

**CITY OF WOBURN
OCTOBER 7, 2014 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gaffney
Concannon	Gately
DiTucci	Mercer-Bruen
Drapeau	Raymond
Haggerty	

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

MAYOR'S COMMUNICATIONS:

A communication dated September 12, 2014 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear President Haggerty and Members of the Woburn City Council:

I am pleased to announce that on September 11, 2014, Moody's Investors Service upgraded the City of Woburn's bond rating from Aa2 to Aa1 – Moody's second highest municipal rating available – and the first upgrade for Woburn in over 12 years.

Moody's attributed the upgrade to Woburn's strong financial position due to conservative budgeting practices, structurally balanced financial operations and healthy reserves and liquidity levels. Moody's also acknowledged Woburn's expanding tax base.

The bond upgrade recognizes the hard work my administration has done over the past 4.5 years to strengthen Woburn's financial standing by leading and implementing budgets, programs and policies that have helped address and streamline inefficiencies and increase our cash reserves – all while maintaining the high quality of our municipal services.

The Bond upgrade comes at the perfect time, as the City plans to begin a number of major capital projects, including a new elementary school, library renovation and new fire station. The stronger bond rating will lower the interest rate costs to borrow funds to complete these projects, and save taxpayers a significant amount of money.

We are grateful for the efforts of all city department heads and employees for their contributions toward this major accomplishment. The City's Finance team, including Auditor Jerry Surette, Treasurer/Collector Tim Donovan and Chief Assessor Andy Creen

and members of their department, should be credited for their outstanding efforts in the work to attain the new Aa1 bond rating.

Sincerely, s/Scott D. Galvin, Mayor

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

ORDERED That the amount of \$125,000.00 be and is hereby appropriated by BLS – Ambulance Receipts Acct #31359-590000 \$125,000.00 to Fire Ambulance Salary Acct #0122051-511500 \$125,000.00

I hereby recommend the above: s/Scott D. Galvin, Mayor
I hereby approve the above: Timothy J. Ring, Chief, Fire Department
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Haggerty

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

ORDERED That the amount of \$190,000.00 be and is hereby appropriated from Stabilization Fund Acct #704059-596100 \$190,000.00 to DPW Remedial Yardwork in accordance with ACO Acct #0112158-586695 Construction & Engineering \$60,000.00, Paving \$80,000.00, Storage Units \$15,000.00, NSTAR Permits & Lights \$10,000.00, Security System/Cameras \$20,000.00, Griffin Contingency for D.E.P. Approval \$5,000.00, Total \$190,000.00

I hereby recommend the above: s/Scott D. Galvin, Mayor
I hereby approve the above: Ja F. Duran, III, DPW Superintendent
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Haggerty

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

ORDERED That the amount of \$430,000.00 be and is hereby appropriated from Stabilization Fund Acct #704059-596100 \$430,000.00 to LED Street Lights Acct #0112158-586701 \$430,000.00 – The appropriation shall be offset by an grant.

I hereby recommend the above: s/Scott D. Galvin, Mayor
I hereby approve the above: Jay F. Duran, III, DPW Superintendent
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Haggerty

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

PUBLIC HEARINGS:

On the petition by NSTAR Electric Company for a grant of right in a way to install conduit westerly from Pole 239/7 approximately 97 feet south of Poole Street a distance of about six feet on Winter Street. PUBLIC HEARING OPENED. A revised plan was received dated September 24, 2014 showing the relocation of joint occupancy pole 239/7 towards pole 239/6 and installation of about three feet of conduit approximately 104 feet south of Poole Street at and westerly from the new location of pole 239/7 on Winter Street. A communication dated October 3, 2014 was received from Superintendent of Public Works John Duran as follows:

Subject: NStar Petition (Revised) for pole relocation and conduit installation on Winter Street

This is an updated memo to accurately reflect the 2 requests for grants of way in Winter Street from NStar Electric for the relocation of new pole 239/7 and the installation of associated conduit to service the new Peterson Way Subdivision. The installation consists of a pole relocation approximately 15' southerly of the existing pole location and the installation of new underground conduit to service the proposed transformers in the subdivision. I have met with NStar personnel as well as the owner of the subdivision to properly coordinate matters and meet the needs of all parties. The proposed pole has been marked on the ground and must be positioned to allow for proper handicap access for the proposed sidewalk along Winter Street which has also been laid out on the ground. The existing pole should be removed as part of this operation. In addition, there is another double pole within 150 feet of this work (opposite Poole Street) that should also be removed as a condition of this approval. The pole removal(s) will also require the cooperation of other utility companies that are also currently on the pole(s).

Please feel free to call with any questions or concerns.

Appearing for the petitioner was Jacqueline Duffy, Right-of-Way Agent, NSTAR and she stated that this petition is to provide new service at a development on Peterson Way, and that the plan of record is the plan dated September 24, 2014, revised September 30, 2014. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the GRANT OF RIGHT IN A WAY be APPROVED, AS AMENDED, with the conditions as follows: 1.

That the recommendations of the Superintendent of Public Works be adopted as conditions of the Grant, and 2. That the plan of record shall be the plan entitled "Plan of Winter St Woburn – Proposed Pole Relocation" prepared by NSTAR Electric Company dated 9/24/2/14, revised 9/30/14, all in favor, 9-0.

Presented to the Mayor: October 9, 2014

s/Scott D. Galvin October 9, 2014

On the petition by John P. Flaherty and Kathryn A. Flaherty to further amend the 1985 Woburn Zoning Ordinances, as amended, by adding a new definition for "Church Buildings" in Section 2 Definitions and by adding a new Section 27 "Adaptive Reuse of Church Buildings" as set forth in the petition. PUBLIC HEARING OPENED. A communication dated September 24, 2014 was received from Tina P. Cassidy, Planning Director, Woburn Planning Board as follows:

Re: Proposed zoning amendments regarding re-use of former church buildings

Dear Members of the Council:

Please be advised that at its meeting on Tuesday, September 23, 2014 the Planning Board voted unanimously to continue the public hearing on the above-referenced petition to its next meeting on Tuesday, October 7, 2014.

You will recall that the Planning Board previously voted to seek the opinions and recommendations of the Zoning Ordinance Review Committee (ZORC) on this matter. The Committee has met once and is scheduled to meet again this evening. It is hoped that the Committee will complete its deliberations prior to the Planning Board meeting on October 7th.

The Planning Board will provide you with an updated letter (and its recommendations on the proposed zoning change) as soon as it is available.

Respectfully, s/Tina P. Cassidy, Director

A communication dated October 2, 2014 was received from Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Proposed amendment to Section 2 and 27 of the 1985 City of Woburn Zoning Ordinance, as amended

Dear Mr. Campbell:

As you know I represent John and Kathryn Flaherty on the above-referenced matter. I respectfully request that the City Council Public Hearing on this matter presently scheduled for October 7, 2014 be continued to the City Council meeting scheduled for October 21, 2014. If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

Motion made and 2nd to that the communication from Attorney Tarby be accepted and made part of the record, all in favor, 9-0. Alderman Raymond stated that the Zoning Ordinance Review Committee has met twice on the matter and forwarded a recommendation to the Planning Board, that the Planning Board will send a recommendation to the City Council, and that the Planning Board Director will be available for a presentation to the City Council if needed. Alderman Mercer-Bruen read aloud a communication from Dinah Voorhies, 110 Washington Street expressing her concerns relative to the proposed zoning amendment. Motion made and 2nd that the communication be accepted and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 18, 2014 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor 9-0.

On the petition by President Richard Haggerty by further amending the 1985 Woburn Zoning Ordinances, as amended as follows: 1. That Section 2 Definitions be further amended by adding the following definition to Section 2: Mixed Use Hotel/Restaurant: A mix of hotel and restaurant uses in one building or in separate buildings on one development lot. 2. That Section 5.1, Table of Use Regulations, be amended by adding a new line 20(a) entitled "Mixed Use Hotel/Restaurant" which use shall be allowed in the B-D, B-I, I-P, I-P2, I-G, S-2, O-P and O-P93 zoning districts by "P" special permit and shall not be allowed in the remaining zoning districts. PUBLIC HEARING OPENED. A communication dated September 24, 2014 was received from Tina P. Cassidy, Planning Director, Woburn Planning Board as follows:

Re: Planning Board recommendation on proposed zoning amendments to define "Mixed Use Hotel/Restaurant", add the use as a special permit use in certain zoning districts, and adopt additional special permit criteria

Dear Honorable Council:

At a meeting on Tuesday, September 23, 2014, the Planning Board concluded its public hearing on the above-referenced zoning amendment. Following discussion, members of the Board voted unanimously to recommend to the City Council that the proposed amendment (attached) be adopted, SUBJECT TO the insertion/addition of "20(a)" into the first paragraph of Section 18.3 of the Zoning Ordinance (Criteria for "Development Impact Mitigation").

Respectfully, s/Tina P. Cassidy, Planning Director

A report was received from the Committee on Ordinances as follows: "ought to pass including Planning Board recommendations per letter dated 9/24/2014." Motion made

and 2nd that the communication from the Planning Board be received and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 stated that he has a client who will file a petition for a special permit if the zoning ordinance is adopted, that there are no changes or density bonuses for the uses, and that the ordinance is more restrictive than current ordinances since the restaurant is currently a by right use but a special permit would be required in this instance. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the ORDER be ADOPTED, AS AMENDED with the amendment as follows: 1. That the recommendations of the Committee on Ordinances be adopted, all in favor 9-0.

Presented to the Mayor: October 9, 2014

s/Scott D. Galvin October 9, 2014

On the petition by Johnson Woods Realty Corporation, c/o Glover Property Management, Inc., 8 Doaks Lane, Marblehead, Massachusetts 01945 for a special permit to modify a special permit dated April 7, 2005 as extended by notices of extension issued on December 21, 2006 and January 8, 2009 as further amended by special permit dated April 28, 2011 (collectively the "Decision") which Decision allowed for thirty-four (34) condominium units to modify by modifying the following conditions to allow forty-four (44) residential units pursuant to Section 5.1.4 of the 1985 Woburn Zoning Ordinances, as amended: 1. That Condition 1 be amended by replacing the existing language which states: 1. The Plans of record shall be the Plans entitled: "Avalon Inwood, Woburn, Massachusetts, Applicant/Owner Avalon WFS, LLC c/o Avalon Bay Communities, Inc., Boston, MA 02210" prepared by Hayes Engineering Inc., 603 Salem Street, Wakefield, MA 01880, dated January 25, 2011 consisting of Sheets C1, C2, C 3, C4, C5, C6 and C7; "Avalon Inwood Phase 2, Woburn, Massachusetts" prepared by Niles Bolton Associates, Inc., 1 Buckhead Plaza, 3060 Peachtree Road NW, Suite 600, Atlanta, Georgia, dated 02/25/2011 consisting of A0.00, A2.01, A2.02, A2.03, A2.04, A2.05, A2.06, A4.01, A4.02, A5.01, A5.02, A5.03, A5.04, A5.05 and A5.05A; and "Avalon Inwood Phase 2, Inwood Drive, Woburn, Massachusetts, For: Avalon Bay Communities, Boston, Massachusetts" prepared by Hawk Design, Inc., Landscape Architecture, Land Planning, Boston, MA, dated 01/25/2010 stamped 2/24/11 consisting of L1" with a new Plan of Record entitled "Johnson Woods at Inwood, Woburn, Massachusetts, Applicant Johnson Woods Realty Corporation, Glover Property Management, Inc., 8 Doakes Lane, Marblehead, MA 01945, Owner: Inwood Development, LLC c/o UDR, Inc., 7 Harcourt Street, 2nd Floor, Boston, MA 02116" prepared by Hayes Engineering, Inc., 603 Salem Street, Wakefield, MA 01880 dated July 2, 2014; 2. That Condition 22 which states: "The number of units shall be limited to 34 units" be modified by replacing "34 units" with "44 units", at 0 Inwood Drive, Lot 1, Woburn, Massachusetts. PUBLIC HEARING OPENED. A communication dated September 29, 2014 was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Re: Lot 1 Inwood Drive, Plans Dated July 2, 2014

This office has reviewed the plans for the above referenced location and offers the following comments:

Water

The plan shows that the proposed building will be serviced by a 4" domestic and a 6' fire service. There is a note that the 4' domestic will connect to an existing water stub that is on the property. The 6" fire service will need to be cut in. Tapping sleeve and valve connections are not permitted.

Sewer

The plan shows that the proposed building will be serviced by a 6" PVC sewer connection and a 1 1/2" force sewer. Both connections will connect to a 30" diameter sewer manhole on site before connection to the existing sewer on Inwood Drive.

This office takes no exception to the sewer as shown.

Drain

The proposed roof runoff will be mitigated via a roof drain which will discharge onto splash pads prior to entering the resource area. The water quality cell into which everything discharges is equipped with large precast concrete tanks with baffles to meet water quality requirements.

This office takes no exception to the plans as submitted provided that the applicant is meeting the requirements for TSS removals.

The above mentioned items are minor in nature and can be handled prior to issuance of a building permit.

If you have any questions concerning this information, do not hesitate to contact this office.

A communication dated October 7, 2014 was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: Lot 1 Inwood Drive – Plans Dated July 2, 2014

This office has reviewed the plans for the above referenced location and offers the following comments:

Water

The plan shows that the proposed building will be serviced by a 4" domestic and a 6' fire service. There is a note that the 4' domestic will connect to an existing water stub that is on the property.

This office takes no exception to the water as shown.

Sewer

The plan shows that the proposed building will be serviced by a 6" PVC sewer connection and a 1 ½" force sewer. Both connections will connect to a 30" diameter sewer manhole on site before connection to the existing sewer on Inwood Drive.

This office takes no exception to the sewer as shown.

Drain

The proposed roof runoff will be mitigated via a roof drain which will discharge onto splash pads prior to entering the resource area. The water quality cell into which everything discharges is equipped with large precast concrete tanks with baffles to meet water quality requirements.

This office takes no exception to the plans as submitted provided that the applicant is meeting the requirements for TSS removals.

The above mentioned items are minor in nature and can be handled prior to issuance of a building permit.

If you have any questions concerning this information, do not hesitate to contact this office.

A report was received from the Committee on Special Permits as follows: "ought to pass, as amended, with the conditions as follows:

1. The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit entitled: "Johnson Woods at Inwood, Woburn, Massachusetts, Applicant Johnson Woods Realty Corporation, Glover Property Management, Inc., 8 Doakes Lane, Marblehead, MA. 01945, Owner: Inwood Development, LLC c/o UDR, Inc., 7 Harcourt Street, 2nd Floor, Boston, MA 02116" prepared by Hayes Engineering, Inc., 603 Salem Street, Wakefield, MA. 01880 dated July 2, 2014 as revised on July 17, 2014, Sheets L1; and C1-C9 (hereinafter the "Site Plan") although design adjustments and modifications generally associated with: (i) preparing so-called "working drawings" or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan.
2. Condition 22 shall be modified by replacing "34 units" with "44 condominium units."

3. All conditions set forth in the Landowners Decision and Notice of Special Permit dated April 28, 2011 shall remain in full force and effect except as modified by this Decision.
4. That there shall be no crushing of ledge on site.
5. The Petitioner shall use 5” vertical granite curbing.
6. The Petitioner shall have back-up power for the sewerage injection system.”

Appearing for the petitioner was Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petition was endorsed by the Committee on Special Permits, that the petitioner has no issues with the proposed conditions, and that the petitioner asks that Condition 6 be amended by deleting the word “injection” and inserting in its place the word “pumping.” PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, AS AMENDED with the amendment as follows: 1. That the word “injection” be stricken from Condition 6 and the word “pumping” be inserted in its place, all in favor 9-0.

On the petition by The Woburn Armory LLC, 175 Summer Street, Somerville, Massachusetts 02145 for a special permit pursuant to Sections 5.1.5, 7.3, 12 and 15 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the alteration of the existing Woburn Armory for eighteen (18) residential dwelling units above the first story in a commercial structure at 286 Main Street a/k/a 320 Main Street within the Groundwater Protection District. PUBLIC HEARING OPENED. A communication dated August 29, 2014 was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Re: 286 Main Street – Woburn Armory – Revised Plans August 24, 2014 (C1, C2 & C3)

This office has reviewed the subject materials for the above referenced project and offers the following comments.

Water

The revised plans show proposed 6” and 4” water connections from Myrtle Street to the proposed Building. These proposed connections will need to be cut in. Tapping sleeve and valve connections are not permitted.

A fire flow test will need to be conducted to ensure that Myrtle Street will support the proposed water demand.

Sewer

The applicant has revised the sewer connection to show a connection off of Myrtle Street. This office takes no exception to the sewer connection as shown.

Drainage

The proposed development stormwater runoff will be mitigated by underground infiltration systems. Runoff from the rooftops and driveways will be collected by a system of catch basins and directed into the infiltration system.

The proposed infiltration system located in the front of the building will have an overflow connection to the city storm drain in Myrtle Street. The infiltration system near the rear of the building does not have an overflow to the municipal drain system. This will need to be addressed.

The stormwater that is collected in the front parking lot is directed into a pump chamber. Backup power supply should be considered a case of power loss during storm events.

The enclosed parking garage will require a floor drain along with a gas and oil separator which meets DEP's requirements and the Massachusetts plumbing code. The separator will require a connection into the municipal sewer system.

The infiltration trench at the rear of the building does not show an overflow connection. The applicant's engineer should look at connecting an overflow pipe from the infiltration chamber to the municipal drainage system.

The applicant's engineer should submit drainage calculations supporting the size for the 4' perforated drain line at the wall.

A report was received from the Committee on Special Permits as follows: "ought to pass, as amended, with the conditions as follows:

1. The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit entitled: "Woburn Armory, 286 Main Street, Woburn, MA" dated August 28, 2014 as revised on September 24, 2014 and September 25, 2014 Sheets C1-C3; EX1-EX2; L1; and AO-A6 prepared by Design Consultants Inc., 120 Middlesex Avenue, Suite 20, Somerville, Massachusetts 02145 and Janovsky/Hurley Architects Inc., 37 Walnut Street, Wellesley Hills, MA (hereinafter the "Site Plan") although design adjustments and modifications generally associated with: (i) preparing so-called "working drawings" or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan.
2. All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting any abutting properties.
3. During construction, all vehicles must be parked on Site.

4. During construction, no vehicles shall be parked on Myrtle Street.
5. During construction, all staging and deliveries will occur on Site.
6. Exterior construction activities on the Site shall not be permitted on Sundays.
7. During the Site redevelopment and construction phases, the Petitioner shall maintain all adjoining roadways free and clear of all debris.
8. The mitigation for this project shall consist of the retiming of the traffic signals at the intersection of Main Street and Common Street/Montvale Avenue as well as the intersection at Main Street and Fowle Street/Warren Avenue.
9. That 'NO PARKING' sign sleeves be installed along Main and Myrtle Street.
10. The Petitioner shall use reasonable standard practice for the landscape and area abutting Mr. Sanborn (12 Caulfield Road) property.
11. That the 'minor' cleanup of the property be completed prior to the October 7, 2014 Public Hearing."

Appearing for the petitioner was Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner has no issues with the recommended conditions, that the sign was removed from the property and the poison ivy sprayed, and that the petitioner will need an easement from the owner of 5 Myrtle Street to grade her property as well as cooperation to begin the grading. Attorney Tarby offered a plan entitled "Woburn Armory, 286 Main Street, Woburn, MA" dated August 19, 2014 as revised on September 24, 2014 and October 6, 2014 Sheet C-1 for the City Council to review. Motion made and 2nd that the plan be received and made part of the record, all in favor, 9-0. Ryan Boucher, Site Engineer, Design Consultants Inc., 120 Middlesex Avenue, Suite 20, Somerville, Massachusetts stated that there will be a 42 inch high white vinyl privacy fence on top of the retaining wall, that there will be grading modifications from 5 Myrtle Street property to be flush with the finished grade of the proposed armory, that low shrubs will be planted on the tiered wall, that the shrubs will be hardy and require low maintenance, that the Armory lot will be built up to be flush with Myrtle Street at the 5 Myrtle Street property line, that the grade of the lot will be built up, that the garage will be slightly above the grade, that there will be no drop on the Armory side of the property line but there will be a drop of approximately six feet on the 5 Myrtle Street side of the property line, that the grade is maintained fairly level in this area as it serves as emergency access to the building, that there will be two terraced walls with a fence on top at the 12 Caulfield Road property line, and that the total height of the retaining wall is four feet with one terrace at 2½ feet in height and the second terrace at 1½ feet in height. Alderman Concannon stated that at the last meeting there were assurances that the property would be cleaned but this does not appear to have been accomplished, that the project will have to be revised to be certain that the conditions have been met, that this is a good project for the site, and that this review has been a long process. Alderman Mercer-Bruen stated that the hours of construction and the need for a blasting survey should be addressed. Alderman Gately stated that no blasting will be required at the site, that he spoke to the owner about the project, that the property will be maintained until the construction starts and the building is demolished, that if the lot is not maintained then the occupancy permit can be withheld, that the petitioner is on record that no water will runoff from the petitioner's property, that the hours of construction should be the

standard construction hours, that there should be no construction activity while the students are being dropped off, and that allow the petitioner should be allowed to work on site there should be no deliveries from Myrtle Street after 8:00 a.m. PUBLIC COMMENTS: Eliza Roche, 5 Myrtle Street stated that she agrees with the conditions, that she will grant an easement to the petitioner to allow the grading, that the landscapers removed the sign from the lot and mowed the front of the lot but not the side or rear yards of the lot, that she is concerned about the walkway to Myrtle Street, that she believes the walkway will contribute to parking on the wrong side of the street, that there are many vehicles in this area due to the school, funerals and Masses, that the office space is a variable in terms of parking needs, and that she wants to know the hours of demolition, the hours of construction and the hours for the office use. Mark Sanborn, 12 Caulfield Road stated that he did not meet with the petitioner, that he received a set of plans left in the door at his house but did not meet with the petitioner, that the plans change every time there is a new plan offered, that he does not believe that the project is to a point that a decision can be made, that he is concerned about demolition, lighting, the garage ventilation and the impact of the garage odors on the abutters, that he is concerned about the impact of construction on the root system of trees in his yard, and he is concerned about whether the drainage is adequate. Motion made and 2nd that the PUBLIC HEARING be CLOSED, all in favor, 9-0. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows:

1. The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit entitled: "Woburn Armory, 286 Main Street, Woburn, MA" dated August 28, 2014 as revised on September 24, 2014 and September 25, 2014 Sheets C2-C3; EX1-EX2; L1; and AO-A6 prepared by Design Consultants Inc., 120 Middlesex Avenue, Suite 20, Somerville, Massachusetts 02145 and Janovsky/Hurley Architects Inc., 37 Walnut Street, Wellesley Hills, MA (hereinafter the "Site Plan") and entitled "Woburn Armory, 286 Main Street, Woburn, MA" dated August 19, 2014 as revised on September 24, 2014 and October 6, 2014 Sheet C-1 although design adjustments and modifications generally associated with: (i) preparing so-called "working drawings" or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan.
2. All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting any abutting properties.
3. During construction, all vehicles must be parked on Site.
4. During construction, no vehicles shall be parked on Myrtle Street.
5. During construction, all staging and deliveries will occur on Site.
6. Exterior construction activities on the Site shall not be permitted on Sundays.

7. During the Site redevelopment and construction phases, the Petitioner shall maintain all adjoining roadways free and clear of all debris.
8. The mitigation for this project shall consist of the retiming of the traffic signals at the intersection of Main Street and Common Street/Montvale Avenue as well as the intersection at Main Street and Fowle Street/Warren Avenue.
9. That 'NO PARKING' sign sleeves be installed along Main and Myrtle Street.
10. The Petitioner shall use reasonable standard practice for the landscape and maintain said area in perpetuity abutting 12 Caulfield Road property.
11. That the 'minor' cleanup of the property shall be completed prior to the October 7, 2014 Public Hearing and be maintained in perpetuity.
12. That the hours of construction shall be between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, between the hours of 7:00 a.m. to 12:00 noon Saturday, and there shall be no construction on Sunday.
13. That the petitioner shall grade the property at 5 Myrtle Street as agreed with the owner of 5 Myrtle Street and provided that the owner of 5 Myrtle Street cooperate with the grading activity.
14. That the terraced retaining wall along the property line with 12 Caulfield Road shall not exceed four (4) feet in height.
15. That a 42 inch white vinyl privacy fence shall be installed along the common boundary line with 12 Caulfield Road and along the common boundary line with 5 Myrtle Street to the wall at Myrtle Street as outlined and depicted on Sheet C-1 referenced in Condition 1 and shall be maintained in perpetuity.

all in favor, 9-0.

On the petition by Flyers Unlimited, 271 Salem Street, Unit J, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.45 of the 1985 Woburn Zoning Ordinances, as amended, to allow the sale or rental of automobiles, trucks, truck trailers, and motorcycles, including accessory repair and storage facilities (U-Haul trucks) at 271 Salem Street. PUBLIC HEARING OPENED. A communication dated September 30, 2014 with attachments was received from Attorney Mark J. Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 as follows:

Re: 271 Salem Street Unit J

Dear President Haggerty and Alderman:

Please be advised that I represent Flyers Unlimited, petitioner for a special permit to allow for the rental of UHaul vehicles at the above location. As of September 2, my client ceased the rental of vehicles and removed said vehicles from the location.

Pursuant to your request for further information, attached please find:

1. A full scale plot plan showing the building and parking. The 8 highlighted spaces are the proposed spaces to be designated for the u-haul rentals.

2. A miniature version of the plan showing the approximate location of each unit.
3. A parking chart.
4. A petition signed by a majority of the current unit owners in support of the petition.
5. A synopsis of the proposed use.

Very truly yours, s/Mark J. Salvati

Appearing for the petitioner was Attorney Mark J. Salvati and he stated that the original petition in which the petitioner was pro se was lacking in completeness, that the plan has been amended, that the rental trucks have been removed from the site, that the petitioner's business has been located at the locus for ten years, that the petitioner operates a printing business, that the petitioner was lettering U-Haul trucks and after a time was asked to serve as a rental agent for the company, that the petitioner provided a parking plan and a parking chart based on the current uses in the building, that 77 parking spaces are required for the uses and there are 100 parking spaces on site, that this calculation does not include the proposed kennel use in the vacant units, that the petitioner would have five trucks and three vans parked on the site for rentals, that the petitioner has been operating the truck rental business from the locus for six years without any complaints from neighbors, the Building Department or most of the other tenants, that the petitioner operates the U-Haul rental business and the printing business concurrently, that the hours of operation are 9:00 a.m. to 5:00 p.m. Monday through Friday with some hours on Saturday, that the concerns expressed by Xyleco, Inc. are between the landlord and city departments not with this petitioner, that the location is convenient and known to clients renting the trucks, that the trucks have been moved to a location 31 Olympia Avenue, and that the petitioner has three employees. Brian Picanco of U-Haul stated that U-Haul has a dealership program, that this location generates a lot of business for a small business, that customers to this location used the bus route as well, and that additional rental locations decreases the need for customers to drive longer distances. Lenny Mirra, Mirra Realty Trust, 6 Norino Way, P.O. Box 399, Georgetown, Massachusetts 01833 stated that the building was constructed in 1978, that there are 150 lined parking spaces on the lot, that the parking is assigned by the space used in the building, that for example if a tenant leased 10% of the building space then they would have the use of fifteen parking spaces, that the tenants also have bay parking, that the building is 38,000 square feet in size, that the parking exceeds the parking requirements for an industrial building, that the number of parking spaces required for the building is the same for that building regardless of whether there is one tenant or ten tenants, that the parking required is based on the square footage of the building, that the petitioner originally came into the building as a printing business providing flyers and t-shirts, and that the Mirra construction trucks parked on the site do not take up parking. Alderman Drapeau stated that there is a new U-Haul business operating at 31 Olympia Avenue, and that he does not understand why this site is also needed. Alderman Gaffney stated that the use seems to be a benign use, that there appears to be sufficient parking at the site, and that the issue may be with the property owner for not designating particular parking with the other businesses. Alderman Gately stated that other tenants were complaining about parking issues on site a second petition for a special permit at the same location brought

the matter to the attention of the city. Alderman Raymond stated that with five trucks and three employees the eight spaces that are designated for the petitioner does allow for parking for customers, that based on the square footage of the petitioner's use the petitioner requires eight parking spaces of the 77 parking spaces required and 100 parking spaces available, that there should be a plan that shows the parking on the locus, that the available parking may exceed the parking required for an industrial business but if there are twelve businesses operating on site there must be an accounting for each use, that he visited the site and saw confusion with the parking, that the individuals who drive the construction trucks will also have their own vehicles and must park on site while they take the construction vehicles to other locations, and that there could be more than one person in each construction vehicle which would result in more cars parked on the site. Alderman Mercer-Bruen stated that the petitioner's business has been located at the locus for six years and she has never received a complaint about the business, that when the matter came to light with the filing of the petition she recognized the problems at the site, that the matter should be referred to committee to work out a plan, that the Building Commissioner can look at the dump trucks parked on site as a special permit may be needed to allow overnight parking of those vehicles, and that there may be other tenants but on this company is before the City Council. Alderman Concannon stated that there appears to be significant parking but another tenant has gone to great lengths to demonstrate serious issues relative to parking. PUBLIC COMMENTS: A communication dated October 1, 2014 was received from Mirra Realty Trust, 6 Norino Way, P.O. Box 399, Georgetown, Massachusetts 01833 stating that the petitioner has been their tenant for ten years, that there is ample parking on site, and that designated parking can be established for the petitioner to accommodate the U-Haul trucks. A communication dated October 7, 2014 with attachments was received from Attorney Gary M. Ronan, Goulston & Storrs, 400 Atlantic Avenue, Boston, Massachusetts 02110 on behalf of Xyleco, Inc. in opposition to the petition. Attorney Gary M. Ronan stated that he does not believe that the parking concerns raised by his client have been addressed, that the parking is dire, that the plan provided is from 1996, that there are not 150 lined parking spaces on the lot, that there are 71 available lined parking spaces on the lot, that some parking spaces were lined but are no longer lined and other parking spaces are taken up by dumpsters, that of the 99 lined parking spaces there are 7 parking spaces with signs restricting the use to certain tenants and 21 parking spaces occupied by construction trucks and materials such as stone and gravel associated with the construction company owned by the landlord, that the construction company does not operate from the building, that deducting these parking spaces from the total lined spaces reduces the number of available parking spaces to 71 parking spaces, that at times there can be as many as 30 parking spaces taken up by the construction vehicles and storage of materials, that he has submitted a letter which details the issues, a plan showing the actual available parking and a series of photographs, that a count was made of 21 parking spaces being used for construction vehicles but some vehicles take up more than one parking space, and that customers renting the U-Haul trucks also park on site when renting a vehicle and at times there are multiple vehicles parked on site associated with the rental of on U-Haul truck. Motion made and 2nd that a communication be forwarded to the Building Commissioner requesting that he conduct a site visit to 271 Salem Street to review the parking and specifically the parking of commercial dump trucks and vehicles on site, whether there is evidence allowing the

parking of the vehicles, whether the vehicles are registered in Woburn, to count the number of actual parking spaces on site, to count the number of available handicapped parking spaces on site, and to provide a report to the Committee on Special Permits by its next meeting, all in favor, 9-0. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON October 21, 2014 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

On the petition by Diane R. Kurkjian dba Everydog LLC, 441 West Street, Reading, Massachusetts 01867 for a special permit pursuant to Section 5.1.35 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a kennel at 271 Salem Street, Units C and D. PUBLIC HEARING OPENED. A communication dated September 30, 2014 was received from the petitioner providing responses to concerns about the petition. Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Appearing was the petitioner Diane Kurkjian and she stated that she understands that the parking issue has to be addressed before this petition can be decided, that she is a former animal control officer and is a veterinarian technician, that she is a former director of the New England Dog Training Club (NEDTC), that she is cognizant of safety issues, that she has been seeking a location for the business for over a year, that it is difficult to find space where a landlord will allow dogs, that this is an ideal location for the business, that no other business in the area that will offer what this business will offer, that this is not a kennel, that no dogs will be boarded overnight, that this is not a dog daycare, that the owners will arrive with their dog, remain for training and leave the facility with their dog, that the NEDTC has been operating since 1935, that 85 decibels is the average level for a barking dog, that she used a recording of a dog barking at that level to determine whether noise emitted from the building, that the noise could only be heard just outside the doorway to the unit but only when it was quiet, that she also made observations from the neighboring tenant's suite, that the barking could be heard quietly in some parts of the unit but not in the office space of the unit, that the dog owners have to submit behavioral screening data for their dog, that the information does screen out some dogs that would not be appropriate for the facility, that people will walk with their dogs approximately twenty feet from their cars to the unit, that there are two spaces that will be designated for dog waste, that the two areas will be bark mulched, that one of the spaces will be near the door to the unit and the other will be across the parking lot, that she will contract with a trash company to remove the dog waste as necessary, that the units are entitled to 16% of the parking, and that the dog training classes will be held evenings and weekends. Ms. Kurkjian offered five documents to the City Council for review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Alderman Mercer-Bruen stated that she is willing to review the matter in committee, that the parking issue at the locus is significant, that she needs to know how the petitioner's parking spaces will be designated, and that the business sounds like a dog school. Alderman Anderson stated that one of the required findings for a special permit is how many parking spaces are needed for the particular use. Alderman DiTucci stated that the petitioner is a professional trainer, that the parking issue has to be figured out, that he has a concern that if there is an issue between the tenants and the landlord that the City

Council not become involved in sorting this out, and that the petition must be examined on its merits. Alderman Raymond stated that a parking map filed in another petition also for a business at this address shows vehicles parking in front of the door to the petitioner's units. Alderman Drapeau stated that the decision is not based on the character of the operator but he is concerned that this site has a number of uses that might not be compatible, and that parking is a concern. PUBLIC COMMENTS: A communication dated October 7, 2014 with attachments was received from Attorney Gary M. Ronan, Goulston & Storrs, 400 Atlantic Avenue, Boston, Massachusetts 02110 on behalf of Xyleco, Inc. in opposition to the petition. Attorney Gary M. Ronan stated that he represents Xyleco, Inc. who is a tenant at the building, that the petitioner tested the dog parking at 85 decibels which is the average decibel level for a parking dog as the petitioner stated, that his research indicates that some dogs bark at a level of 110 decibels which would have a different result, that there was no testimony as to whether the decibel meter had been calibrated correctly, that the petitioner stated that at 85 decibels noise was heard in the neighboring unit which is the concern of his client, that the self-policing of dogs will not be perfect, that some people are uncomfortable with dogs, that the doors to the units are in close proximity, and that it may be better for this business to be located in area that is set off from the other tenants. Lenny Mirra, Mirra Realty Trust, 6 Norino Way, P.O. Box 399, Georgetown, Massachusetts 01833 stated that he has managed the property for 25 years, that this is a block and stiel construction with insulation and sheet rock on both sides, that the building is quiet due to the construction, that trucks can be louder than barking dogs, that there has never been an issue since the building was constructed in 1978, that Xyleco, Inc. wants to rent the space that is obligated to the petitioner, that the space had been available for six months, that he has entered into an agreement to lease the space to the petitioner, that when he informed the owner of Xyleco, Inc. he did not take the information well, that this is an industrial building in an industrial zone, that trucks to the location is common, that the proposed use will be quiet, and that he can provide a plan to the Committee on Special Permits of the parking for each user. Jerry Lohnes, 15 Garden Street stated that there is a lot of construction on site, that there is a need for trainers who can teach a dog not to bark, that he is in favor of the petition, and that the petitioner has a lot of experience in training dogs. Stephen Jarbeau, Flyers Unlimited stated that he was present when the dog barking was being tested and he could hear no noise, that the band Boston practices in one of the bays and the music cannot be heard outside unless the doors are open, that the building is made of six inch cinderblock and is insulated, and that the outside walls have foam. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 21, 2014 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

On the petition by Alderman Gately concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 141-143 Main Street, 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 Gately stated that he filed a complaint based on complaints received from the neighbors, that the property has been cleaned, that the parking issue has been addressed, that no further complaints have been received, and that he does not believe further action is needed. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

PERSONNEL:

On the appointment of Al Magro to the Board of Registrars of Voters, committee report was received "ought to be confirmed". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: October 9, 2014 **s/Scott D. Galvin October 9, 2014**

INFRASTRUCTURE AND PUBLIC LANDS:

On the Order to authorize His Honor the mayor to execute a License Agreement between the City of Woburn and Santander Bank, N.A. for the provision of municipal parking, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: October 9, 2014 **s/Scott D. Galvin October 9, 2014**

On the Order to authorize His Honor the Mayor to accept in the name of the City of Woburn a deed in lieu of foreclosure a certain parcel of land located on Bird Street in Woburn, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: October 9, 2014 **s/Scott D. Galvin October 9, 2014**

ORDINANCES:

On the Order to further amend Title 5, Article XII, Section 5-68(E) relative to insurance requirements for taxi and livery license holders, committee report was received "ought to pass in conformance with the recommendations of the City Solicitor." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor October 9, 2014 and ten days having elapsed without same being approved, said Ordinance became effective without his signature on October 21, 2014.

PUBLIC SAFETY AND LICENSES:

On the Order to further amend Title 5, Article XII, Section 5-68(E) relative to insurance requirements for taxi and livery license holders, committee report was received “to adopt the report of the Committee on Ordinances.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor October 9, 2014 and ten days having elapsed without same being approved, said Ordinance became effective without his signature on October 21, 2014.

NEW PETITIONS:

Petition by Woburn Host Lions Club, Inc., P.O. Box 81, Woburn for a special event permit to allow a running road race at Horn Pond on October 19, 2014. Motion made and 2nd that the SPECIAL EVENT PERMIT be GRANTED, all in favor, 9-0.

Presented to the Mayor: October 9, 2014 s/Scott D. Galvin October 9, 2014

Petition by Wadner Paul dba Wadner’s Livery, 226 Main Street, Apt. 2, Woburn for a Livery License for one (1) vehicle. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petition by David Dellarocco dba Woburn Auto Sales, 5 Crescent Avenue, #4, Woburn for renewal of a Second Class Motor Vehicle Sales License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petition by Louise Doyle, 72 Willowdale Avenue, Tyngsboro, Massachusetts 01879 for a special permit pursuant to Section 5.1.33b of the 1985 Woburn Zoning Ordinances, as amended, to allow muscular therapy at 76 Winn Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated September 30, 2014 was received from Charles L. O’Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 90, Section 20½, I am submitting this report to you on the parking violations within the city of Woburn for the period ending August 2014: number of violations issued 742, number of violations paid 390, number of violations outstanding 255, amount collected and submitted to the Collector's Office \$32,720.00. There exists a backlog of 3,187 tickets from 1982 through 2013. Demand will be sent until all tickets have been paid. Parking fines referred to the Handicapped Commission \$6,900.00.

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 with a communication to the City Solicitor asking if any action can be taken on the unpaid tickets, all in favor, 9-0.

A communication dated September 13, 2014 was received from Arthur Veno, 1 McNamar Way, Apt. 1, Burlington, Massachusetts requesting permission to install a plaque near a bridge built by the Boys Scout at Horn Pond. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON INFRASTRUCTURE AND PUBLIC LANDS, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED WHEREAS, there presently exists a structure or structures located in the City of Woburn, Massachusetts known and numbered as 22 Mt. Pleasant Street; and

WHEREAS, the said building or buildings and the property is generally not being properly maintained;

NOW, THEREFORE, BE IT ORDERED be the City Council of the City of Woburn that the City Clerk and Clerk of the City Council schedule a public hearing pursuant to Mass. General Laws Ch. 139, Sec. 1, et. seq., and give notice thereof to the owner of said building or buildings, said hearing to be conducted for the purposes of determining whether said building or buildings are a nuisance, a nuisance to the neighborhood, dilapidated or dangerous building or buildings or other structure or structures, as said terms

are used in Mass. 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.

s/Alderman Gately

Motion made and 2nd that the ORDER be ADOPTED with a public hearing on November 18, 2014, all in favor, 9-0.

Presented to the Mayor October 9, 2014 and ten days having elapsed without same being approved, said Ordinance became effective without his signature on October 21, 2014.

ORDERED That the Liaison Committee meet with the Woburn Public Library Board of Trustees and the Mayor for an update and presentation on the Woburn Public Library Construction and Renovation project.

s/President Haggerty

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

Presented to the Mayor October 9, 2014 and ten days having elapsed without same being approved, said Order became effective without his signature on October 21, 2014.

ORDERED

That 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 the City of Woburn as are qualified to vote in the State Election to assemble at the polling places in the City of Woburn as designated herein, on **TUESDAY, the FOURTH DAY OF NOVEMBER, 2014** from 7:00 a.m. to 8:00 p.m., then and there to cast their votes in the State Election for the candidates for the following offices at the following polling places:

- SENATOR IN CONGRESS..... FOR THIS COMMONWEALTH
- GOVERNOR AND LIEUTENANT GOVERNOR FOR THIS COMMONWEALTH
- ATTORNEY GENERAL..... FOR THIS COMMONWEALTH
- SECRETARY OF STATE FOR THIS COMMONWEALTH
- TREASURER FOR THIS COMMONWEALTH
- AUDITOR FOR THIS COMMONWEALTH
- REPRESENTATIVE IN CONGRESS..... FIFTH DISTRICT
- COUNCILLOR THIRD DISTRICT
- SENATOR IN GENERAL COURT 4TH MIDDLESEX DISTRICT
- REPRESENTATIVE IN GENERAL COURT...15th MIDDLESEX DISTRICT (Wards 1, 7)
- REPRESENTATIVE IN GENERAL COURT...30th MIDDLESEX DISTRICT (Wards 2, 3, 4, 5, 6)
- DISTRICT ATTORNEY..... NORTHERN DISTRICT
- REGISTRAR OF PROBATE..... MIDDLESEX COUNTY

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 6, 2014?

SUMMARY

This proposed law would eliminate the requirement that the state's gasoline tax, which was 24 cents per gallon as of September 2013, (1) be adjusted every year by the percentage change in the Consumer Price Index over the preceding year, but (2) not be adjusted below 21.5 cents per gallon.

A YES VOTE would eliminate the requirement that the state's gas tax be adjusted annually based on the Consumer Price Index.

A NO VOTE would make no change in the laws regarding the gas tax.

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 6, 2014?

SUMMARY

This proposed law would expand the state's beverage container deposit law, also known as the Bottle Bill, to require deposits on containers for all non-alcoholic non-carbonated drinks in liquid form intended for human consumption, except beverages primarily derived from dairy products, infant formula, and FDA approved medicines. The proposed law would not cover containers made of paper-based biodegradable material and aseptic multi-material packages such as juice boxes or pouches.

The proposed law would require the state Secretary of Energy and Environmental Affairs (EEA) to adjust the container deposit amount every five years to reflect (to the nearest whole cent) changes in the consumer price index, but the value could not be set below five cents.

The proposed law would increase the minimum handling fee that beverage distributors must pay dealers for each properly returned empty beverage container, which was 2¼ cents as of September 2013, to 3½ cents. It would also increase the minimum handling fee that bottlers must pay distributors and dealers for each properly returned empty reusable beverage container, which was 1 cent as of September 2013, to 3½ cents. The Secretary of EEA would review the fee amounts every five years and make appropriate adjustments to reflect changes in the consumer price index as well as changes in the costs incurred by redemption centers. The proposed law defines a redemption center as any business whose primary purpose is the redemption of beverage containers and that is not ancillary to any other business.

The proposed law would direct the Secretary of EEA to issue regulations allowing small dealers to seek exemptions from accepting empty deposit containers. The proposed law would define small dealer as any person or business, including the operator of a vending machine, who sells beverages in beverage containers to consumers, with a contiguous retail space of 3,000 square feet or less, excluding office and stock room space; and fewer than four locations under the same ownership in the Commonwealth. The proposed law would require that the regulations consider at least the health, safety, and convenience of the public, including the distribution of dealers and redemption centers by population or by distance or both.

The proposed law would set up a state Clean Environment Fund to receive certain unclaimed container deposits. The Fund would be used, subject to appropriation by the state Legislature, to support programs such as the proper management of solid waste, water resource protection, parkland, urban forestry, air quality and climate protection.

The proposed law would allow a dealer, distributor, redemption center or bottler to refuse to accept any beverage container that is not marked as being refundable in Massachusetts.

The proposed law would take effect on April 22, 2015.

A YES VOTE would expand the state's beverage container deposit law to require deposits on containers for all non-alcoholic, non-carbonated drinks with certain exceptions, increase the associated handling fees, and make other changes to the law.

A NO VOTE would make no change in the laws regarding beverage container deposits.

QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 6, 2014?

SUMMARY

This proposed law would (1) prohibit the Massachusetts Gaming Commission from issuing any license for a casino or other gaming establishment with table games and slot machines, or any license for a gaming establishment with slot machines; (2) prohibit any such casino or slots gaming under any such licenses that the Commission might have issued before the proposed law took effect; and (3) prohibit wagering on the simulcasting of live greyhound races.

The proposed law would change the definition of "illegal gaming" under Massachusetts law to include wagering on the simulcasting of live greyhound races, as well as table games and slot machines at Commission-licensed casinos, and slot machines at other Commission-licensed gaming establishments. This would make those types of gaming subject to existing state laws providing criminal penalties for, or otherwise regulating or prohibiting, activities involving illegal gaming.

The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would prohibit casinos, any gaming establishment with slot machines, and wagering on simulcast greyhound races.

A NO VOTE would make no change in the current laws regarding gaming.

QUESTION 4: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 6, 2014?

SUMMARY

This proposed law would entitle employees in Massachusetts to earn and use sick time according to certain conditions.

Employees who work for employers having eleven or more employees could earn and use up to 40 hours of paid sick time per calendar year, while employees working for smaller employers could earn and use up to 40 hours of unpaid sick time per calendar year.

An employee could use earned sick time if required to miss work in order (1) to care for a physical or mental illness, injury or medical condition affecting the employee or the employee's child, spouse, parent, or parent of a spouse; (2) to attend routine medical appointments of the employee or the employee's child, spouse, parent, or parent of a spouse; or (3) to address the effects of domestic violence on the employee or the employee's dependent child. Employees would earn one hour of sick time for every 30 hours worked, and would begin accruing those hours on the date of hire or on July 1, 2015, whichever is later. Employees could begin to use earned sick time on the 90th day after hire.

The proposed law would cover both private and public employers, except that employees of a particular city or town would be covered only if, as required by the state constitution, the proposed law were made applicable by local or state legislative vote or by appropriation of sufficient funds to pay for the benefit. Earned paid sick time would be compensated at the same hourly rate paid to the employee when the sick time is used.

Employees could carry over up to 40 hours of unused sick time to the next calendar year, but could not use more than 40 hours in a calendar year. Employers would not have to pay employees for unused sick time at the end of their employment. If an employee missed work for a reason eligible for earned sick time, but agreed with the employer to work the same number of hours or shifts in the same or next pay period, the employee would not have to use earned sick time for the missed time, and the employer would not have to pay for that missed time. Employers would be prohibited from requiring such an employee to work additional hours to make up for missed time, or to find a replacement employee.

Employers could require certification of the need for sick time if an employee used sick time for more than 24 consecutively scheduled work hours. Employers could not delay the taking of or payment for earned sick time because they have not received the certification. Employees would have to make a good faith effort to notify the employer in advance if the need for earned sick time is foreseeable.

Employers would be prohibited from interfering with or retaliating based on an employee's exercise of earned sick time rights, and from retaliating based on an employee's support of another employee's exercise of such rights.

The proposed law would not override employers' obligations under any contract or benefit plan with more generous provisions than those in the proposed law. Employers that have their own policies providing as much paid time off, usable for the same purposes and under the same conditions, as the proposed law would not be required to provide additional paid sick time.

The Attorney General would enforce the proposed law, using the same enforcement procedures applicable to other state wage laws, and employees could file suits in court to enforce their earned sick time rights. The Attorney General would have to prepare a multilingual notice regarding the right to earned sick time, and employers would be required to post the notice in a conspicuous

location and to provide a copy to employees. The state Executive Office of Health and Human Services, in consultation with the Attorney General, would develop a multilingual outreach program to inform the public of the availability of earned sick time.

The proposed law would take effect on July 1, 2015, and states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would entitle employees in Massachusetts to earn and use sick time according to certain conditions.

A NO VOTE would make no change in the laws regarding earned sick time.

QUESTION 5:

Shall this City accept sections 3 to 7 inclusive of Chapter 44B of the General Laws, as approved by its legislative body, a summary of which appears below?

SUMMARY

Sections 3 to 7 of Chapter 44B of the General Laws of Massachusetts, also known as the Community Preservation Act, establish a dedicated funding source to acquire, create, and preserve open space, including land for parks, recreational uses and conservation land; acquire, preserve, rehabilitate and restore historic resources including historic building; acquire, create, preserve, rehabilitate and restore land for recreational use, including parks, playgrounds and athletic fields; and to acquire, create, preserve and support affordable housing. In Woburn, the Community Preservation Act will be funded by an additional one percent (1%) on the annual tax levy against real estate to be assessed beginning in Fiscal 2016 (July 1, 2015); and by annual distributions from the state. Exempt from this surcharge will be property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the city as defined in Section 2 of the Chapter 44B; \$100,000 of the value of each taxable parcel of residential real property, and \$100,000 of the value of each taxable parcel of class three, commercial property, and class four, industrial property as defined in section 2A of chapter 59, of the General Laws. Any taxpayer who receives a property tax abatement or exemption under Chapter 59 of the General Laws will also receive a pro rata reduction in the surcharge. A Community Preservation Committee composed of local citizens will make recommendations on the use of the funds which must then be approved by the City Council. All expenditures will be subject to an annual audit.

QUESTION 6 (Wards 1 and 7 only): THIS QUESTION IS NOT BINDING

Shall the state representative from this district be instructed to vote in favor of legislation that would allow the state to regulate and tax marijuana in the same manner as alcohol?

<u>Ward/Precinct</u>	<u>Polling Place Location</u>
1-1	Joyce Middle School Library, 55 Locust Street
1-2	Clapp Elementary School Cafeteria, Hudson Street and Arlington Road
2-1	Shamrock Elementary School Gymnasium, 60 Green Street
2-2	Shamrock Elementary School Gymnasium, 60 Green Street
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, 36 Bow Street
- 5-1 Goodyear Elementary School Gymnasium, 41 Central Street
- 5-2 Goodyear Elementary School Gymnasium, 41 Central 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 Haggerty

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

Presented to the Mayor: October 9, 2014 s/Scott D. Galvin October 9, 2014

ORDERED The City of Woburn hereby petitions the Great and General Court of the Commonwealth of Massachusetts to enact the following proposed Special Act:

An Act relative to the Use of a Parcel of Land in the City of Woburn for Recreational Purposes

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding section 15A of chapter 40 of the General Laws, Chapter 71 of the Acts 2010 or any other general or special law to the contrary, the land commonly known as the Clapp school and surrounding fields acquired by the city on or about 1909 and located at the intersection of Hudson street and Arlington road in the city of Woburn, shown on assessors map 59 as block 26, lot 20, containing 2.92 acres more or less, and shown on a plan entitled "Use and Limitation Plan" dated September 2, 2009, prepared by Leblanc Survey Associates, Inc. which is on file with the city clerk, currently used for recreational and educational purposes, shall be under the care, custody and control of the Woburn recreation commission to be used solely for active or passive recreational uses including, but not limited to, community gardens, trails, noncommercial youth and adult sports and park, playground or athletic field purposes; provided, however, that recreational use of such land shall not include horse or dog racing or the use of the land for a stadium, gymnasium or similar structure. Notwithstanding the preceding sentence,

the portion of the land shown on the above-referenced plan that is designated for educational purposes shall continue to be under the care, custody and control of the city of Woburn school committee but shall be used only for academic educational purposes by and for city of Woburn public school students solely as a reserve, also known as “swing space”, school without any further enlargement to accommodate the construction by the city of an elementary school at another location in the city, that use of such land shall not include residences, offices or other administrative public or private uses of any name and nature, and upon the execution of a funding agreement by and between the city of Woburn and the Massachusetts School Building Authority for the construction of a new elementary school at any another location in the city, the land and building or buildings thereon shall, without further action, be in the care, custody and control of the Woburn recreation commission to be used solely for active or passive recreational uses including, but not limited to, community gardens, trails, noncommercial youth and adult sports and park, playground or athletic field purposes; provided, however, that recreational use of such land shall not include horse or dog racing or the use of the land for a stadium, gymnasium or similar structure; and further, that any building or buildings thereon shall be demolished and the land restored to its natural state for said recreational purposes within 120 days of the execution of said funding agreement, and no structure or structures shall be erected on said land except for playground equipment, benches, fencing or other playground related structures or landscaping.

SECTION 2. This act shall take effect upon its passage.

s/Alderman DiTucci, Alderman Gately,
Alderman Drapeau and Alderman Raymond

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

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:12 p.m.

A TRUE RECORD ATTEST:

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