

**CITY OF WOBURN
OCTOBER 30, 2007 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

| | |
|---------|--------------|
| Denaro | Gately |
| Drapeau | Gonsalves |
| Dwyer | Mercer-Bruen |
| Galvin | Doherty |

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE, all in favor, 8-0.

The City Council observed a moment of silence for John Marlowe, the Chair of the Woburn Redevelopment Authority, who passed away.

Motion made and 2nd to suspend the rules for the purposes of hearing from the State legislative delegation and members of the Human Rights Commission, all in favor, 8-0.

Appearing were State Senator Patricia Jehlen, State Representative Jay Kaufman and State Representative Patrick Natale and they presented Senate and House resolutions to members of the Woburn Police Department for their efforts to improve conditions in the Campbell Street area.

Appearing was Mayor Thomas McLaughlin and Jose Santiago, Chair of the Woburn Human Rights Commission and a copy of the by-laws of the commission were submitted to the City Council. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0.

Motion made and 2nd to return to the regular order of business, all in favor, 8-0.

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$20,500.00 be and is hereby transferred as so stated from Altavesta Window Replacement Acct #0112158-586542 \$8,965.82, Altavesta Asbestos Abatement Acct #0112158-586543 \$7,828.51, Joyce Painting Acct #0112158-586563 \$3,705.67, Total \$20,500.00 to Mayor –

Ice Rink Acct #0112158-582053 \$20,500.00. Purpose: To replace front doors with handicap accessibility at O'Brien Ice Rink.

I hereby approve the above: s/Thomas L. McLaughlin, Mayor
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Doherty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 8-0.

PUBLIC HEARINGS:

Motion made and 2nd that the public hearings on the next two matters be held collectively, all in favor, 8-0.

On the petition by Woburn Armory LLC, 286 Main Street aka 300 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.69 and Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for change, extension and alteration of the Woburn Armory building to allow twenty-five (25) residential dwelling units at 286 Main Street aka 320 Main 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 Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the Planning Board gave this a favorable recommendation and he read the Planning Board recommended conditions, that there will be a mitigation payment of \$100,500.00, that it will be several years before the property will be occupied, that this is historical property, and that it will take some care to complete the project. Steve Hurley stated that he is architect for the project, that the proposed addition will be lower in height than the existing drill shed, that the existing hemlock trees at the rear of the property will be removed, that the utility company will have final jurisdiction over the location of the utility box, that it is planned to have the utility box along Myrtle Street, that the utility company needs access from the street or a driveway for the utility box, and that the utility company will decide the location. Mr. Hurley offered three documents to the City Council for review marked as follows: Armory Conditions: Existing/Proposed Site Conditions, Armory Conditions: Ground Floor Plan, and Armory Conditions: Site Plan. Motion made and 2nd that the document be received and made part of the record, all in favor, 8-0. IN FAVOR: Donald Borchelt, Executive Director, Woburn Redevelopment Authority (WRA), 371 Main Street, Woburn stated that the WRA voted unanimously to adopt a statement support the project. Mr. Borchelt offered the statement to the City Council for review. Motion made and 2nd that the document be received and made part of the record, all in favor, 8-0. OPPOSED: Elisa Roche, 5 Myrtle Street stated that her property abuts the locus, that she is not opposed to the project but has concerns, that she met in February 2007 with the architect, that she believed that it was a good project at that time, that she submitted a

letter to the City Council during the September 2007 public hearing listing her concerns, that in October 2007 she met and discussed the outstanding concerns particularly with regards to the current condition of the property, that her main concern is drainage, that she does not have water leak into her basement although water pools in her yard near the armory after a heavy rain, that she is concerned that the parking garage is underground within fourteen feet of her property and the impact this may have on drainage, that parking is an issue in the area, that the new parking lot to be developed across the street may alleviate some parking issues, that this parking lot may benefit the banks and funeral home however it is not likely to benefit the school or church parking, that there should be trees planted on Myrtle Street to prevent vehicles from parking on the sidewalk, that she wants there to be an owner occupied covenant on the special permit, that she is concerned with the demolition and construction procedures, and that a reduction in the number of units to twenty will not greatly impact her property but will have an overall affect on the project. John O'Neil, 10 Myrtle Street stated that \$100,000.00 in mitigation is going towards the parking lot improvements across the street, that he wants to know how this decision for the mitigation money was made, that he is concerned with the concept of mitigation as the developer can write a check but an abutter cannot do so, that he does not want the mitigation payment to sway the vote, and that he wants the number of units reduced. President Doherty stated that the mitigation is 3% of the development costs, that the use of the money is in play, and that no decision has been made as to the use of the mitigation money but it will be used to the benefit of the surrounding area. Mark Sanborn, 12 Caulfield Road stated that the size of the building wall facing towards his side of the property will be large, that the hemlock trees must be cut down because there is not growth at the bottom of the trees due to lack of sunlight, that the drainage plan on paper appears to work however is not an engineer and is concerned what his recourse will be if after construction he has drainage problems, that he was not aware that the construction phase for this project could extend out for years, that the ordinances provide a 2½ story restriction on the height of buildings for a reason, and that the project will be adding a third story so the proposal is not fitting within the footprint of the building. Cheryl Ryan, 12 Myrtle Street stated that she is not a direct abutter but will be affected by the traffic and density, that Myrtle Street is a cut-through, and that she is not completely opposed to the project however the parking and density will impact the area. Motion made and 2nd to close the public hearing, 6 in favor, 2 opposed (Denaro, Doherty opposed). PUBLIC HEARING CLOSED. Alderman Doherty stated that there will be two bedroom and two bedroom with a study units, that the pitched roof will become a full story, and that the height is lower but there is a full third story. Alderman Galvin stated that there density is a concern and that he would support nineteen units. Motion made and 2nd to that the special permit be granted. Alderman Gately stated that the matter should go back to committee so that the neighbors' issues can be addressed and so the developer's interests can be considered. Alderman Denaro stated that if the debate on this proposal indicates that the project will not work the matter should be returned to committee. Alderman Gonsalves stated that the density is an issue that must be addressed, that this site has different issues than the other locations cited by the WRA statement, that there are still too many issues to support a project with 25 units, that by reducing the project below 25 units there will be a reduction in the number of required affordable units from three to two, and that this matter can be sent to committee for further review. Alderman

Drapeau stated that he cannot support approval of the project yet as not all of the neighbors' issues have been addressed, that he is getting a sense that the will of the City Council is to reduce the number of units, that the density is a concern of the neighbors, and that the petitioner needs to come back with a proposal of less than 25 units. Alderman Gately stated that this project will be a battle about the number of units, that this can be worked out in committee, and that the petitioner can come back with another plan or withdraw the petition if the matter is not worked out in committee. The proponents withdrew the motion and 2nd to grant the special permit. Motion made by Alderman Drapeau and 2nd to allow reconsideration of his vote to close the public hearing, all in favor, 8-0. Motion made and 2nd to reopen the public hearing, all in favor, 8-0. PUBLIC HEARING RE-OPENED. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON DECEMBER 4, 2007, all in favor, 8-0. Motion made and 2nd that the MATTER be REFERRED TO THE COMMITTEE ON SPECIAL PERMITS FOR FURTHER REVIEW, all in favor, 8-0. Alderman Mercer-Bruen stated that peer review of this project was requested. President Doherty stated that there can be a discussion about the need for peer review for the committee meeting, and that the clerk of committees will send notice of the meeting of the Committee on Special Permits to the neighbors who spoke at this meeting.

On the petition by Woburn Armory LLC, c/o John D'Ovidio, 175 Summer Street, Somerville, Massachusetts 02143 for an Inflammable License to store 615 gallons of gasoline underground in 41 cars with fifteen (15) gallons of gasoline each in parking level of residential condominium building at 286 Main Street a/k/a 320 Main Street. PUBLIC HEARING OPENED. SEE RECORD NOTES FROM PRECEDING MATTER. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON DECEMBER 4, 2007, all in favor, 8-0. Motion made and 2nd that the MATTER be REFERRED TO THE COMMITTEE ON SPECIAL PERMITS FOR FURTHER REVIEW, all in favor, 8-0.

On the petition by Patricia K. Figueiredo, 12 Grant Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.33b of the 1985 Woburn Zoning Ordinances, as amended, to allow muscular therapy at 576 Main Street. PUBLIC HEARING OPENED. A communication dated October 11, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Patricia K. Figueiredo – 576 Main Street – To occupy for a muscular therapy establishment (Section 5.1.33b)

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on October 2, 2007, the Board voted to send a favorable recommendation to the City Council to allow a muscular therapy facility as requested at 576 Main St.

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 copy of a communication dated September 27, 2007 from Brett F. Gonsalves, Senior Engineer, Engineering Department to Edmund Tarallo, Planning Director was received as follows:

Subject: 576 Main Street – Muscular Therapy Special Permit – Special Permit Application Dated September 18, 2007

This office has reviewed the special permit application for the above referenced location and finds that the proposed establishment is located within an existing building and not exterior work is proposed.

This office takes no exception to the special permit application as submitted.

Appearing for the petitioner was Attorney John McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 and he stated that the petitioner is a licensed massage therapist at 576 Main Street and at Baldwin Park in Woburn, that she has been licensed for six years by the Board of Health, that she has been operating as an accessory use in a chiropractic office, that she will now operate as an independent facility, that the property is located in the S-1 zoning district, and that the use will be allowed by special permit. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 8-0. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the condition as follows: 1. That the special permit is granted to Patricia K. Figueiredo and is not transferable, all in favor 8-0.

On the petition by Anchor Body Corp., 3 Breed Avenue, Woburn, Massachusetts 01801 for two special permits pursuant to 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Pursuant to Section 5.1.45 to allow for the sale of five (5) used motor vehicles, and 2. Pursuant to Section 8.3.2 to allow for off-site parking of twenty (20) vehicles, and a petition for Second Class Motor Vehicles Sales License, both at 3 Breed Avenue/Florence Avenue. PUBLIC HEARING OPENED. A communication dated October 29, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Anchor Body Corp. – 3 Breed Ave./Florence Ave. – To allow for the sale of five (5) used motor vehicles under Section 5.1.45 and to allow for off-site parking for twenty (20) vehicles to Section 8.3.2 of the Woburn Zoning Ordinance

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on October 23, 2007, the Board voted to send a favorable recommendation to the City Council to allow for the sale of five (5) used motor vehicles (Section 5.1.45) and for the off-site parking of twenty (20) vehicles (Section 8.3.2) at 3 Breed Ave./Florence Ave. subject to the following conditions:

1. That the conditions of the 2002 Special Permit for 3R Breed Ave. remain in effect.
2. That the leased lot shall be for the display of not more than 5 used cars and for the parking of not more than 15 cars.
3. That the parking area on the leased lot be paved and lined.
4. That this permit shall be until May 1, 2008 unless the license agreement is terminated before that date then the Special Permit shall terminate at the termination of the license.

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 off-site parking is on an abutting lot, that the petitioner has a lease with NSTAR to park twenty vehicles on the lot, that he is seeking a Second Class Motor Vehicle Sales License for five cars, that five parking spaces will be used for the sale of used cars, that the petitioner needs two more parking spaces for the existing use, that he should have obtained the approval for the additional parking earlier, that the used car sales will be an accessory use, that if he does not have five cars for sale then the five cars will not be used for sales, and that the petitioner asks that Condition 4 be changed to state "unless the license agreement is terminated or extended" to allow the special permit to continue to be effective until such time as the lease expires. Alderman Gonsalves stated that sometimes it is not clear when there is a license to sell a limited number of cars that there are actually no more than that number of cars on the lot. IN FAVOR: Michael Raymond, 10 North Maple Street stated that he lives nearby the locus, that the location of the business is at the foot of the former landfill, that the building is well maintained, that it is a clean property, that the parking is clearly marked, and that he supports the petition. OPPOSED: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park stated that he supports the petition, that it is a clean business, and that the petitioner constructed his building on this site. Motion made and 2nd to close the public hearing, all in favor, 8-0. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the conditions as follows: 1. That vehicles for sale on the locus be designated as being for sale, 2. That the recommendations of the Planning Board be adopted as conditions of the special permit, 3. That Planning Board Condition 4 be stricken and a new Condition 4 be adopted as follows: "That if the license to park vehicle granted by NSTAR or its successor is terminated or not renewed then the special permit shall terminate," and 4. That the condition of the 2002 special permit issued for this property be adopted as conditions of the special permit, all in favor, 8-0. Motion made and 2nd that the SECOND CLASS MOTOR VEHICLE SALES LICENSE be GRANTED, AS AMENDED with the

conditions as follows: 1. That the number of vehicles is limited to five (5), all in favor, 8-0. Note: The initial license shall be for a term expiring December 31, 2008.

Second Class Motor Vehicle Sales License

Presented to the Mayor: November 1, 2007 s/Thomas L. McLaughlin Nov. 1, 2007

Motion made and 2nd that the public hearings on the next two matters be held collectively, all in favor, 8-0.

On the petition by 112 Commerce Way LLC, c/o National Development, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 for a special permit pursuant to Section 5.1.35a of the 1985 Woburn Zoning Ordinances, as amended, to allow for a Pet Care Facility at 112 Commerce Way. PUBLIC HEARING OPENED. A communication dated October 29, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: 112 Commerce Way LLC – 112 Commerce Way – To allow for a Pet Care Facility pursuant to Section 5.1.35a

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on October 23, 2007, the Board voted to send a favorable recommendation to the City Council to allow a Pet Care Facility pursuant to Section 5.1.35a at 112 Commerce Way subject to the following conditions:

1. That the Pet Care Facility shall comply with all of the requirements indicated in Section 5.1.35a.
2. That the Facility shall be in accordance with Sheet F1 dated May 17, 2007 entitled Store #1961 Woburn, MA. (“Plan”)
3. That the Pet Care Facility shall be limited to the number of suites and rooms as shown on said Plan including the feline facility as shown on said Plan.
4. That the operation and maintenance of the Facility shall be subject to the review, inspection, and approval of the Director of the Board of Health.

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: “Ought to pass, as amended, with the condition as follows: 1. That the recommendations of the Planning Board be adopted as conditions of the special permit, and 2. That the special permit is non-transferable.” Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that this matter was discussed in committee, that the petitioner offers an alternative set of

conditions, that the third condition should be amended as the smaller restaurant building may be operational before the larger building, that in addition the building may be ready in December but the full occupancy permit may not issue until the spring weather when the landscaping is completed as this work cannot be done during winter conditions, that the traffic improvements will have to be completed before the larger building can be occupied, that the nontransferable condition should only apply to the fast food use but not the larger retail building, that there should not be a transferability condition on the general retail use although acceptable for the pet care center and the fast food use, and that this type of restriction has never been attached to a general retail use. Mr. tarby offered a document entitled "Conditions to National Development Acquisitions LLC Special Permit/112 Commerce Way October 30, 2007" for the City Council to review. Motion made and 2nd that the document be received and made part of the record, all in favor, 8-0. Alderman Mercer-Bruen stated that she would like to see the traffic improvements language clarified in Condition 3 to read "traffic improvements have to be completed before retail use can open." IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 8-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the conditions as follows: 1. That the conditions dated October 30, 2007 submitted at this meeting be adopted as conditions of the special permit, and 2. That the Planning Board conditions dated October 23, 2007 be adopted as conditions of the special permit, all in favor, 8-0.

On the petition by 112 Commerce Way LLC, c/o National Development, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 for special permits pursuant to Section 5.1.22, 5.1.23 and 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended, to allow for: 1. a retail shopping center in excess of 15,000 square feet (47,010 square feet); and 2. a fast food restaurant at 112 Commerce Way. 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. That the recommendations of the Planning Board be adopted as conditions of the special permit, and 2. That the special permit is non-transferable." SEE RECORD NOTES FROM PRECEDING MATTER. Motion made and 2nd that the public hearing be closed, all in favor, 8-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the conditions as follows: 1. That the conditions dated October 30, 2007 submitted at this meeting be adopted as conditions of the special permit, and 2. That the Planning Board conditions dated October 23, 2007 be adopted as conditions of the special permit, all in favor, 8-0.

On the petition by 400 MetroNorth Corporate Center LLC, c/o National Development, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 for special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Pursuant to Section 5.1.17b to allow for the construction of an approximately 32,500 square foot health and fitness facility; 2. Pursuant to Section 5.1.65b to allow for muscular therapy (not to exceed 1,500 square feet) as an accessory use within the building; and 3. the

petition also required Site Plan Review pursuant to Section 12.2.4, all at 400 Presidential Way. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass, as amended, with the condition as follows: 1. That the special permit is non-transferable." Appearing for the petitioner was Bryan Clancy of National Development, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 and he asked that the special permit be granted. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor 8-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the amendments as follows: 1. That the recommendations of the Planning Board be adopted as conditions of the special permit, and 2. That the special permit is to 400 MetroNorth Corporate Center LLC and is non-transferable, all in favor, 8-0.

On the petition by Allied Building Products Corp., 15 East Union Avenue, East Rutherford, New Jersey 07073 for special permits pursuant to Section 5.1.42, 5.1.43 and 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to allow for a wholesale establishment, warehouse and distribution center, outside storage of new or used building materials and equipment and the accessory parking of commercial motor vehicles at 41 Atlantic Avenue. PUBLIC HEARING OPENED. A communication dated October 29, 2007 was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Petition of Allied Building Products Corp., 41 Atlantic Avenue, Woburn, Massachusetts

Dear Mr. Campbell:

Due to the fact that the Planning Board has continued its review of the above referenced petition to November 27, 2007, I respectfully request that the public hearing on this matter be further continued to the City Council meeting scheduled for December 4, 2007. If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON DECEMBER 4, 2007, all in favor, 8-0. Appearing for the petitioner was Attorney Joseph Tarby and he stated that petitioner requests that the matter be continued to allow Planning Board review to be completed. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON DECEMBER 4, 2007 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 8-0.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

MUNICIPAL LANDS/HIGHWAYS:

On the request from the Department of Veterans Services to designate the corner of Coolidge Road and Main Street as a Memorial Square for Corporal Charles J. McMahon, USMC and to designate the corner of Sturgis Street and Beacon Street as a Memorial Square for SFC Keith A. Callahan, U.S. Army, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0.

Presented to the Mayor: November 1, 2007 s/Thomas L. McLaughlin Nov. 1, 2007

A report dated October 24, 2007 was received from the Committee on Municipal Lands as follows:

On October 23, 2007, in Committee on Municipal Lands, the Committee voted to send a communication to Mayor Thomas L. McLaughlin that two parcels, owned by the City of Woburn, located at the corner of Locust Street and Columbus Road (Parcel 1 & Parcel 2), which are identified on "Plan of Land in Woburn" dated April 17, 2006, are available for disposition. The Committee on Municipal Lands also voted to authorize Mayor McLaughlin to place both parcels (Parcel 1 & Parcel 2) out to bid and to be sold for not less than the assessed value.

Secondly, the Committee on Municipal Lands voted to send a communication to Gerald Surette, city auditor, requesting that a segregated account be set up specifically for revenues generated from the sale of municipal lands (sliver lots).

Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0.

Presented to the Mayor: November 1, 2007 Returned Unsigned November 1, 2007

NEW PETITIONS:

Petition by Avalon Transportation, LLC, 21-G Olympia Avenue, #10, Woburn, Massachusetts 01801 for a Livery License at 21-G Olympia Avenue, #10. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 8-0.

Petition by Lawless Chrysler Jeep, Inc. 196 Lexington Street for renewal of First Class Motor Vehicle Sales License at 196 Lexington Street. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 8-0.

A communication dated October 25, 2007 was received from Attorney Malcolm Houck, 7 Winn Street, Woburn, Massachusetts 01801 as follows:

In Re: Charles O'Neill Drive

Dear Mr. Campbell:

On behalf of developer, Canal Condominium Construction LLC, I am making a formal request to the Woburn City Council for Acceptance of the newly constructed and completed roadway known as Charles O'Neill Drive as a public way in the City.

For the purpose and public proceedings which must follow I am enclosing ten (10) copies, plus an original mylar master, of a Street Acceptance plan prepared by Edward J. Farrell, PLS and dated July 12, 2007. The enclosed plans represent one copy for each Alderman, an additional copy for your permanent records and the original mylar upon which any endorsements may be affixed.

The Office of the Woburn City Engineer has reviewed preliminary drafts of this plan and the enclosures represent final drafting and data compliant with requests from the City Engineering Office.

An "As Built" plan of July 12, 2007 has been submitted to the City Planning Director's Office with a request for a release of cash bond, and together with an instrument, suitable for recording at the Middlesex South District Registry of Deeds, conveying utilities and certain easements to the City. A copy of that instrument is also enclosed, herewith.

Copies of the "As Built" plan have also been submitted to the Woburn Conservation Commission with a request for a Certificate of Compliance (WPA Form 8A) so far as several of the subdivision lots with frontage on this way contain land within the jurisdiction of the Commission.

The scheduling of public proceedings by the Planning Board and Conservation Commission is underway and it is anticipated that final action by those agencies will be shortly forthcoming.

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

Very truly yours, s/Malcolm H. Houck

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON MUNICIPAL LANDS/HIGHWAYS, all in favor, 8-0.

Petition by Michael Tyminski, 14 Otis Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow earth removal or filling to level off yard at 14 Otis Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 8-0.

Petition by Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless and NSTAR Electric Company, 400 Friberg Parkway, Westborough, Massachusetts 01581 for a special permit pursuant to Section 5.1,80b, Section 11 and Section 5.6 of the 1985 Woburn Zoning Ordinances, as amended, to install three flushed mounted antennas at a center line of 73 feet on a 75 foot replacement of the existing 65 foot utility pole with 12 feet by 30 feet equipment shelter and diesel emergency back up generator inside a fenced telecommunications compound with the antennas relocated at a height of 63 feet on the replacement pole, and to install a single omni-directional whip antenna on the companion 65 foot utility pole on the H frame power stanchion at Waltham Street Rear-Power Easement. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 8-0.

COMMUNICATIONS AND REPORTS:

A communication dated October 23, 2007 was received from Jan Robbins Cox, Member, for the Chairperson and all other Members of the Human Rights Commission relative to a presentation of the by-laws of the Human Rights Commission to the City Council. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0.

A communication dated October 18, 2007 was received from Charles L. O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 90, Section 20A½, I am submitting a report to you on the parking violations in the City of Woburn for the period ending September, 2007: number of tickets issued 1,237, number of tickets paid 1,135, number of hearings scheduled 601, number of tickets voided or dismissed 107, number of tickets outstanding 321, number of tickets issued by motorcycle officers 0, total dollar amount collected and turned into the Treasurer's Office \$46,987.60. There exists a backlog of 4,902 tickets for 1982 through 2006. Demands will be sent out until all tickets have been cleared. Parking violations turned over to Handicap Commission to date \$6,190.00.

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, 8-0.

A communication dated October 13, 2007 was received from the Woburn Police Department entitled "Fuel Transactions (short format) from 9/1/2007 to 9/30/2007". Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0.

A communication dated October 19, 2007 was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Chair 5 Restaurants – Woburn LLC d/b/a Qdoba Mexican Grill, 300 Mishawum Road, Woburn, Massachusetts/Special Permit to allow for a fast food restaurant and building signage pursuant to Section 5.1.29 and 7.3

Dear Mr. Campbell:

On behalf of my client, Chair 5 Restaurants – Woburn LLC, I respectfully request leave to withdraw without prejudice the above-referenced petition. Once all of the information that has been requested from Koffler/GID Woburn LLC has been provided to the Planning Board and Traffic Commission, then it would be the intention of my client to re-file its special permit petition in January of 2008.

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 2nd that the MATTER be GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE and that the public hearing be taken off the November 19, 2007 Regular Meeting list, all in favor, 8-0.

A communication dated October 19, 2007 was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Koffler/GID Woburn LLC – 300 Mishawum Road, Woburn, Massachusetts – Special Permit to amend decision pursuant to Section 5.1.23 of the Woburn Zoning Ordinance to allow for a further amended site plan and an additional 2,500 square feet of gross floor area

Koffler/GID Woburn LLC – 300 Mishawum Road, Woburn, Massachusetts – Special Permit to amend existing Special Permit by allowing 1,283 parking spaces pursuant to Section 8.2.5

Dear Mr. Campbell:

On behalf of my client, Koffler/GID Woburn LLC, I respectfully request leave to withdraw without prejudice the above-referenced petitions. Due to the fact that the Planning Board has requested additional information from both the Petitioner and the Woburn Traffic Commission, as well as the limited City Council and Planning Board schedule for the remainder of 2007, my client thought it would be best to withdraw the above applications and provide the information requested by the Planning Board and Traffic Commission over the next month. Once all of that information is provided to the Planning Board and Traffic Commission, it would be the intention of my client to re-file its special permit petitions in January of 2008.

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 2nd that the MATTER be GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE and that the public hearing be taken off the November 19, 2007 Regular Meeting list, all in favor, 8-0.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated October 23, 2007 was received from President Charles Doherty as follows:

I am appointing Alderman Raymond Drapeau to fill Alderman John Ciriello's position on the Municipal Lands Committee. Please notify the Council members.

Thank you, Charles Doherty

Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0.

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED Whereas, a recent amendment to the traffic regulations restricting parking on Warren Avenue between Warren Road and Porter Street has caused a hardship for residents and businesses in the area,

Be it resolved that the Traffic Commission further review the necessity of the parking restriction and to further amend the traffic regulations as necessary to alleviate this hardship.

s/Alderman Gately

Alderman Gately stated that he will be working on this issue independently. President Doherty stated that the review will be to look at the street as a whole. Motion made and 2nd that the MATTER be LAID ON TABLE, all in favor, 8-0.

RESOLVED Whereas, an Order has been introduced before the City Council to provide a reasonable increase in the wage paid to the school traffic guards,

Now, therefore, be it resolved that His Honor the Mayor send an appropriation to the City Council in the amount of \$12,500.00 from the Free Cash Account for the purposes of funding the school traffic guard wage increase.

s/Alderman Gately and
Alderman Dwyer

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES, all in favor, 8-0

ORDERED Be it ordained by the City Council of the City of Woburn that Title 2, Article XXVIII, Section 2-180 of the 1989 Woburn Municipal Code, as amended, be further amended by striking "School Traffic Guards ... per hour ... \$8.85" and inserting in its place "School Traffic Guards ... per hour... \$13.00".

s/Alderman Gately and
Alderman Dwyer

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES, all in favor, 8-0.

ORDERED That pursuant to 1989 Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6 the City Clerk is hereby authorized to dispose of a Hewlett Packard Laser Jet 8000N with serial number USBB024875 which the City Clerk has determined is of no value to the department and which no other department has expressed an interest in obtaining.

s/Alderman Denaro

Motion made and 2nd that the ORDER be ADOPTED, all in favor, 8-0.

Presented to the Mayor: November 1, 2007 s/Thomas L. McLaughlin Nov. 1, 1007

ORDERED That pursuant to 1989 Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6 the Building Commissioner is hereby authorized to dispose of a 1999 Ford Taurus which the Building Commissioner has determined is of no value to the department and which no other department has expressed an interest in obtaining.

s/Alderman Denaro

Motion made and 2nd that the ORDER be ADOPTED, all in favor, 8-0.

Presented to the Mayor: November 1, 2007 s/Thomas L. McLaughlin Nov. 1, 1007

ORDERED That in accordance with a precept of the Senate of the Great and General Court of the Commonwealth of Massachusetts and in accordance with Massachusetts General Laws Chapter 54, as amended, the City Clerk is hereby authorized and directed to notify and to warn such of the inhabitants of WARD ONE, WARD THREE, WARD FOUR, WARD FIVE, WARD SIX AND WARD SEVEN of the City of Woburn as are qualified to vote in the General Election to assemble at the polling places in their respective wards as designated herein, on TUESDAY, the ELEVENTH OF DECEMBER, 2007 from 7:00 a.m. to 8:00 p.m., then and their to cast their votes in the Special General Election for the candidates for the office of Senator in General Court from the Fourth Middlesex District at the following polling places:

Ward-Precinct Polling Place Location

- 1-1 Joyce Middle School Library
55 Locust Street
- 1-2 Clapp Elementary School Cafeteria
Hudson Street and Arlington Road
- 3-1 Hurld Elementary School Gymnasium
75 Bedford Road
- 3-2 Hurld Elementary School Gymnasium
75 Bedford Road
- 4-1 Wyman Elementary School Auditorium
Main Street and Eaton Avenue
- 4-2 White Elementary School Gymnasium
36 Bow Street

- 5-1 Goodyear Elementary School Gymnasium
41 Orange Street
- 5-2 Goodyear Elementary School Gymnasium
41 Orange Street
- 6-1 Altavesta Elementary School Gymnasium
990 Main Street
- 6-2 Altavesta Elementary School Gymnasium
990 Main Street
- 7-1 Reeves Elementary School Gymnasium
240 Lexington Street
- 7-2 Reeves Elementary School Gymnasium
240 Lexington Street

s/President Doherty

Motion made and 2nd that the ORDER be ADOPTED, all in favor, 8-0.

Presented to the Mayor: November 1, 2007 s/Thomas L. McLaughlin Nov. 1, 1007

Motion made and 2nd to suspend the rules for the purpose of adding the following Rule 19 Committee reports and late filed matters to the Order of the Day, all in favor, 8-0.

ORDERED That the sum of \$28,500.00 be and is hereby transferred as so stated from Fire –Ambulance Receipts (BLS) Acct #31359-595000 \$28,500.00 to Fire – Apparatus Maintenance Acct #0122054-544400 \$28,500.00.

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/Thomas L. McLaughlin, Mayor

s/Alderman Denaro

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 8-0.

ORDERED That the Treasurer/Collector and Deputy Treasurer/Collector (“the officers”) be and are hereby authorized to execute a Third Party Custodian Agreement (Collateralized Municipal Deposits) (“the agreement”) by and

between the City of Woburn, RBS Citizens, National Bank (“the bank”) and The Bank of New York (“the custodian”), in a form substantially as annexed hereto, and that the officers are authorized to deliver oral and written instructions to the bank pursuant to the agreement.

s/Alderman Denaro

Motion made and 2nd that the ORDER be ADOPTED, all in favor, 8-0.

Presented to the Mayor: November 1, 2007 s/Thomas L. McLaughlin Nov. 1, 1007

On the petition by Renaissance Development Corp., 35 Sockanosset Cross Road, P.O. Box 8819, Cranston, Rhode Island 02920-0819 for an Inflammable License at 1 Hill Street. Motion made and 2nd that the MATTER be TAKEN FROM COMMITTEE ON POLICE AND LICENSES AND REFERRED TO PUBLIC HEARING, all in favor, 8-0.

Petition by M&L Transit Systems, Inc., 60 Olympia Avenue for renewal of First Class Motor Vehicle Sales License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 8-0.

Petition by Amy Ryan and Scott Ryan, 15 Samoset Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.5 of the 1985 Woburn Zoning Ordinances, as amended, to fill in backyard to bring to level grade at 15 Samoset Road. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 8-0.

Schedule of Committee Reports Filed with the Office of the City Clerk on March 20, 2007 pursuant to Rule 19 of the Rules and Orders of the City Council:

PERSONNEL:

On the appointment of Kenneth R. Summers to the Board of Appeals, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be adopted, all in favor, 8-0.

Presented to the Mayor: November 1, 2007 s/Thomas L. McLaughlin Nov. 1, 1007

FINANCE:

On the Order to appropriate the sum of \$2,765,255.63 from Debt Reserve Fund Account to White & High School Account, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be adopted, all in favor, 8-0.

Presented to the Mayor: November 1, 2007 s/Thomas L. McLaughlin Nov. 1, 1007

On the Order to appropriate the sum of \$23,000.00 from Cemetery Interest Fund to various Cemetery Accounts, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be adopted, all in favor, 8-0.

Presented to the Mayor: November 1, 2007 s/Thomas L. McLaughlin Nov. 1, 1007

On the Order to appropriate the sum of \$150,000.00 from Free Cash Account to Demolition of Building – Main St Account, committee report was received “ought to pass, as amended, with the amendment as follows: That the funds are to be used for demolition and removal costs only.” Motion made and 2nd that the COMMITTEE REPORT be adopted, all in favor, 8-0.

Presented to the Mayor: November 1, 2007 s/Thomas L. McLaughlin Nov. 1, 1007

Motion made and 2nd to return to the regular order of business all in favor, 8-0.

Motion made and 2nd to ADJOURN, all in favor, 8-0. Meeting adjourned at 9:28 p.m.

A TRUE RECORD ATTEST:

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