 843.75' (eight hundred forty three and 75/100) feet to a point of curvature; thence running on a clockwise curve having a radius of 180.00' (one hundred eighty and 00/100) feet, 323.59' (three hundred twenty three and 59/100) feet to a point; thence running S 29°00'00" E, 178.68' (one hundred seventy eight and 68/100) feet to a non tangent point of curvature; thence running on a counterclockwise curve having a radius of 225.00' (two hundred twenty five and 00/100) feet, 220.24' (two hundred twenty and 24/100) feet to a point; thence running N 81°38'56" E, 175.57' (one hundred seventy five and 57/100) feet to a point of curvature; thence running on a clockwise curve having a radius of 275.00' (two hundred seventy five and 00/100) feet, 68.79' (sixty eight and 79/100) feet to a point; thence running S 84°01'04" E, 196.32' (one hundred ninety six and 32/100) feet to a point of curvature; thence running on a clockwise curve having a radius of 30.00' (thirty and 00/100) feet, 49.08' (forty nine and 08/100) feet to a point on the westerly sideline of Holton Street; thence running N 09°43'55" E, 110.29' (one hundred ten and 29/100) feet by the westerly sideline of said street to a point; thence running on a clockwise curve having a radius of 30.00' (thirty and 00/100) feet, 45.15' (forty five and 15/100) feet to a point; thence running N 84°01'04" W, 203.55' (two hundred three and 55/100) feet to a point of curvature; thence running on a counterclockwise curve having a radius of 325.00' (three hundred twenty five and 00/100) feet, 81.30' (eighty one and 30/100) feet to a point; thence running S 81°38'56" W, 175.57' (one hundred seventy five and 57/100) feet to a point of curvature; thence running on a clockwise curve having a radius of 175.00' (one hundred seventy five and 00/100) feet, 102.00' (one hundred two and 00/100) feet to a point; thence running northwesterly by the southerly terminus of Fox Road to a point of tangency; thence running N 29°00'00" W, 99.33' (ninety nine and 33/100) feet to a point

of curvature; thence running on a counterclockwise curve having a radius of 220.00' (two hundred twenty and 00/100) feet to a point, 395.49' (three hundred ninety five and 49/100) feet; thence running S 48°00'00" W, 843.75' (eight hundred forty three and 75/100) feet to a point of curvature; thence running on a counterclockwise curve having a radius of 520.00' (five hundred twenty and 00/100) feet, 20.09' (twenty and 09/100) feet to a point; thence continuing along a curve of the same radius by the southerly terminus of Felton Street to a point; thence running S 37°00'00" W, 362.85' (three hundred sixty two and 85/100) feet to a point of curvature; thence running on a clockwise curve having a radius of 200.00' (two hundred and 00/100) feet, 101.23' (one hundred one and 23/100) feet to a point; thence running S 66°00'00" W, 72.13' (seventy two and 13/100) feet to the point of beginning, and to accept any fee or easement in said roadway, and drainage, utility and/or other related easements.

Being shown on plans recorded in the Middlesex South Registry of Deeds as Plans 568 of 1976 and 249 of 1986.

BONNIE WAY

Shown as "Existing 40 Ft. – Right of Way" on an Approval Not Required Plan entitled "Plan of Land in Woburn, Mass. Scale 1"=40' Dec. 4, 1974" and recorded with the Middlesex South District Registry of Deeds as Plan 1388 of 1974, and being described as follows:

Beginning at a point on the easterly sideline of Rock Street; thence running, N 79°24'46" E, 110.10' (one hundred ten and 10/100) feet; thence running, N 59°37'09" E, 30.09' (thirty and 09/100) feet; thence running, S 25°53'33" E, 75.00' (seventy five and 00/100) feet; thence running, S 64°08'27" W, 30.00' (thirty and 00/100) feet to a point; thence running, N 25°53'33" W, 31.18' (thirty one and 18/100) feet to a point; thence running, S 79°24'46" W, 129.73' (one hundred twenty nine and 73/100) feet to a point on the easterly sideline of Rock Street; thence running, N 1°39'36" E, 40.93' (forty and 93/100) feet by the easterly sideline of said street to the point of beginning, and to accept any fee or easement in said roadway, and drainage, utility and/or other related easements.

CABOT ROAD

As shown on an approved subdivision plan entitled "Plan of Land in Woburn, Scale 1"=100', Date: April 30, 1975" and recorded with the Middlesex South District Registry of Deeds as Plan 603 of 1975, and being described as follows:

Beginning at a point on the westerly sideline of Commerce Way thence running on a counterclockwise curve having a radius of 50.00' (fifty and 00/100) feet 65.25' (sixty five and 25/100) feet to a point, thence running, S 76°51'00" W 961.05 (nine hundred sixty one and 05/100) feet to a point of curvature, thence running on a counterclockwise curve having a radius of 50.00' (fifty and 00/100) feet, 32.18' (thirty two and 18/100) feet to a point of reverse curvature, thence by a clockwise curve having a radius of 50.00' (fifty and 00/100) feet, 100.12' (one hundred and 12/100) feet to a point; thence running,

N 25°17'10" W, 552.26' (five hundred fifty two and 26/100) feet to a point of curvature, thence running on a counterclockwise curve having a radius of 50.00' (fifty and 00/100) feet, 32.18' (thirty two and 18/100) feet to a point of reverse curvature, thence running on a clockwise curve having a radius of 50.00' (fifty and 00/100) feet, 221.44' (two hundred twenty one and 44/100) feet to a point of reverse curvature; thence running on a counterclockwise curve having a radius of 50.00' (fifty and 00/100) feet, 32.18' (thirty two and 18/100) feet to a point; thence running S25°17'10"E, 458.22' (four hundred fifty eight and 22/100) feet to a point of curvature; thence running on a counterclockwise curve having a radius of 81.09' (eighty one and 09/100) feet, 110.19' (one hundred ten and 19/100) feet to a point; thence running, N 76°51'00" E, 909.84' (nine hundred nine and 84/100) feet to a point of curvature; thence running on a counterclockwise curve having a radius of 50.00' (fifty and 00/100) feet, 90.88' (ninety and 88/100) feet to a point on the westerly sideline of Commerce Way; thence running along the westerly sideline of Commerce Way along a curve having a radius of 8369.64' (eight thousand three hundred sixty nine and 64/100) feet to the point of beginning, and to accept any fee or easement in said roadway, and drainage, utility and/or other related easements.

CARMEN TERRACE

Being shown on a plan entitled "Plan of Land in Woburn, Mass. showing a proposed subdivision off Pine Street, Scale: 1"=30 Hor. 1"=6' Ver. February 28, 1974 by William A. Caperci, R.L.S." and recorded with the Middlesex South District Registry of Deeds as Plan no. 472 (B of 3) of 1974 and being described as follows:

Beginning at a point on the southwesterly sideline of Pine Street; thence running on a clockwise curve having a radius of 20.00' (twenty and 00/100) feet, 28.85' (twenty eight and 85/100) feet to a point; thence running, S 33°45'00" W, 100.84' (one hundred and 84/100) feet to a point of curvature; thence running on a counterclockwise curve having a radius of 150.00' (one hundred fifty and 00/100) feet, 108.66' (one hundred eight and 66/100) feet to a point of reverse curvature; thence running on a clockwise curve having a radius of 100.00' (one hundred and 00/100) feet, 143.07' (one hundred forty three and 07/100) feet to a point; thence running, S 74°13'00" W, 73.87' (seventy three and 87/100) feet to a point of curvature; thence running on a clockwise curve having a radius of 30.00' (thirty and 00/100) feet, 50.52' (fifty and 52/100) feet to a point of reverse curvature; thence running on a counterclockwise curve having a radius of 50.00' (fifty and 00/100) feet, 206.26' (two hundred six and 26/100) feet to a point of compound curvature; thence running on a counterclockwise curve having a radius of 173.30' (one hundred seventy three and 30/100) feet, 121.41' (one hundred twenty one and 41/100) feet to a point; thence running, N 74°13'00" E, 73.87' (seventy three and 87/100) feet to a point of curvature; thence running on a counterclockwise curve having a radius of 140.00' (one hundred forty and 00/100) feet, 200.28' (two hundred and 28/100) feet to a point of reverse curvature; thence running on a clockwise curve having a radius of 110.00' (one hundred ten and 00/100) feet, 79.67' (seventy nine and 67/100) feet to a point; thence running, S 56°15'00" E, 10.00' (ten and 00/100) feet to a point; thence running N33°45'00"E, 80.00' (eighty and 00/100) feet to a point of curvature; thence running on a clockwise curve having a radius of 20.00' (twenty and 00/100) feet to the

southwesterly sideline of pine street; thence running northwesterly by the southwesterly sideline of said street to the point of beginning, and to accept any fee or easement in said roadway, and drainage, utility and/or other related easements.

CEDARWOOD ROAD

Being shown on a plan entitled "Briarwood" Definitive Plan Subdivision Plan of Land, Cir-San Realty Trust Woburn, Mass." dated Aug. 11, 1975 and recorded with the Middlesex South District Registry of Deeds as Plan no. 931 of 1975 and being described as follows:

Beginning at a point on the southerly sideline of Briarwood Road thence running on a counterclockwise curve having a radius of 30.00' (thirty and 00/100) feet 59.14' (fifty nine and 14/100) feet to a point; thence running, N 09°43'13" W 97.65' (ninety seven and 65/100) feet to a point of curvature; thence running on a clockwise curve having a radius of 371.91' (three hundred seventy one and 91/100) feet, 158.37' (one hundred fifty eight and 37/100) feet to a point; thence running, S 14°40'42" W 32.00' (thirty two and 00/100) feet to a point of curvature; thence running on a clockwise curve having a radius of 449.58' (four hundred forty nine and 58/100) feet, 276.81' (two hundred seventy six and 81/100) feet to a point of reverse curvature; thence running on a counterclockwise curve having a radius of 30.00' (thirty and 00/100) feet, 27.40' (twenty seven and 40/100) to a point of reverse curvature; thence running on a clockwise curve having a radius of 60.00' (sixty and 00/100) feet, 298.09' (two hundred ninety eight and 09/100) feet to a point of reverse curvature; thence running on a counterclockwise curve having a radius of 30.00' (thirty and 00/100) feet, 27.40' (twenty seven and 40/100) feet to a point of compound curvature; thence running on a counterclockwise curve having a radius of 699.58' (six hundred ninety nine and 58/100) feet, 246.02' (two hundred forty six and 02/100) feet to a point; thence running, N 14°40'42" E 32.00' (thirty two and 00/100) feet to a point of curvature; thence running on a counterclockwise curve having a radius of 321.91' (three hundred twenty one and 91/100) feet, 137.08' (one hundred thirty seven and 08/100) feet to a point; thence running, S 09°43'13" E 100.00' (one hundred and 00/100) feet to a point of curvature; thence running on a counterclockwise curve having a radius of 30.00' (thirty and 00/100) feet, 59.14' (fifty nine and 14/100) feet; to a point on the southerly sideline of Briarwood Road thence running easterly along the southerly sideline of Briarwood Road to the point of beginning, and to accept any fee or easement in said roadway, and drainage, utility and/or other related easements.

FOX ROAD

Being shown on an approved subdivision plan entitled "Blueberry Hill I (Ext.) Woburn, Mass." recorded with the Middlesex South District Registry of Deeds as Plan no. 249 of 1986 and being described as follows:

Beginning at a point on the northerly sideline of Blueberry Hill Road; thence running on a clockwise curve having a radius of 30.00' (thirty and 00/100) feet, 51.10' (fifty one and 10/100) feet to a point; thence running, N 32°39'20" E, 157.53' (one hundred fifty seven

and 53/100) feet to a point of curvature; thence running on a counterclockwise curve having a radius of 50.00' (fifty and 00/100) feet, 222.98' (two hundred twenty two and 98/100) feet to a point of reverse curvature; thence running on a counterclockwise curve having a radius of 30.00' (thirty and 00/100) feet, 39.54' (thirty nine and 54/100) feet to a point; thence running, S 32°39'20" W, 64.57' (sixty four and 57/100) feet to a point of curvature; thence running on a clockwise curve having a radius of 30.00' (thirty and 00/100) feet, 50.27' (fifty and 27/100) feet to a point on the northerly sideline of Blueberry Hill Road; thence running by the northerly sideline of Blueberry Hill Road to the point of beginning, and to accept any fee or easement in said roadway, and drainage, utility and/or other related easements.

KOSCIUSKO ROAD

As shown on a plan entitled "Wood's Farm Estates at Whispering Hill in Woburn, Mass. as drawn for Wood's Farm Realty Trust December, 1981" and recorded in the Middlesex South District Registry of Deeds as Plan 219 (C of 4) of 1982 and described as follows:

Beginning at a point on the westerly sideline of Sylvanus Wood Road thence running on a counterclockwise curve having a radius of 30.00' (thirty and 00/100) feet, 59.97' (fifty nine and 97/100) feet to a point; thence running, N 63°19'23" W, 241.21 (two hundred forty one and 21/100) feet to a point of curvature; thence running on a counterclockwise curve having a radius of 80.00' (eighty and 00/100) feet, 66.67' (sixty six and 67/100) feet to a point of compound curvature; thence running on a counterclockwise curve having a radius of 330.00' (three hundred thirty and 00/100) feet, 89.19' (eighty nine and 19/100) feet to a point; thence running, S 53°26'43" W, 30.00' (thirty and 00/100) feet to a point of curvature; thence running on a counterclockwise curve having a radius of 30.00' (thirty and 00/100) feet, 26.87' (twenty six and 87/100) feet to a point of reverse curvature; thence running on a clockwise curve having a radius of 50.00' (fifty and 00/100) feet, 246.65' (two hundred forty six and 65/100) feet to a point of reverse curvature; thence running on a counterclockwise curve having a radius of 30.00' (thirty and 00/100) feet, 26.87' (twenty six and 87/100) feet to a point; thence running N 53°26'43" E, 30.00' (thirty and 00/100) feet to a point of curvature; thence running on a clockwise curve having a radius of 370.00' (three hundred seventy and 00/100) feet, 100.00' (one hundred and 00/100) feet to a point of compound curvature; thence running on clockwise curve having a radius of 120.00' (one hundred twenty and 00/100) feet, 100.00' (one hundred and 00/100) feet to a point; thence running, S 63°19'23" E, 286.87' (two hundred eighty six and 87/100) feet to a point of curvature; thence running on a counterclockwise curve having a radius of 30.00' (thirty and 00/100) feet, 34.27' (thirty four and 27/100) feet to the westerly sideline of Sylvanus Wood Road; thence running southerly by the westerly sideline of Sylvanus Wood Road to the point of beginning, and to accept any fee or easement in said roadway, and drainage, utility and/or other related easements.

LOKER LANE

Being shown on plan entitled "Definitive Subdivision Plan Loker Lane, Woburn Right of Way and Lot Layout Plan 40' Right of Way" dated June 4, 1987 and recorded with the Middlesex South District Registry of Deeds as Plan no. 1160 of 1987 and described as follows:

Beginning at a point on the northerly sideline of Maple Avenue; thence running, N 12°05'20" E, 147.47' (one hundred forty seven and 47/100) feet to a point of curvature; thence running on a counterclockwise curve having a radius of 75.00' (seventy five and 00/100) feet, 102.60' (one hundred two and 60/100) feet to a point; thence running N 66°17'29" W, 87.00' (eighty seven and 00/100) feet to a point of curvature; thence running on a counterclockwise curve having a radius of 30.00' (thirty and 00/100) feet, 24.38' (twenty four and 38/100) feet to a point of reverse curvature; thence running on a clockwise curve having a radius of 50.00' (fifty and 00/100) feet, 247.10' (two hundred forty seven and 10/100) feet to a point of reverse curvature; thence running on a counterclockwise curve having a radius of 30.00' (thirty and 00/100) feet, 29.20' (twenty nine and 20/100) feet to a point; thence running, S 66°17'29" W, 78.95' (seventy eight and 95/100) feet to a point of curvature; thence running on a clockwise curve having a radius of 115.00' (one hundred fifteen and 00/100) feet, 157.32' (one hundred fifty seven and 32/100) feet to a point; thence running, S 12°05'20" W, 128.13' (one hundred twenty eight and 13/100) feet to a point on the northerly sideline of Maple Avenue; thence running, by the northerly sideline of Maple Avenue S 76°17'00" W, 44.43' (forty four and 43/100) feet to the point of beginning, and to accept any fee or easement in said roadway, and drainage, utility and/or other related easements.

MANNY TERRACE

Being shown on a plan entitled "Definitive Subdivision Plan Woburn, Mass. Showing Lots 2 and 3 Manny Terrace" dated May 25, 1989 and recorded in the Middlesex South District Registry of Deeds as Plan no. 1312 of 1989 recorded at Book 20231, Page 369 and being described as follows:

Beginning at a point on the southerly side of Pleasant Street; thence running S 8°01'05" E, 49.00' (forty nine and 00/100) feet to a point of curvature; thence running on a clockwise curve having a radius of 88.00' (eighty eight and 00/100) feet, 41.08' (forty one and 08/100) feet to a point of reverse curvature; thence running on a counterclockwise curve having a radius of 30.00' (thirty and 00/100) feet, 30.28' (thirty and 28/100) feet to a point of reverse curvature; thence running on a clockwise curve having a radius of 40.00' (forty and 00/100) feet, 191.28' (one hundred ninety one and 28/100) feet to a point of reverse curvature; thence running on a counterclockwise curve having a radius of 60.00' (sixty and 00/100) feet, 66.00' (sixty six and 00/100) feet to a point; thence running, N 8°01'05" W, 52.21' (fifty two and 21/100) feet to the southerly sideline of Pleasant Street; thence running, by the southerly sideline of said street N 88°31'30", 28.18 (twenty eight and 18/100) feet to the point of beginning, and to accept any fee or easement in said roadway, and drainage, utility and/or other related easements.

MCDEVITT DRIVE

Being shown on a plan entitled "Definitive Subdivision Plan of Land "Sunset Acres" in Woburn, MA (Middlesex County" and recorded with the Middlesex South District Registry of Deeds as Plan no. 84 (2-2) of 1991 and in Book 20997, Page 131 being described as follows:

Beginning at a point on the southerly sideline of Burlwood Lane; thence running on a clockwise curve having a radius of 30.00' (thirty and 00/100) feet, 46.95' (forty six and 95/100) feet to a point of reverse curvature; thence running on a counterclockwise curve having a radius of 125.00' (one hundred twenty five and 00/100) feet 72.16' (seventy two and 16/100) feet to a point; thence running, S 79°32'59", 100.79' (one hundred and 79/100) feet to a point of curvature; thence running on a counterclockwise curve having a radius of 153.00' (one hundred fifty three and 00/100) feet, 31.08' (thirty one and 08/100) feet to a point compound curvature; thence running on a counterclockwise curve having a radius of 35.00' (thirty five and 00/100) feet, 50.11' (fifty and 11/100) feet to a point of reverse curvature; thence running on a clockwise curve having a radius of 50.00' (fifty and 00/100) feet, 207.32' (two hundred thirty seven and 32/100) feet to a point; thence running, N 43°24'32" E, 22.78' (twenty two and 78/100) feet to a point of curvature; thence running on a counterclockwise curve having a radius of 203.00' (two hundred three and 00/100) feet, 128.05' (one hundred twenty eight and 05/100) feet to a point; thence running, N 79°32'59" W, 100.79' (one hundred and 79/100) feet to a point of curvature; thence running on a clockwise curve having a radius of 75.00' (seventy five and 00/100) feet, 41.74' (forty one and 74/100) feet to a point of compound curvature; thence running on a clockwise curve having a radius of 30.00' (thirty and 00/100) feet, 48.27' (forty eight and 27/100) feet to the southerly sideline of Burlwood Lane; thence running by the southerly sideline of said lane to the point of beginning, and to accept any fee or easement in said roadway, and drainage, utility and/or other related easements.

MORNINGSIDE CIRCLE

Being shown on plan entitled "Definitive Plan of Land in Woburn, Mass Subdivision Plan Scale 1"=40' September 16, 1974" and recorded with the Middlesex South District Registry of Deeds as Plan no. 1292 (G and I of 11) of 1974 and recorded in Book 12727, 638 being described as follows:

Beginning at a point on the southerly sideline of New Village Road; thence running on a counterclockwise curve having a radius of 30.00' (thirty and 00/100) feet, 47.12' (forty seven and 12/100) feet to a point; thence running, S 33°47'40" E, 101.44' (one hundred and 44/100) feet to a point of curvature; thence running on a counterclockwise curve having a radius of 998.07' (nine hundred ninety eight and 07/100) feet, 78.39' (seventy eight and 39/100) feet to a point; thence running, S 38°17'40", 46.61' (forty six and 61/100) feet to a point of curvature; thence running on a counterclockwise curve having a radius of 30.00' (thirty and 00/100) feet, 26.87' (twenty six and 87/100) feet to a point of reverse curvature; thence running on a clockwise curve having a radius of 50.00' (fifty and 00/100) feet, 246.65' (two hundred forty six and 65/100) feet to a point of reverse

curvature; thence running on a counterclockwise curve having a radius of 30.00' (thirty and 00/100) feet, 26.87' (twenty six and 87/100) feet to a point; thence running N 38°17'40" W, 46.61' (forty six and 61/100) feet to a point of curvature; thence running on a clockwise curve having a radius of 1038.07' (one thousand thirty eight and 07/100) feet, 81.53' (eighty one and 53/100) feet to a point; thence running, N 33°47'40" W, 101.44' (one hundred one and 44/100) feet to a point of curvature; thence running on a counterclockwise curve having a radius of 30.00' (thirty and 00/100) feet, 47.12' (forty seven and 12/100) feet to the southerly sideline of New Village Road; thence running, northeasterly by the southerly sideline of said road to the point of beginning, and to accept any fee or easement in said roadway, and drainage, utility and/or other related easements.

NEW VILLAGE ROAD

Being shown on plan entitled "Definitive Plan of Land in Woburn, Mass Subdivision Plan Scale 1"=40' September 16, 1974" and recorded with the Middlesex South District Registry of Deeds as Plan no. 1292 (I of 11) of 1974 and recorded in Book 12727, 638 being described as follows:

Beginning at a point on the westerly sideline of Cambridge Road; thence running on a counter clockwise curve having a radius of 50.00' (fifty and 00/100) feet, 72.77' (seventy two and 77/100) feet to a point; thence running, S 56°12'20" W, 327.88' (three hundred twenty seven and 88/100) feet to a point of curvature; thence running on a clockwise curve having a radius of 30.00' (thirty and 00/100) feet, 47.12' (forty seven and 12/100) feet to a point of reverse curvature; thence running on a counter clockwise curve having a radius of 50.00' (fifty and 00/100) feet, 157.08' (one hundred fifty seven and 08/100) feet to a point; thence running, S 33°47'40" E, 120.00' (one hundred twenty and 00/100) feet to a point of curvature; thence running on a counter clockwise curve having a radius of 50.00' (fifty and 00/100) feet; 157.08' (one hundred fifty seven and 08/100) feet to a point of reverse curvature; thence running on a clockwise curve having a radius of 30.00' (thirty and 00/100) feet, 47.12' (forty seven and 12/100) feet to a point; thence running, N 56°12'20" E, 327.88' (three hundred twenty seven and 88/100) feet to a point of curvature; thence running on a clockwise curve having a radius of 50.00' (fifty and 00/100) feet, 72.77' (seventy two and 77/100) feet to a point on the westerly sideline of Cambridge Road; thence running, northerly by the westerly sideline of said road on a clockwise curve having a radius of 645.00' (six hundred forty five and 00/100) feet, 148.82' (one hundred forty eight and 82/100) feet to the point of beginning, and to accept any fee or easement in said roadway, and drainage, utility and/or other related easements.

PIGEON ROAD

Being shown on a plan entitled "Subdivision Plan Blueberry Hill II recorded with the Middlesex South District Registry of Deeds as Plan no. 375 of 1975 in Book 12794, Page 32 and being described as follows:

Beginning at a point on the southerly sideline of Eagle Road; thence running on a counter clockwise curve having a radius of 30.00' (thirty and 00/100) feet, 39.79' (thirty nine and 79/100) feet to a point; thence running, S 11° 00' 00" W, 418.49' (four hundred eighteen and 49/100) feet to a point of curvature; thence running on a counterclockwise curve having a radius of 30.00' (thirty and 00/100) feet, 26.87' (twenty six and 87/100) feet to a point of reverse curvature; thence running on a clockwise curve having a radius of 50.00' (fifty and 00/100) feet, 246.65' (two hundred forty six and 65/100) feet to a point of reverse curvature; thence running on a counterclockwise curve having a radius of 30.00' (thirty and 00/100) feet, 26.87' (twenty six and 87/100) feet to a point, thence running, N11° 00' 00" E, 393.55' (three hundred ninety three and 55/100) feet to a point of curvature; thence running on a counterclockwise curve having a radius of 30.00' (thirty and 00/100) feet, 54.45' (fifty four and 45/100) feet to the southerly sideline of Eagle Road; thence running, Easterly by the southerly sideline of said road to the point of beginning, and to accept any fee or easement in said roadway, and drainage, utility and/or other related easements.

RAG ROCK DRIVE

Being shown on a plan recorded in the Middlesex South Registry of Deeds as Plan 1211 of 1979 with modifications to said right of way as shown on Plans 675 of 1980, 143 of 1983 and 455 of 1983.

Beginning at a point on the southerly sideline of Bedford Road; thence running on a counter clockwise curve having a radius of 30.00' (thirty and 00/100) feet, 47.12' (forty seven and 12/100) feet; to a point of compound curvature; thence running on a counter clockwise curve having a radius of 90.39' (ninety and 39/100) feet, 113.24' (one hundred thirteen and 24/100) feet to a point; thence running, S 86°24'59" E, 266.41' (two hundred sixty six and 41/100) feet to a point of curvature; thence running, on a clockwise curve having a radius of 227.65' (two hundred twenty seven and 65/100) feet, 360.32' (three hundred sixty and 32/100) feet to a point of reverse curvature; thence running on a counter clockwise curve having a radius of 237.22' (two hundred thirty seven and 22/100) feet, 266.47' (two hundred sixty six and 47/100) feet to a point of reverse curvature; thence running on a counter clockwise curve having a radius of 40.00' (forty and 00/100) feet to a point of curvature; thence running on a clockwise curve having a radius of 287.22' (two hundred eighty seven and 22/100) feet, 300.00' (three hundred and 00/100) feet to a point of reverse curvature; thence running on a counter clockwise curve having a radius of 177.65' (one hundred seventy seven and 65/100) feet, 281.18' (two hundred eighty one and 18/100) feet to a point; thence N 86°24'59" W, 266.41' (two hundred sixty six and 41/100) feet to a point of curvature; thence running on a clockwise curve having a radius of 140.39' (one hundred forty and 39/100) feet, 175.87' (one hundred seventy five and 87/100) feet to a point of reverse curvature; thence running on a counter clockwise curve having a radius of 30.00' (thirty and 00/100) feet, 47.12' (forty seven and 12/100) feet to a point on the southerly sideline of Bedford road; thence running easterly by the southerly sideline of said road to the point of beginning, and to accept any fee or easement in said roadway, and drainage, utility and/or other related easements.

SONAR DRIVE

Said right of way being shown on a plan recorded in the Middlesex South Registry of Deeds as plan 832 of 1968.

Beginning at a point on the northerly sideline of Garfield avenue; thence running on a clockwise curve having a radius of 30.00' (thirty and 00/100) feet, 54.99' (fifty four and 99/100) feet to a point; thence running N 47°55'50" E, 387.47' (three hundred eighty seven and 47/100) feet to a point of curvature; thence running, on a counter clockwise curve having a radius of 200.00' (two hundred and 00/100) feet, 64.13' (sixty four and 13/100) feet to a point; thence running, N 29°33'34" W, 180.12' (one hundred eighty and 12/100) feet to a point of curvature; thence running, on a counter clockwise curve having a radius of 125.00' (one hundred twenty five and 00/100) feet, 86.86' (eighty six and 86/100) feet to a point; thence running, N 10°15'14" W, 103.65' (one hundred three and 65/100) feet to a point of curvature; thence running on a clockwise curve having a radius of 30.00' (thirty and 00/100) feet, 30.58' (thirty and 58/100) feet to a point of reverse curvature; thence running on a counter clockwise curve having a radius of 75.00' (seventy five and 00/100) feet, 388.54' (three hundred eighty eight and 54/100) feet to a point of reverse curvature; thence running on a clockwise curve having a radius of 30.00' (thirty and 00/100) feet, 30.58' (thirty and 58/100) feet to a point; thence running S 10°15'14" E, 103.65' (one hundred three and 65/100) feet to a point of curvature; thence running on a counter clockwise curve having a radius of 75.00' (seventy five and 00/100) feet, 52.12' (fifty two and 12/100) feet to a point; thence running S 29°33'34" W, 180.12' (one hundred eighty and 12/100) feet to a point of curvature; thence running on a clockwise curve having a radius of 150.00' (one hundred fifty and 00/100) feet, 48.10' (forty eight and 10/100) feet to a point; thence running S 57°05'37" E, 10.35' (ten and 35/100) feet to a point; thence running S 47°55'50" W, 440.00' (four hundred forty and 00/100) feet to the northerly sideline of Garfield avenue; thence running S 57°05'37", 80.53' (eighty and 53/100) feet by the northerly sideline of said avenue to the point of beginning, and to accept any fee or easement in said roadway, and drainage, utility and/or other related easements.

SPARTAN CIRCLE

Being shown on a plan recorded in the Middlesex South Registry of Deeds as Plan 1164 (A of 3) of 1985.

Beginning at a point on the easterly sideline of Pento road; thence running on a clockwise curve having a radius of 30.00' (thirty and 00/100) feet, 47.12' (forty seven and 12/100) feet to a point; thence running N 87°55'40" E, 85.00' (eighty five and 00/100) feet to a point of curvature; thence running on a clockwise curve having a radius of 30.00' (thirty and 00/100) feet, 24.38' (twenty four and 38/100) feet to a point of reverse curvature; thence running on a counter clockwise curve having a radius of 50.00' (fifty and 00/100) feet to a point at the intersection of said curve and the Woburn, Stoneham boundary line; thence running in a northwesterly direction by said boundary line to a point at the intersection of said boundary line and a curve having a radius of 50.00' (fifty and 00/100)

feet; thence running on a counter clockwise curve having a radius of 50.00' (fifty and 00/100) feet to a point of reverse curvature; thence running on a clockwise curve having a radius of 30.00' (thirty and 00/100) feet, 24.38' (twenty four and 38/100) feet to a point; thence running S 87°55'40" W, 85.00' (eighty five and 00/100) feet to a point of curvature; thence running on clockwise curve having a radius of 30.00' (thirty and 00/100) feet, 47.12' (forty seven and 12/100) feet to a point on the easterly sideline of Pento road; thence running S 2°04'10" e, 110.00' (one hundred ten and 00/100) feet by the easterly sideline of said road to the point of beginning, and to accept any fee or easement in said roadway, and drainage, utility and/or other related easements.

STATE STREET

Being shown on a plan of land recorded in the Middlesex South Registry of Deeds as Plan 961 of 1988.

Beginning at a point on the southerly sideline of Olympia Avenue; thence running S 11°58'00" W, 130.37' (one hundred thirty and 37/100) feet to a point of curvature; thence running on a counter clockwise curve having a radius of 80.00' (eighty and 00/100) feet, 63.62' (sixty three and 62/100) feet to a point; thence running S 33°36'30" E, 64.67' (sixty four and 67/100) feet to a point of curvature; thence running on a clockwise curve having a radius of 147.07' (one hundred forty seven and 07/100) feet, 52.06' (fifty two and 06/100) feet to a point of compound curvature; thence running on a clockwise curve having a radius of 400.00' (four hundred and 00/100) feet, 139.19' (one hundred thirty nine and 19/100) feet to a point of compound curvature; thence running

on a clockwise curve having a radius of 50.00' (fifty and 00/100) feet, 217.36' (two hundred seventeen and 36/100) feet to a point of reverse curvature; thence running on a counter clockwise curve having a radius of 30.00' (thirty and 00/100) feet, 43.02' (forty three and 02/100) feet to a point of compound curvature; thence running on a counterclockwise curve having a radius of 360.00' (three hundred sixty and 00/100) feet, 43.04' (forty three and 04/100) feet to a point of compound curvature; thence running on a counter clockwise curve having a radius of 107.07' (one hundred seven and 07/100) feet, 37.99' (thirty seven and 99/100) feet to a point; thence running N 33°36'00" W, 64.67' (sixty four and 67/100) feet to a point of curvature; thence running on a counter clockwise curve having a radius of 120.00' (one hundred twenty and 00/100) feet, 95.43' (ninety five and 43/100) feet to a point, thence running N 11°58'00" E, 130.37' (one hundred thirty and 37/100) feet to a point southerly sideline of Olympia Avenue; thence running easterly by the southerly sideline of said avenue to the point of beginning, and to accept any fee or easement in said roadway, and drainage, utility and/or other related easements.

STRAWBERRY LANE

Being shown on a plan recorded in the Middlesex South Registry of Deeds as Plan number 1493 of 1983.

Beginning at a point on the southerly sideline of Lexington Street thence running on a clockwise curve having a radius of 30.00' (thirty and 00/100) feet, 54.25' (fifty four and 25/100) feet to a point; thence running S 24°11'36" E, 114.42 (one hundred fourteen and 42/100) feet to a point of curvature; thence running on a clockwise curve having a radius of 85.00' (eighty five and 00/100) feet, 8.90' (eight and 90/100) feet to a point; thence running S18°11'36" E, 200.00' (two hundred and 00/100) feet to a point of curvature; thence running on a counterclockwise curve having a radius of 115.00' (one hundred fifteen and 00/100) feet, 12.04' (twelve and 04/100) feet to a point; thence running N 24°11'36" W, 104.00' (one hundred four and 00/100) feet to a point of curvature; thence running on a clockwise curve having a radius of 30.00' (thirty and 00/100) feet, 26.86' (twenty six and 86/100) feet to a point of reverse curvature; thence running on a counterclockwise curve having a radius of 50.00' (fifty and 00/100) feet, 246.64' (two hundred forty six and 64/100) feet to a point of reverse curvature; thence running on a clockwise curve having a radius of 30.00' (thirty and 00/100) feet, 26.86' (twenty six and 86/100) feet to a point; thence running N 24°11'36" W, 104.00' (one hundred four and 00/100) feet to a point of curvature; thence running on a clockwise curve having a radius of 75.00' (seventy five and 00/100) feet, 7.87' (seven and 87/100) feet to a point; thence running N 18°11'36" W, 200.00' (two hundred and 00/100) feet to a point of curvature; thence running on a counterclockwise curve having a radius of 125.00' (one hundred twenty five and 00/100) feet, 13.09' (thirteen and 09/100) feet to a point; thence running N 24°11'36" W, 133.25' (one hundred thirty three and 25/100) feet to a point of curvature; thence running on a clockwise curve having a radius of 30.00' (thirty and 00/100) feet, 41.57' (forty five and 57/100) feet to a point on the southerly sideline of Lexington Street; thence running westerly on the southerly sideline of Lexington Street to the point of beginning, and to accept any fee or easement in said roadway, and drainage, utility and/or other related easements.

s/President Denaro

Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING at the regular Meeting on December 4, 2012, all in favor, 9-0.

ORDERED That the Mayor be and is hereby authorized to release all of the City's right, title and interest in a drainage easement over and upon the property located at 9 Ledgewood Road, which easement is referenced in a deed recorded with the Middlesex South Registry of Deeds in Book 11133, Page 62 and shown on an approved subdivision of land entitled "Plan of Lots at Country Club Estates Woburn, Mass. 1"=40' July 14, 1964" which is recorded in said deeds as Plan no. 100 of 1965; and to authorize the Mayor to accept in its place, a drainage easement in the name of the City of Woburn from Stephen S. and Patricia E. Trotta over and upon the property located at 9 Ledgewood Road, subject to the approval of the relocation of said drainage easement by the Superintendent of Public Works.

s/Alderman DiTucci

Alderman DiTucci stated that the property owners wants to build an addition on their residence, that the plan was submitted to the City Engineer for review, that the city must release its rights to an old easement on the property and the property owners will provide a new easement to the city, that the street will be paved in the spring and the project must move forward before then, that the Order is subject to approval by the Department of Public Works, and that the city is not giving anything up. Alderman Anderson stated that the city has an easement on the property, and that the property owners purchased the land with the easement in place. Alderman Gately stated that he visited the site, that there was ledge on the side of the hill, that the easement will be removed and there will be access to allow the city access to the easement if necessary, that this is an easy fix, and that this involves a small drain. Alderman Anderson stated that generally there is a specific reference in the Order, and that this Order indicates that if the Superintendent of the Department of Public Works does not also approve the proposal then the matter will not be approved. Alderman DiTucci stated that the Superintendent of the Department of Public Works will work with the petitioner to make this proposal work, that the Superintendent of the Department of Public Works has not had time to review the plan, that the owners will pay for all costs to move the easement, and that this is not a small project. Alderman Gately stated that the easement is only three feet deep, that the relocation is subject to the approval of the Superintendent of the Department of Public Works, that this matter has been pending for months, that some of the plans offered have been ridiculous, and that the current proposal is the best plan. Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.

Presented to the Mayor: October 19, 2012 **s/Scott D. Galvin October 19, 2012**

From the Traffic Commission:

ORDERED BUTTARO ROAD – Handicapped parking space shall be established at
13 Buttaro Road

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

Presented to the Mayor: October 19, 2012 **s/Scott D. Galvin October 19, 2012**

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

RESOLVED That Whereas Job Creation, Economic Development, the Revitalization of
Downtown Woburn and the City as a whole is in the best interest of all
Woburn citizens,

Whereas providing a climate where people want to conduct business in the

City of Woburn will positively benefit Woburn taxpayers and all Woburn citizens,

Whereas these licenses will assist the Woburn Police Department and Woburn License Commission in the monitoring of alcohol consumption in our City by dissuading the number of Bring Your Own Beverage establishments,

Whereas these Beer and Wine licenses can be a catalyst for future economic development in Woburn and have the potential to encourage companies and restaurants to invest in our City,

Now therefore be it Resolved that the Woburn City Council encourages Woburn voters to vote in favor of the question appearing on the local election ballot, which reads; Shall the license commission be authorized to grant licenses for the sale of wines and malt beverages to be drunk on the premises in restaurants having not less than 50 seats; provided, however, that not more than 8 licenses or such amount as allowed under section 17 of chapter 138 of the General Laws shall be in effect? Yes ___ No ___

s/Alderman Haggerty and President Denaro

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.
Presented to the Mayor October 19, 2012 and ten days having elapsed without same being approved, said Resolve became effective without his signature on October 30, 2012.

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

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:56 p.m.

A TRUE RECORD ATTEST:

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