

**CITY OF WOBURN  
OCTOBER 17, 2017 - 7:00 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
Campbell	Higgins
Concannon	Mercer-Bruen
Gaffney	Tedesco
Haggerty	

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The City Council observed a moment of silence in memory of former Ward Six Alderman Raymond F. Ross, Jr. who recently passed away.

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

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Motion made and 2<sup>nd</sup> to take the following matter out of order, all in favor, 9-0.

**PERSONNEL:**

On the appointment of the Deputy Superintendent of Public Works. A report was received from the Committee on Personnel as follows: "That Leonard Burnham, Jr. of 12 Tedesco Drive, Woburn, Massachusetts be appointed Deputy Superintendent of Public Works." Motion made and 2<sup>nd</sup> to take the matter of the appointment of the Deputy Superintendent of Public Works out of order and to go into executive session pursuant to M.G.L. Ch. 30A, Sec. 21(a)(1) for the purposes of discussing the appointment of the Deputy Superintendent of Public Works, ROLL CALL: Anderson – Yes, Campbell – Yes, Concannon – Yes, Gaffney – Yes, Gately – Yes, Higgins – Yes, Mercer-Bruen – Yes, Tedesco – Yes, Haggerty – Yes, Motion Passes. President Haggerty stated that the City Council would reconvene in regular session following the conclusion of the executive session. The City Council removed from the Council Chamber to the Engineering Conference Room at 7:05 p.m. The City Council returned to the Council Chamber at 7:48 p.m. President Haggerty stated that no action was taken in Executive Session.

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

**MAYOR'S COMMUNICATIONS:**

Motion made and 2<sup>nd</sup> to take the following two matters collectively, all in favor, 9-0.

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A communication dated September 28, 2017 was received from His Honor the Mayor Scott D. Galvin as follows:

Re: 40<sup>th</sup> Annual Mayor's Senior Appreciation Day Dinner

Dear President Haggerty and Members of the Woburn City Council:

On Sunday, November 5, 2017, the 40<sup>th</sup> Annual Mayor's Senior Appreciation Day Dinner will be held at Woburn Memorial High School, starting at 11 a.m. Dinner will be served at noon. It is my pleasure to continue this tradition, which attracts more than 500 Woburn Seniors each year.

In keeping with this Mayoral tradition, I am extending an invitation to all to participate in the dinner by serving our seniors.

Sincerely, s/Scott D. Galvin, Mayor

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

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**PUBLIC HEARINGS:**

On the petition by Jamieson Properties, 627 Main Street, Woburn, Massachusetts 01801 to amend the 1989 Woburn Zoning Ordinances, as amended by adding a Section 31 Federal Street Smart Growth Overlay District (FS/SGOD) in accordance with the purposes of G. L. Chapter 40R as set forth in the Journal of the City Council Regular Meeting of August 15, 2017. PUBLIC HEARING OPENED. A communication dated October 11, 2017 was received from Attorney Joseph R. Tarby, III, Murtha Cullina, LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Proposed zoning map and amendments public hearing: Petition to Amend the 1989 Woburn Zoning Ordinances by adding a new Section 31 (Federal Street Smart Growth Overlay District [FS/SGOD]) and overlaying the FS/SGOD District on 14 and 14R Federal Street

Dear Mr. Campbell:

On behalf of my client Jamieson Properties LLC, I respectfully request that the public hearing scheduled for October 17, 2017 be continued to November 21, 2017. On October 10, 2017 the Planning Board at our request continued its public hearing to November 14, 2017 due to my unavailability for its meeting on October 24, 2017. In addition, I will be meeting with Tina Cassidy, Planning Director, to review the text of the proposed new

Section 31 prior to the Planning Board public hearing on November 14, 2017. If you have any questions, please do not hesitate to contact me. Thank you.

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

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 21, 2017 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor, 9-0.

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On the petition by Jamieson Properties, 627 Main Street, Woburn, Massachusetts 01801 to amend the Zoning Map of the City of Woburn by changing the zoning district for the property located at 14 Federal Street and 14R Federal Street containing approximately 11,325.6 square feet of land from the B-D zoning district to the FS/SGOD zoning district. PUBLIC HEARING OPENED. A communication dated October 11, 2017 was received from Attorney Joseph R. Tarby, III, Murtha Cullina, LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Proposed zoning map and amendments public hearing: Petition to Amend the 1989 Woburn Zoning Ordinances by adding a new Section 31 (Federal Street Smart Growth Overlay District [FS/SGOD] and overlaying the FS/SGOD District on 14 and 14R Federal Street

Dear Mr. Campbell:

On behalf of my client Jamieson Properties LLC, I respectfully request that the public hearing scheduled for October 17, 2017 be continued to November 21, 2017. On October 10, 2017 the Planning Board at our request continued its public hearing to November 14, 2017 due to my unavailability for its meeting on October 24, 2017. In addition, I will be meeting with Tina Cassidy, Planning Director, to review the text of the proposed new Section 31 prior to the Planning Board public hearing on November 14, 2017. If you have any questions, please do not hesitate to contact me. Thank you.

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

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 21, 2017 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor, 9-0.

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On the petition by NStar Electric Company d/b/a Eversource Energy for a grant of right in a way to install one joint occupancy pole 590/4-1x on Brandt Drive southerly side

approximately 484 feet southwest of Willow Street. PUBLIC HEARING OPENED. A communication dated October 13, 2017 was received from Superintendent of Public Works John Duran as follows:

Subject: NStar Petition – Brandt Drive

Pursuant to the request from NStar Electric for the Grant of Right in a Way for the installation of a new pole 590/4-1X on the southerly side of Brandt Drive. I have reviewed the situation in the field and it appears that the pole is being installed to service the new home at 8 Brandt Drive.

I take no exception to this installation as the pole has been pre-marked behind the existing concrete sidewalk in a grass strip and will not interfere with pedestrian traffic in any manner. If any sidewalk panels are disturbed during the installation, they must be replaced with full concrete panels to DPW specifications and in compliance with ADA regulations.

Please feel free to contact me with any questions, concerns or recommendations on this matter.

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Jacqueline Duffy, Right of Way Agent and she stated that the joint occupancy pole will be used to provide electric service to 8 Brandt Drive. Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 stated that he represents the property owner and could answer questions regarding the proposal. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the GRANT OF RIGHT IN A WAY be APPROVED, AS AMENDED with the conditions as follows: 1. Any sidewalk panels that are disturbed during the installation shall be replaced with full concrete panels to Department of Public Works specifications and in compliance with the Americans with Disability Act (ADA) regulations, all in favor, 9-0. **Presented to the Mayor: October 19, 2017 s/Scott D. Galvin October 19, 2017**

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On the petition by Tocci Building Corporation, 660 Main Street, Woburn, Massachusetts 01801 pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57a for a special permit to allow three storage containers at 660 Main Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: “ought to pass, as amended, with the conditions as follows: 1. Storage trailers must be removed after one (1) year; 2. Petitioner must complete the installation of a five (5) foot black aluminum fence approximately twenty-five (25) feet from Lowell Street and repair existing fencing; 3. Fence must be maintained in perpetuity; and 4. The plan dated 8/18/2010 shall be the plan of record.” PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the four conditions recommended by the Committee on Special Permits be adopted as conditions of the special permit, all in favor, 9-0.

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On the petition by C&C Realty Trust, Fred J. Cotreau and John J. Canney, Jr., Trustees, 64 Chestnut Street, Wakefield, Massachusetts 01880 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.5 and 5.1.43 to allow for 2800 cubic yards of fill and for outside storage of building materials and equipment at 6 Draper Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "back for action". Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that he spoke to Alderman Gately, Alderman Mercer-Bruen and the Building Commissioner concerning the matter and has drafted proposed conditions, that the petitioner will take all fill out if the Building Commissioner determines the fill must be removed, that if the fill must be removed it will be removed and if the fill cannot be removed it will be stabilized, that he is not certain whether the Conservation Commission has jurisdiction, that the petitioner will abide by Conservation Commission directions, that the current owner placed the fill on the property about six or eight years ago, and that the Conservation Commission does not tell the petitioner what to do but how to do what may need to be done. Attorney Salvati offered a communication dated October 17, 2017 to the City Council as follows:

Re: C&C Realty Trust, 6 Draper Street

Dear President Haggerty and Aldermen,

If approved, the following are proposed conditions for this Special Permit:

1. Petitioner shall have 60 days from the end of the appeal period to:
  - A. Provided the building commissioner with an analysis from a geotechnical engineering firm regarding the nature of any fill and the stability of any slope created by said fill.
  - B. The petitioner shall remove all fill found unsuitable and regrade any slope on the property found to be unstable to the satisfaction of the Building Commissioner.
2. Within 30 days of the above, petitioner shall file a Notice of Intent for the fill, or the removal of the fill as determined by the Building Commissioner, with the Woburn Conservation Commission, providing proof of same to the City Council and Building Commissioner.
3. The plan of record shall be Plan entitled "On Site Storage Plan" 6 Draper Street by Allan Engineering dated 9/18/17.

Please be advised that the request for outside storage of building materials is withdrawn as that storage is allowed by right for the owner of the property.

Thank you for your attention to this matter.

s/Mark J. Salvati, Esq.

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. Alderman Gately stated that this is the best way to handle this matter, that everyone is protected, and that if there is an issue then the fill must be removed. Alderman Anderson stated that in Paragraph 1A the word “provided” should be amended to “provide”, that he is concerned the Building Commissioner may make one finding and the Conservation Commission may impose a different requirement. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. Petitioner shall have 60 days from the end of the appeal period to: A. Provide the building commissioner with an analysis from a geotechnical engineering firm regarding the nature of any fill and the stability of any slope created by said fill. B. Remove all fill found unsuitable and regrade any slope on the property found to be unstable to the satisfaction of the Building Commissioner.; 2. Within 30 days of the above, petitioner shall file a Notice of Intent for the fill, or the removal of the fill as determined by the Building Commissioner, with the Woburn Conservation Commission, providing proof of same to the City Council and Building Commissioner. Petitioner shall provide the City Council with any Orders of Conditions or rulings by the Conservation Commission within ten (10) days of receipt.; and 3. The plan of record shall be Plan entitled “On Site Storage Plan” 6 Draper Street by Allan Engineering dated 9/18/17, all in favor, 9-0.

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On the petition by Ronchetti Masonry, 6 Draper Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.5 and 5.1.43 to allow: 1. Outside storage of building materials and equipment, 2. Accessory storage trailers, and 3. Accessory parking of commercial vehicle, at 6 Draper Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: “back for action”. Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that the petitioner is a tenant at this location, that the outside storage of the property owner does not require a special permit and was withdrawn, that the tenants outside storage does require a special permit as does the storage trailer and accessory parking, that the petitioner was operating the business out of the trailer for some time, that the petitioner is negotiating with the landowner for an addition to the property, that the petitioner is seeking a special permit for the storage trailer for one year, that screening is not needed, that the petitioner has five small masonry dump trucks parked outside, that the trucks leave the site at the beginning of the day and stay at the job site unless additional supplies are needed from the locus, that there is outside storage of stone, loam and sand in bays, that the hours of operation are Monday through Saturday 7:00 a.m. to 5:00 p.m., that the petitioner has four storage containers, that there were five storage containers but the petitioner disposed of one, that the dump trucks are already parked on the locus, that the petitioner has no objection to a prohibition of the petitioner’s trucks from traveling on Nashua Street, and that the petitioner’s company name is on the trucks. Attorney Salvati offered a communication dated October 17, 2017 to the City Council as follows:

Re: Ronchetti Masonry, 6 Draper Street

Dear President Haggerty and Aldermen,

1. The 4 containers shall be removed within 1 year of the date of approval.
2. Outside storage of building materials owned by Petitioner will be allowed only in areas as shown on the plan of record. The requirement for screening of materials is waived based on the current natural screening.
3. Petitioner shall be allowed to park up to 5 commercial vehicles overnight. All vehicles are to be registered in the City of Woburn.
4. The plan of record shall be Plan entitled "On Site Storage Plan" 6 Draper Street by Allan Engineering dated 9/18/17.

Thank you for your attention to this matter.

Very truly yours, s/ Mark J. Salvati

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. Alderman Mercer-Bruen stated that she does not want the petitioner's trucks traveling on Nashua Street, that after one year the storage trailer special permit will expire and the storage trailer must be off the site by that time, and that she wants a condition that the name of the petitioner's company be on the trucks so that the vehicles can be identified if they drive on Nashua Street. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. The four (4) containers shall be removed within (1) year of the date of approval.; 2. Outside storage of building materials owned by Petitioner shall be allowed only in areas as shown on the plan of record. The requirement for screening of materials is waived based on the current natural screening.; 3. Petitioner shall be allowed to park up to five (5) commercial dump truck vehicles overnight. All vehicles are to be registered in the City of Woburn and the dump truck shall be clearly marked with the petitioner's name.; 4. The plan of record shall be Plan entitled "On Site Storage Plan" 6 Draper Street by Allan Engineering dated 9/18/17; 5. The hours of operation shall be Monday through Saturday between 7:00 a.m. and 5:00 p.m.; 6. The petitioner agrees not to use the portion of Nashua Street when entering or leaving Draper Street; and 7. The words "dated 9/18/17" shall be added after the words "plan of record" in Condition 2, all in favor, 9-0.

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Motion made and 2<sup>nd</sup> to take the following matter out of order, all in favor, 9-0.

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On the petition by Alderman Edward Tedesco concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as West Street and identified on Assessors Map as parcel 23-05-37, Woburn, Massachusetts, for the purposes of determining whether said structure or structures are a public nuisance, a nuisance to the neighborhood, a dilapidated or

dangerous building or other structure, as said terms are used in Massachusetts General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. PUBLIC HEARING OPENED. Alderman Tedesco stated that there are neighbors who want to discuss this matter, and that the property owner is not in attendance. PUBLIC COMMENTS: William Barry, 2 West Street stated that his property abuts the locus, that he has resided in his home for thirty years, that a number of years ago he was asked by a neighbor if he was interested in cleaning the locus between their two homes, that they worked on the lot until it was down to grass and looked nice, that the two neighbors continued to maintain the property and moved the lawn, that when a field to the rear was being renovated he asked the owner of the locus if he would sell the 5,000 square foot parcel for \$5,000.00, that property owner declined stating that he locus was worth \$35,000.00, that he told the property owner that the lot was not buildable, that he continued to maintain the locus, that the property owner erected a fence around the locus and told him to stay off the property, that the trees and weed grew until the lot was back to its former condition, that a large branch from a tree on the property knocked down utility wires requiring a response by public safety officials, that he is concerned that a large pine tree on the lot could fall onto his property, that the neighbors have been good, and that it is not fair for the locus to remain in its condition. President Haggerty stated that he visited the property, that he concurs with the comments of the neighbors regarding the condition of the property and their concerns about their own property, and that the neighbor's property should not be put at risk. Alderman Tedesco stated that there is not structure on the property. Alderman Gately stated that this is a sliver lot, that the lot cannot be used for any purpose, and that the neighbors should nto have to bear the poor condition of the property. Alderman Tedesco stated that there are branches hanging over the neighbor's property from the locus. Alderman Anderson stated that the neighbors can cut those branches under the law. Alderman Tedesco stated that the fence is rotted, and that he wants to send a communication for remedial action to the property owner. Alderman Concannon stated that these requests are only contained in a communication but can be part of further action. Alderman Anderson stated that the communication is coming from a governmental body and therefore the City Council must be careful. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO NOVEMBER 21, 2017 and that a communication be sent to the property owner requiring the following: 1. That the wooden fence around the property be removed; 2. That the large pine tree on the property be removed; 3. That all garbage and debris be removed from the property; 4. That all shrubbery hanging over neighboring property be trimmed back; 5. That any dead trees be removed; and 6. That the property owner submit a maintenance schedule for the property to the City Council, all in favor, 9-0.

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On the petition by 36 Cabot Road LLC, 36 Cabot Road, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.30b, 5.1.42, 9 and 12 to allow construction of new building containing approximately 49,600 square feet of gross floor area more or less for 1. Wholesale establishment, warehouse and distribution use (approximately 17,360 square feet of gross floor area, more or less), 2. Office use (approximately 24,800 square feet of gross floor area, more



or less), and 3. Light manufacturing use (approximately 7,440 square feet of gross floor area, more or less), at 32 Cabot Road. PUBLIC HEARING OPENED. A communication dated October 12, 2017 was received from Tina P. Cassidy, Planning Board Director as follows:

Re: Special permit application of 36 Cabot Road LLC for Mixed-Use Development at 32 Cabot Road

Dear Council:

The Planning Department has reviewed the application and plan which seeks special permits (a) to operate office space with more than 15,000 sq. ft. of gross floor area (Section 5.1[30b]); (b) for a wholesale establishment-associated warehouse and distribution center (Section 5.1[42]) and (c) Section 9 (Floodway and Flood Plain District). The applicant is also requesting Site Plan Review in accordance with Section 12.

Planning staff offers the following comments and questions for consideration:

1. The property is zoned Industrial Park (I-P), which allows the aforementioned uses by City Council special permit. The applicant's *Exhibit A* indicates the developer's intention to construct a new 49,600 sq. ft. building on the parcel; 24,800 sq. ft. of the building would be used for office space, 17,360 sq. ft. would be used for a "wholesale establishment, warehouse and distribution use", and approximately 7,440 sq. ft. of the new building would be used for light manufacturing.

However, page four of the *Development Impact Statement* (DIS) indicates the project involves the construction of a building about half that size (24,800 sq. ft.), and for different uses (office and warehouse building with no mention of manufacturing). The plan contains references to both measurements – a notation on Sheet C-2 indicates the building's size will be 24,800 sq. ft., but the "Off-Street Parking Summary" on the same sheet says the building will contain a total of 49,600 sq. ft.

Planning staff obviously recommends the discrepancies be corrected and the DIS and plan revised if/as needed to reflect the corrections.

2. Exhibit A filed with the Petition states that uses will include a "wholesale establishment, warehouse and distribution use". In connection with similar applications filed in the recent past, it has been determined that warehouse and distribution uses must be associated with a wholesale operation. Warehouses/distribution centers for retailers like Target and Lowes, or a UPS/FedEx distribution facility, would not be permitted by Section 5.1(42). There is no information in the application identifying or describing the proposed warehouse/distribution tenant. Has the Building Commissioner been consulted to determine if the proposed "warehouse/distribution" use/tenant will in fact meet the definition of "Wholesale Establishment, Warehouse and Distribution Center"?

3. Based on the review of the applicant's off-street parking summary found in the plan set, 190 standard (9' x 18') parking spaces, as well as 6 handicapped-accessible (8' x 18' as per plan) parking spaces are proposed, whereas the number of parking spaces required by the Zoning Ordinance is 112. The number of proposed parking spaces appears to exceed the minimum number required by the zoning ordinance and the dimensions of the standard parking spaces conform to the requirements. However, the proposed accessible parking spaces do not meet the dimensional requirements of Section 8.4.1.2(b).
4. It appears that three loading bays will be required in accordance with Section 8.7.1 (one for the wholesale and storage use, one for the manufacturing use and one for the office use). The plan depicts only one double-bay loading dock. Although Section 8.7.6 allows for a reduction in the total number of required bays by City Council Special Permit, Planning staff saw no reference to a special permit request of this kind in the application.
5. The application is devoid of information relative to the operation of the proposed uses and the expected traffic resulting from them. If this project is in fact larger than 25,000 sq. ft. it will meet the threshold for submission of a traffic study under Section 19. The DIS is supposed to contain a Traffic Impact Assessment but does not (the two sentences about traffic on page 7 of the DIS are non-responsive to the requirement). There are many questions to ask with respect to traffic: How many employees will work on the site on a typical day and what tasks will they be performing (i.e. office support staff, mechanics, drivers, etc.)? Will delivery vehicles be stored on site or overnight, and if so, how many are anticipated and what are their dimensions? How much truck traffic is expected during the week, on weekends, and at what hours? If any deliveries will be made by employees, has sufficient parking been included on the site plan to accommodate their personal vehicles while they make deliveries off-site in company vehicles? Has the Fire Department been consulted with respect to the proposed fire truck turning plan, specifically on the issue of access into, around and out of the property?

ADA-accessible concrete sidewalks and curbing appear to surround the proposed office/warehouse structure, although further consideration may be warranted to better identify pedestrian movements within the parking lot area.

6. According to the City's GIS-mapping and the grading and drainage plan (sheet C-3 of the submitted plan set), the subject parcel lays entirely either within an area of a flood zone or an area of minimal flood hazard and within the State-jurisdictional 100-ft. buffer of a 100-year flood plain. As a consequence, the applicant must file a Notice of Intent with the Conservation Commission, which is noted as "pending review" in the DIS. In addition, a Notice of Intent is "to be filed" by the applicant with the US Environmental Protection Agency (EPA) relative to a National Pollution Discharge Elimination System.

We defer to the Engineering Department with respect to comments on the DIS and drainage report.

In compliance with Section 9, the Petitioner has submitted a FEMA Flood Insurance Rate Map (FIRM), of the property included in the drainage report. As this proposal constitutes new construction, the Petitioner must clearly demonstrate the ground level around the new facility, and extending 25-ft. outward “shall be raised as necessary so that no part of the ground level area so defined, shall be below the elevation shown on the FIRM” (Section 9.6.2.2)

7. With respect to waste disposal, page 18 of the DIS says the tenant “...*will use on-site screened dumpsters located at the rear of the building for management of waste materials.*” Planning staff did not see on the plan reference to any exterior refuse areas or screening provisions that would be required around them. If the DIS is accurate, the locations and screening provisions of/for each waste storage area should be added to the plan. If instead the waste material will be stored inside, the building floor plans should be revised to show these locations.
8. Page 18 of the DIS references the future preparation and implementation of a Solid Waste Management and Recycling Plan. Should the City Council reserve itself the right to review and approve of that plan before it is implemented?
9. Section 18.7 (Traffic Safety and Infrastructure Fund) references the need for the applicant to provide the City with a current estimate of “total development costs” as defined in Section 18. Planning staff did not find that information in the submitted materials.

If you have any questions relative to this communication, please do not hesitate to contact me.

Respectfully, s/Tina P. Cassidy, Planning Board Director

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the property is located in the IP zoning district, that the proposal is for a 49,600 square foot two-story building, that there will be 196 parking spaces, that the proposal meets all the dimensional and parking requirements in the Woburn Zoning Code, that this is a speculation building, and that when completed the proposal will generate additional real estate tax as well as personal property tax from the building tenants for the city, that mitigation has not been determined, that once authorized by the landowner a traffic impact study will be prepared, and that 4 Presidential Way was constructed as a speculation building and a traffic report was prepared for that project. Tim Williams, Allen and Major Associates, Inc. 100 Commerce Way, Woburn, Massachusetts 01801 stated that the building will have a 24,800 square foot footprint, that there are two stories which results in the 49,600 gross floor area total, that the landowner is working under an

agreement with the Environmental Protection Agency (EPA), that the EPA used the property as a staging area for the former Lake Mishawum remediation, that the agreement with the EPA was that when the work was completed they would leave three acres of upland for the petitioner, that two pocket wetlands were created which cause some constraints, that the work was in conjunction with the Well G and H and Lake Mishawum remediation, that the as-built plans show three acres of upland and the resource areas, that the EPA did in fact deliver three acres outside the floodplain, that the land was all formerly in the floodplain, that there are two curb cuts off Cabot Road, that the loading dock will be at the rear of the building, that there will be 196 parking spaces, that 112 parking spaces are required for the anticipated use of the building, that there is excess parking available, that there is a habitat restoration area, that a drainage system has been developed, that the site is subject to a Conservation Commission Order of Conditions, that the site is out for peer review with the Conservation Commission, that stormwater is being captured from the roof and being infiltrated, that the proposal allows for the back parking lot to sheet flow down to Lake Mishawum, be cleaned and flow into the wetlands, that a full landscape plan has been provided, that the landscape plan will work in harmony with the wetlands and habitat restoration area, that it is expected the Conservation Commission will heavily vet the landscape plan, that there cannot be a discharge back into Lake Mishawum, that the stormwater will be sent to the wetlands, that the petitioner is familiar with the process of obtaining EPA approval for construction in this area, that no light from the fixtures will spill off the site into the wetlands, habitat restoration area or Lake Mishawum, that snow cannot be stored near the wetlands, that some islands and other spots on site have been identified for snow storage, that when the amount of snow reaches a certain level the excess snow will be removed from the site to a registered disposal facility, that trucks can access the site, that loading docks are at grade, in addressing the issues raised by the Planning Department he stated that there is currently no tenant for the site, that standard parking stalls for handicap accessibility are eight feet wide with a five foot access next to it, that the parking was calculated for the intended uses of the building, that there will not be three separate uses, that the office use is associated with the manufacturing use, that two loading docks are required and supplied, that he is waiting to hear from the developer if a traffic impact report is required when an end user is not known at this time, that the three acres are not within the floodplain, that dumpster will be located on site and included on the plan, that the dumpster is enclosed, that a solid waste and recycling plan will be provided if needed, and that the developer wants 196 parking spaces although only 112 parking spaces are needed. President Haggerty stated that a lot of pavement is proposed with the excess parking, and that if the parking can be reduced to create more greenspace he would prefer this. Alderman Gately stated that he wants the curbing on the lot to be made of five inch granite, that he is concerned about the sewer line, and that the drainage systems appears to be sufficient to satisfy the needs of the property. Alderman Mercer-Bruen stated that because there is no proposed tenant she wants to know how a traffic study could be performed, that traffic conditions will be different for different tenants, and that the traffic could be significantly different depending upon the particular uses. Alderman Anderson stated that the special permit could be conditioned on requiring future uses of the property be subject to the special permit. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR

MEETING OF THE CITY COUNCIL ON DECEMBER 5, 2017 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

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Motion made and 2<sup>nd</sup> to take the appointment of the Deputy Superintendent of Public Works out of order, all in favor, 9-0. On the appointment of the Deputy Superintendent of Public Works. A report was received from the Committee on Personnel as follows: “That Leonard Burnham, Jr. of 12 Tedesco Drive, Woburn, Massachusetts be appointed Deputy Superintendent of Public Works.” Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, 6 in favor (Anderson, Campbell, Concannon, Mercer-Bruen, Tedesco, Haggerty in favor), 2 opposed (Gaffney, Gately opposed), 1 abstained (Higgins abstained). Having received a majority of the votes cast, Leonard Burnham of 12 Tedesco Drive, Woburn, Massachusetts is appointed Deputy Superintendent of Public Works. Motion made and 2<sup>nd</sup> to return to the regular order of business, all in favor, 9-0.

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On the petition by Lionano Inc., 1 Broadway, 14<sup>th</sup> Floor, Cambridge, Massachusetts 02142 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.41 to allow a research and testing laboratory at 195 Presidential Way. PUBLIC HEARING OPENED. A communication dated October 10, 2017 was received from Dan Orr, City Planner/Grant Writer as follows:

Re: Planning Department comments on special permit application for 195 Presidential Way/Lionano, Inc.

Dear Council:

The Planning Department has reviewed the above-referenced Special Permit application submitted by the Lionano Inc., which requests permission to operate a Research and Testing Laboratory facility (Section 5.1 [41]) at the above-referenced address. The property is zoned IP-2 and therefore such use is allowed by City Council Special Permit. The Petitioner intends to lease floor space in an existing building and as a result indicates no exterior construction activity is proposed.

Planning staff has several recommendations:

- The applicant should provide a floor plan of the building detailing the size and location of the space it intends to occupy as well as any other leased spaces in the building, in a general fashion. At present, the application merely describes the intended space as “small”, with no specifics as to the physical size or location of the area Lionano would occupy.
- The applicant should also provide parking calculations to demonstrate that the property will conform to the parking requirements of the Zoning Ordinance, taking into account all tenants on the site.

- The Building Inspector should confirm that the customary building permit review process will provide adequate review of all Code-related issues that may be specific to the type of materials that will be used in the research and testing process.

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

Respectfully, s/Dan Orr, City Planner/Grant Writer

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Alex Yu, CEO and he stated that the company is located in Cambridge and is associated with Cornell University, that his is a chemist and holds a PhD, that the company will move to the first floor of the building in an area that was formerly the cafeteria in the building, that the spaces will be ready by April 2018, that the petitioner employs chemist, that this is a young company, that the employees have over 100 years of combined experience as chemists, that Woburn is a Grade A location to lease space and is affordable, that the petitioner will perform research and development at the locus, that the property is located in the IP-2 zoning district, that the business will occupy 10,833 square feet of the building with 5,300 square feet lab area, 4,300 square feet for office use and 1,200 square feet for a dry room, that there will be no additional exterior construction, that work is being done in the building to prepare the lab, office and dry room, that an air conditioner and dehumidifier will be placed on a concrete pad, that there is abundant parking at the locus with 35 parking spaces assigned to the petitioner, that waste will be disposed by a contractor, that egress and lighting are adequate, that the research regards lithium batteries, that employees will receive OSHA training, that the petitioner will manufacture battery cells, that the process is completed in the dry room with low humidity to avoid contamination, that the cells have never combusted, that battery failure is one in ten million, that safety training and a specialized fire extinguisher will be provided, that the procedures and scope of work within the building will be no different than other battery research facilities that have moved to Woburn from Cambridge, that there are no biological agents or radioactive materials used in the process, that there will be a fire suppression system that takes into consideration the dry room characteristics, that the petitioner is fully committed to keeping the work area safe, that the building has evacuation ready exits, that the petitioner has a life safety program, that permits have been obtained for the use, that the building has a waste neutralization system in place, that the petitioner anticipates having fifteen employees by next year, that the petitioner is engaged in research and development but not manufacturing of batteries, that the facility has to be certified by OSHA before chemical research can begin, the office hours will be normal office hours, that the research hours will be extended depending upon the research being conducted, that the company has a buddy system requiring two people to be in the lab at any given time or work cannot be conducted, that the office hours will be 9:00 a.m. to 5:00 p.m., and that the lab hours will be 8:00 a.m. to 8:00 p.m. Mr. Yu offered a document to the City Council for review. Motion made and 2<sup>nd</sup> that the document be received and made part of the record, all in favor, 9-0. Michael Carli, Alexandria Real Estate Equities, Inc.,

400 Technology Square, Suite 101, Cambridge, Massachusetts 02139 stated that his company is the landowner, that the building already has airlocks, that ArQule was formerly located at the building and had airlocks, that there will be approximately ten other biomedical or chemical companies located in the building that all contract with Veolia for disposal of waste materials, that ArQule was in the building previously and this area was used for their cafeteria space, that the cafeteria is no longer needed, that there is sufficient parking for this building and for any additional building that may be constructed on this campus, that the Richardson Group in Hopkinton, Massachusetts is doing the build out of the unit and has expertise in lab build outs, that page 7 of the document provided is an accurate reflection of the floor plan, and that a demolition permit has been obtained from the Building Department to begin the work. A company representative whose name was inaudible stated that the petitioner is not a battery manufacturer, that there will not be a significant amount of lithium on site, that the process does not generate a lot of waste, that this is a university lab setting, that the petitioner will collect the waste and hire a waste disposal company, and that there is only a couple of liters of lithium on site not drums. Cass Buckley, Benchmark Safety Services, Inc. stated that there will be no drums with chemicals on site, and that a small quantity generator will be licensed for the facility. Alderman Gately stated that he is concerned about the plan for airlocks and about the volatility of lithium, and that it is important for the city to know what will be in the building for public safety and public safety officers interests. Alderman Anderson stated that with fifteen employees and thirty-five parking spaces this appears to be sufficient parking. President Haggerty stated that the property owner has brought good tenants to this building, and that these companies create good jobs for the community. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, all in favor, 9-0.

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**CITIZEN’S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**FINANCE:**

On the Order to transfer the sum of \$125,000.00 from Fire/BLS Ambulance Acct to Fire Ambulance Salary Acct, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: October 19, 2017                      s/Scott D. Galvin October 19, 2017**

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On the Loan Order to authorize the appropriation of \$1,000,000.00 for the costs of constructing a playground on the site of the former Clapp School, committee report was received “ought to pass”. Alderman Anderson stated that he cannot support \$1,000,000.00 for a park, that he supports the grant process, and that the city should use cash for the project rather than borrowing. Alderman Gately stated that the building has

to come down, that trying to tie the playground to the demolition of the building is wrong, that obtaining grant money is fine but the building must come down, that there should already have been a Request for Proposals for the demolition of the building, that the utilities to the building should be cut off, that there is nothing to delay the demolition of the building, and that the order has been given. President Haggerty stated that if the City Council supports the Loan Order it lets the Mayor know how the park will be built out. Alderman Mercer-Bruen stated that she is concerned about the \$1,000,000.00 but the city has a good track record on receiving grants, that she does not want there to be just a hole in the ground, that the park should be available for everyone in the city, and that she is confident that the city will get at least one grant. Alderman Gately stated that approving the Loan Order for \$1,000,000.00 does not stop the demolition of the building. Alderman Campbell stated that there is no correlation between the park and the demolition of the building, that there is no need to discuss as there is agreement that the building must be demolished, that she wants the Mayor to move forward with the demolition of the building, that October 15, 2017 was the deadline in the Special Act for the demolition of the building, that there will not be just a hole at the property as the foundation will be filled and the land restored to its natural state, that there has been some discussion with the Attorney General to ensure that the Mayor moves forward with the demolition, and that the building will be demolished and the city will move forward with the park project. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, 8 in favor, 1 opposed (Anderson opposed), 0 absent.

**Presented to the Mayor: October 19, 2017                      s/Scott D. Galvin October 19, 2017**

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**NEW PETITIONS:**

Petition for renewal of First Class Motor Vehicle Sales License by Northeast Tree, Inc. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

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Petition for renewal of Second Class Motor Vehicle Sales License by Southside Associates, Inc. dba Burke's Garage; Robert McSheffrey dba Bob McSheffrey Auto Sales; Woburn Gas & Service, Inc.; Donald J. Socorelis dba Woburn Glass Co.; and Abdelaziz Ilaj dba Woburn Motor Sports. Motion made and 2<sup>nd</sup> that the MATTERS be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

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Petition for renewal of Third Class Motor Vehicle Sales License by Woburn Truck and Auto, Inc. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

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A communication dated October 4, 2017 was received from Jim Amatucci, OL Fresh, LLC, 307 Main Street, Woburn, Massachusetts 01801 as follows:



Re: Request for approval to update fast food concept

I am writing to request an update/clarification to OL Fresh, LLC's Special Permit to operate a fast food restaurant. The Special Permit granted to OL Fresh, LLC to operate a fast food restaurant at 307 Main St. in Woburn Center was used to operate a frozen yogurt store under the Orange Leaf Frozen Yogurt brand. The new concept we are looking to operate at the same location will be called ETHOS. We look to continue with soft serve and wish to add the following: Hard ice cream, hot soup, panini sandwiches, breakfast foods, coffee and salads.

We feel that the conversion from an Orange Leaf to ETHOS will create a better fit for the community by providing more food options to the Woburn Center area.

Thank you for your consideration.

Sincerely, s/Jim Amatucci

Motion made and 2<sup>nd</sup> to suspend the rules to hear from Jim Amatucci regarding his communication, all in favor, 9-0. Appearing was Jim Amatucci and he stated that he closed the Orange Leaf business, that the business was too seasonal, and that he has a new concept with an expanded menu. President Haggerty stated that the condition in the special permit relative to fast food was whether the special permit could be transferred for a use or for the individual. Alderman Anderson stated that he is disappointed that the Orange Leaf closed, that the proposed use will fill a need in Woburn Center particularly at that end, and that the property cannot be left vacant. Alderman Gately stated that the reference to fast food did not mean an operation such as McDonald's or Kentucky Fried Chicken, and that the menu of ice cream, hot soup, panini sandwiches, breakfast foods, coffee and salads is acceptable. Mr. Amatucci stated that the hours will be the same as listed in the special permit, and that at some point he may ask to extend the hours. President Haggerty stated that the hours for opening could be changed to 7:00 a.m. Alderman Gately stated that he supports opening hours of 7:00 a.m. Alderman Anderson stated that the special permit is for OL Fresh, LLC, and that changing the hours seems to be more than a minor modification. Motion made and 2<sup>nd</sup> that a communication be sent to the Building Commissioner stating that the City Council reviewed the special permit issued to OL Fresh, LLC on January 9, 2014 and that the fast food use includes hard ice cream, hot soup, panini sandwiches, breakfast foods, coffee, salads and accompanying complimentary goods and items and that the hours of operation shall be Sunday through Thursday 7:00 a.m. to 10:00 p.m., and Friday and Saturday 7:00 a.m. to 11:00 p.m., all in favor, 9-0.

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A communication with attachment was received from Hugo Moraes, 1 Middlesex Canal Park, Woburn, Massachusetts 01801 as follows:

We seek a minor modification to change plan and the alternative to get a first reading.

When we applied for the interior application permit for 434 Main Street, Building Commissioner Thomas Quinn noted that the “as-built” plan differed from the original special permit plan. His suggestion to resolve the problem was to go back to the City Council for their approval. The changed is noted on the site plan dated September 13, 2017 with the original plan attached for comparison. The changed allowed for the enclosure of the second means of egress from the second and third floor and to add space for a future elevator if necessary.

In closing, we can assure you that the building, with the alterations, is within full compliance with the city’s zoning ordinances for the setbacks and lot coverage.

s/Hugo Moraes

Attached thereto was the following: Petition by Hugo Moraes, 1 Middlesex Canal Park, Woburn, Massachusetts 01801 pursuant to 1985 Woburn Zoning Ordinances, as amended, for a special permit to amend a special permit issued December 24, 2015 by amending Condition 11 to read as follows: “Unless otherwise authorized, all construction shall conform to the Plan of Record which for this project shall be “As-Built Plot Plan, Map 51, Block 5, Lot 9, 434 Main Street Woburn, Massachusetts; Prepared for 434 HM, LLC; Prepared By: Griffin Engineering Group, LLC 495 Cabot Street, 2<sup>nd</sup> Floor Beverly, MA 01915 (978) 927-5111; Dated September 13, 2017; Scale: 1’’=20’”, at 434 Main Street. Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. Motion made and 2<sup>nd</sup> to suspend the rules for the purposes of hearing from Hugo Moraes, all in favor, 9-0. Appearing was Mr. Moraes and he stated that he wants to amend the site plan of record, that he enclosed the second egress but could not obtain a building permit because the work was different than what was in the original plan, that the 2015 plan had an exterior second egress, and that the 2017 plan shows the work enclosing the staircase. Steven Paris, 3 Fisher Terrace stated that the 2015 plan was filed with the original plan, that under Condition 11 of the special permit the plan must be revised, and that the petitioner cannot obtain the building permit without the revision. Motion made and 2<sup>nd</sup> that a MINOR MODIFICATION be GRANTED FOR THE SPECIAL PERMIT ISSUED DECEMBER 24, 2015 TO HUGO MORAES by amending the Condition 11 to read as follows: 11. Unless otherwise authorized, all construction shall conform to the Plan of Record which for this project shall be “As-Built Plot Plan Map 51, Block 5, Lot 9 434 Main Street Woburn, MA; Prepared for HM, LLC”; Prepared By: Griffin Engineering Group, LLC 495 Cabot Street, 2<sup>nd</sup> Floor Beverly, MA 01915 (978) 927-5111; Dated September 13, 2017; Scale: 1’’=20’”, all in favor, 9-0.

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Petition by Madison Woburn Holdings LLC, 333 Newbury Street, Suite 201, Boston, Massachusetts 02116 pursuant to 1985 Woburn Zoning Ordinances, as amended, for special permits and site plan approval to amend special permit issued August 11, 2015, as amended by special permit issued July 14, 2016 as follows: 1. Special Permit pursuant to section 5.1.20a to allow for a Mixed Use Hotel/Restaurant Use; 2. Special Permit

pursuant to section 8.7.6 to allow for a reduction in off street loading requirements; 3. Special Permit pursuant to section 5.1.29 to allow for fast food restaurant; 4. Site Plan Approval pursuant to Section 12.2.1 to allow for a fast food restaurant; 5. Special Permit pursuant to section 5.1, Note 16 to allow hours of operation for the fast food restaurant beyond 11:00 p.m.; and 6. Amended site plan which includes eight (8) Tesla charging stations and related equipment, at 369 Washington Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by Lord Hobo Brewing Company, 5 Draper Street, Woburn, Massachusetts 01801 pursuant to 1985 Woburn Zoning Ordinances, as amended, for special permits as follows: 1. Pursuant to Section 5.1.42 to allow for warehousing; 2. Pursuant to Section 5.1.57b to allow parking of commercial vehicles; and 3. Pursuant to Section 7.3 to allow alteration of a pre-existing nonconforming structure to add a canopy over the loading dock and refrigeration equipment outside of building, at 8 Draper Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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### **COMMUNICATIONS AND REPORTS:**

A communication dated September 29, 2017 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 meeting for the month of September 2017. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication dated October 5, 2017 with attachments was received from City Solicitor Ellen Callahan Doucette relative to a mandatory pre-screening conference in the matter of NAI Entertainment Holdings LLC v. Michael Anderson, et al, Middlesex Superior Court No. 17-MISC-000162. Alderman Anderson stated that he told the City Solicitor he can attend the conference, and that any other Alderman can do so as well. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication dated October 4, 2017 was received from Thomas C. Quinn, Jr., Building Commissioner as follows:

Re: Woburn Municipal Code Title 15 Article VIII 15-42

Dear Members of the Council:

With regard to the above referenced section of the Woburn Municipal Code, I submit the following quarterly nuisance report for the period of July 1, 2017 – September 30, 2017.

There have been no properties that have required any action within the time frame specified above.

If you have any questions as always do not hesitate to contact me.

s/Thomas C. Quinn, Jr., Building Commission, City of Woburn

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

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A document entitled Strategic Plan 2017-2020 was received from the Woburn Public Library. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication dated September 26, 2017 was received from Deborah Davis, School Committee Chair, Northeast Metropolitan Regional Vocational School District, 100 Hemlock Road, Wakefield, Massachusetts 01880-3597 as follows:

Dear Mr. Haggerty,

The Northeast Metropolitan Regional Vocational Technical School District Committee at its August 10, 2017 meeting, in accordance to Massachusetts General Law Chapter 71 Section 16G½, by a majority of all the members of the regional district school committee, voted unanimously to establish a Stabilization Fund.

Chapter 71 Section 16G½ of the Massachusetts General Laws also requires the approval of the establishment of a Regional School District Stabilization Fund by a majority of the local appropriating authorities (City Councils or Town Meetings) of the member municipalities. As a fiscally responsible regional school district, the primary purpose of a stabilization fund is to allow the Northeast Metropolitan Regional Vocational Technical School District a method to have money available for both expected and unexpected capital expenses, and to avoid the need for further borrowing by member municipalities.

Attached hereto is an Advisory from the Department of Elementary and Secondary Education detailing the rationale for establishment of said fund. Northeast seeks no funding at this time for the Stabilization Fund. Any funding will be requested through our normal annual budget process.

Therefore we seek inclusion of the following for consideration by either the City Council/Town Meeting at its upcoming meeting:

Warrant Article:

To determine whether the Town of (City/Town) of (Name of Municipality) will vote to approve the Northeast Metropolitan Regional Vocational Technical School District Committee's vote on August 10, 2017 to establish a Stabilization Fund, pursuant to Section 16G½ of Chapter 71 of the Massachusetts General Laws, said Stabilization Fund to be invested and to retain its own earnings as provided by law and further set up an operational line item to be created to transfer available monies into said Stabilization Fund or take any other action relative thereto.

We look forward to providing additional information at any hearing you may establish prior to taking action. Please contact Northeast Superintendent David DiBarri to coordinate any presentation your community may request.

Thank you in advance for your continued and valued support of the Northeast Metropolitan Regional Vocational School District.

Sincerely, s/Deborah Davis, School Committee Chair

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON FINANCE and that School Committee Member Deborah Davis be invited to attend the meeting as well as anyone that she feels needs to attend the meeting to explain the request, all in favor, 9-0

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

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**APPOINTMENTS AND ELECTIONS:** None.

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**MOTIONS, ORDERS AND RESOLUTIONS:**

RESOLVED That in order to improve public safety the Superintendent of Public Works be directed to resurface the existing sidewalk along the west side of Garfield Avenue from the intersection with Belmont Street to the intersection with Playstead Avenue and to install handicapped accessible crosswalk ramps where necessary.

s/Alderman Gately

Motion made and 2<sup>nd</sup> that the RESOLVE be ADOPTED, all in favor, 9-0.  
**Presented to the Mayor October 19, 2017 and ten days having elapsed without same being approved, said Resolve became effective without his signature on October 31, 2017.**

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RESOLVED Whereas on June 7, 2016, the City Council adopted a resolution requesting that a street light be erected between 7 and 9 Abbott Court West at the end of the cul-de-sac to improve public safety in the area; and

Whereas, a utility pole is located in that area which would be sufficient for the placement of the street light; and

Whereas, no action has been taken to address the concerns raised in the resolution adopted by the City Council on June 7, 2016;

Now, therefore, Be It Resolved that the Superintendent of Public Works erect a street light on the utility pole between 7 and 9 Abbott Court West at the end of the cul-de-sac to improve public safety.

s/Alderman Gately

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

**Presented to the Mayor October 19, 2017 and ten days having elapsed without same being approved, said Resolve became effective without his signature on October 31, 2017.**

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President Haggerty stated that a letter regarding his appointment as Deputy Superintendent of Public Works should be sent to Leonard Burnham as required by City Council Rule 34. Motion made and 2<sup>nd</sup> that the City Clerk send a letter to Leonard Burnham pursuant to City Council Rule 34 regarding his appointment as Deputy Superintendent of Public Works, 8 in favor, 1 opposed (Gately opposed).

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Motion made and 2<sup>nd</sup> to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:37 p.m.

A TRUE RECORD ATTEST:

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