

**CITY OF WOBURN
SEPTEMBER 15, 2015 - 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: None.

PUBLIC HEARINGS:

On the petition by Oclen Realty LLC, an individual owning land to be affected by change or adoption, and Seaver Properties LLC to amend the Zoning Map of the City of Woburn by changing the zoning district for the property located at 98 and 100 Baldwin Avenue, Dexter Avenue and Warren Avenue; referenced on the Assessors Maps at Map 09, Block 13, Lot 01; Map 09, Block 12, Lot 02; Map 09, Block 12, Lot 01; Map 09, Block 11, Lot 02 and Map 09, Block 11, Lot 01; and further described as the entire parcel of land known as 98 and 100 Baldwin Avenue, to the centerlines of Chester Avenue, Dexter Avenue and Monks Street containing approximately 253,214 square feet of land as shown on a plan by Keenan Survey entitled "Proposed Rezoning Plan in Woburn, Massachusetts" dated October 17, 2014 from R-2/OP zoning district to R-3 zoning district. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that this petition was filed in November 2014, that the parcel contains 5.138 acres of land, that the property is currently split between the R-2 zoning district and the O-P zoning district with the majority of the parcel in the O-P zoning district, that the petitioner requests the parcel be rezoned to the R-3 zoning district, that the Zoning Ordinance Review Committee (ZORC) has been reviewing the petition with respect to buffer zones, that the development will be in conformance with the zoning requirements, that the property was the former site of NELCO from the 1920s, that the petition would allow townhouses to be built on the property, that the petition eliminates business use of the property, that there will be an additional access road to the property, that the petitioner will construct a roadway through the so-called Monkey Hill to Dexter Avenue and Merrimac Street, that the access road issue has been addressed by the petitioner's commitment to creating the new access road, and that he requests the

zoning amendment be granted in view of the approaching end of this City Council's term. Alderman Raymond stated that he wants to make certain that the buffer zone change works throughout the city, and that he believes that if a buffer zone amendment is adopted that this may require the petitioner to come before the City Council again on this amendment. Alderman Anderson stated that once notice of an anticipated zoning amendment is made then the petitioner is bound by the proposed amendment. Attorney Tarby stated that even if the petitioner filed a special permit petition tomorrow the first reading would not be until October 6, 2015 with the public hearing in November, and that the petitioner would not make a commitment regarding his intentions with regards to a petition and then not do so. Alderman Drapeau stated that there are a number of issues holding this matter up, that the ZORC has been reviewing the matter and has not decided a firm direction at this moment, that he does not understand the need to rush this decision, that he does not want to take steps that will put abutting business property owner's rights in jeopardy, and that there is pending litigation to extinguish certain paper streets that must be resolved to move forward. The petitioner Scott Seaver stated that once this zoning amendment is approved there will be five to six weeks of engineering of the site before the special permit petition will be ready for filing. Alderman Drapeau stated that it may be better to complete the rezoning this calendar year and file any subsequent special permit petition with the new City Council, and it is questionable as to whether the special permit process can be completed by the end of this year. Mr. Seaver stated that he has obligations to the seller of the land which have been extended since this process has been ongoing since November 2014. Attorney Tarby stated that the paper streets issue is being handled separately by the seller of the land. Alderman Mercer-Bruen stated that this petition is not even close to being ready to vote on at this meeting, that the ZORC has not finished its review, that she would not vote to support this petition at this meeting, that this has been a controversial project, and that the City Council should get the vote right. Alderman Gately stated that the petitioner was responsible for some delay when the Poplar Street issue was being discussed as not an adequate access point to the development, and that he would vote against the petition at this meeting. President Haggerty stated that the only matter before the City Council at this meeting is the zoning map amendment. Alderman Anderson stated that the ZORC has been a productive process, and that the matter is far along in the process. President Haggerty stated that he would prefer that the zoning amendment and any subsequent special permit petition be handle by this City Council in view of the information gathered during this process. Alderman Concannon stated that that this is another matter where a zoning amendment is to be followed by a special permit petition, that there are rules in place and the burden should be on the petitioner to follow the rules, that the change requested should be so obvious that the City Council should have thought of the amendment on their own, that he believes that this is a good change but he is concerned about the timing, that until the ZORC language is in hand the City Council should not vote on the matter so that the City Council can be certain that abutters are protected and the change is in the best interest of the city, and that the matter is not ready for a vote at this meeting. Alderman DiTucci stated that she supports the zoning amendment, and that any ordinance changes that come out subsequent to this action is also under City Council control. Alderman Mercer-Bruen stated that the wording of the ordinance is important, and that the new Alderman that will be seated after this calendar year can handle a subsequent special permit petition that may

be filed. PUBLIC COMMENTS: Gerard Scalley, 18 Dartmouth Street stated that he wants to see a written guarantee that another access road will be provided into the neighborhood. John Devine, 605 Main Street stated that he owns property abutting the site, that if this zoning amendment is approved he will lose 95 feet of buffer and will have height restrictions on his lot, and that the time constraints of this petitioner should not be the motivating factor for the City Council to act before the ZORC files a recommendation. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 6, 2015, all in favor, 9-0.

On the petition by Paw Prints, 167 Merrimac Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.35 to allow for a kennel at 167 Merrimac Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: “ought to pass with the conditions as follows: 1. There will be no overnight boarding of dogs and no weekend stays; 2. The hours of operation will be M-F 10-9, Saturday and Sunday 9-5; 3. All dogs will be supervised, either by owners or trainers; 4. There will be no feeding of dogs; 5. All dogs attending the facility shall provide proof of registration, vaccinations, and have completed a temperament assessment; 6. There shall be a maximum of 25 dogs at any time; 7. There will be no outside potty station and all waste shall be disposed of in sealed containers, picked up daily. The petitioner shall provide to the council a copy of an agreement for the professional removal of the waste from the premises, inside and out; 8. Staff and owners will be instructed to keep barking to a minimum and any dog that creates a nuisance will be removed from the premises. If complaints of barking are received and determined to be valid, the City Council shall have the right to revoke the special permit; 9. No dogs shall be crated or caged; 10. The special permit shall be specific to “Paw Prints” and shall be non-transferrable; and 11. That the plan of record shall show snow storage area and that the parking lot shall be marked for employees, patrons and handicapped spaces for the business.” A communication dated September 10, 2015 was received from Neil Cronin, City Planner/Grant Writer as follows:

Re: Planning Department comments on special permit application to allow a kennel at 167 Merrimac Street (Suite A)

Dear Honorable Council:

The Planning Department has reviewed the application referenced above which seeks to allow a kennel pursuant to Section 5.1. (35) of the Woburn Zoning Ordinance. The property is located in an I-P zoning district and the requested use (kennel) is allowed by special permit from the City Council.

I offer our apologies for not realizing this matter was slated for discussion by the Council’s Committee earlier this week. We suggest the following additional conditions for your consideration as you finalize the special permit decision:

1. All compact car parking spaces must be clearly marked with appropriate signage (we assume these and the other off-site parking spaces have been previously approved as such in accordance with Section 8.3 of the Zoning Ordinance);
2. If the Dumpster is to remain on site it must be screened with a six (6) foot sight impervious fence and the parking re-calculated to ensure the spaces used for the Dumpster are not needed for zoning compliance;
3. Details of the security lighting (whether existing or proposed) should be added to the plan in accordance with Section 8.5.1. of the Zoning Ordinance to ensure there is no undue light or glare shining onto abutting properties;
4. That the project is subject to any regulations and requirements for kennels that the Board of Health may have; and
5. That the decision reference Suite A, which is the space Paw Prints will occupy.

Respectfully, s/Neil Cronin, City Planner/Grant Writer

Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that this business is a kennel in name only, that the dog owners stay with the dogs at all times, that he did not receive the conditions from the Planning Board, that the lease refers to the unit as 167 Merrimac Street, Suite A, and that the unit is 10,200 square feet in area. Attorney Salvati offered a plan entitled "Parking Plan of Lan, 167-171 Merrimac Street, Woburn, MA, Middlesex County" dated August 26, 2015, rev. September 14, 2015 prepared by Medford Engineering & Survey for the City Council to review. Motion made and 2nd that the plan be received and made part of the record, 8 in favor, 0 opposed, 1 abstained (Mercer-Bruen abstained). PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, 8 in favor, 0 opposed, 1 abstained (Mercer-Bruen abstained). PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. There will be no overnight boarding of dogs and no weekend stays; 2. The hours of operation will be M-F 10-9, Saturday and Sunday 9-5; 3. All dogs will be supervised, either by owners or trainers; 4. There will be no feeding of dogs; 5. All dogs attending the facility shall provide proof of registration, vaccinations, and have completed a temperament assessment; 6. There shall be a maximum of 25 dogs at any time; 7. There will be no outside potty station and all waste shall be disposed of in sealed containers, picked up daily. The petitioner shall provide to the council a copy of an agreement for the professional removal of the waste from the premises, inside and out; 8. Staff and owners will be instructed to keep barking to a minimum and any dog that creates a nuisance will be removed from the premises. If complaints of barking are received and determined to be valid, the City Council shall have the right to revoke the special permit; 9. No dogs shall be crated or caged; 10. The special permit shall be specific to "Paw Prints" and shall be non-transferrable; 11. That the plan of record shall show snow storage area and that the parking lot shall be marked for employees, patrons and handicapped spaces for the business; 12. All compact car parking spaces must be

clearly marked with appropriate signage; 13. Details of the security lighting shall be submitted to the Building Department in accordance with Section 8.5.1. of the Zoning Ordinance to ensure there is no undue light or glare shining onto abutting properties; 14. That the project is subject to any regulations and requirements for kennels that the Board of Health may have; 15. That the decision shall reference Suite A, which is the space Paw Prints will occupy; and 16. The petitioner shall file the revised site plan with the Building Department indicating where Suite A is in the building measuring 10,200 square feet, 8 in favor, 0 opposed, 1 abstained (Mercer-Bruen abstained).

On the petition by The Boston Solar Company LLC, 55 Sixth Road, Suite 1, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to allow for the overnight parking of commercial vehicles at 42 Sixth Road a/k/a 55 Sixth Road. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the use is allowed by right in the zoning district, that the petitioner designs and installs affordable solar systems for residential, commercial and non-profit clients, that there petitioner has forty employees on site, that the petitioner has thirteen commercial vehicles that will be parked on site in the southwest corner of the parking lot as shown on the plan dated September 2, 2015, that the vehicles are small vans, that the petitioner addressed the issues raised by the Planning Department, that the Building Commissioner determined that the use of parking commercial vehicles overnight was not grandfathered at this lot and therefore the special permit is required, that the petitioner has trucks parked on a separate lot adjacent to the locus which was allowed by the Building Commissioner, that 118 parking spaces are available on the locus, that there are 81 employees among all the tenants at the locus, and that there are 37 excess parking space on the locus. Michele Buchanan, Operations Manager, The Boston Solar Company LLC stated that the company has operated in Woburn since 2012 and moved to the locus in September 2014, that the vehicles are registered in Woburn, that the vehicles are washed at an offsite car wash, and that the hours of operation are 8:00 a.m. to 5:00 p.m. Monday through Friday with a half day on Saturday. Alderman Raymond wants the vehicles to be registered in Woburn, and the dumpsters need to be maintained properly. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 20, 2015 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

On the petition by 80 Holton Street LLC, 80 Holton Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.42, 5.1.57b and 7.3 to allow for the alteration of the existing nonconforming use and structure for a warehouse and distribution business; overnight parking of commercial vehicles; and to allow for the continuance of the existing area, parking and landscaping requirements, at 80 Holton Street. PUBLIC HEARING OPENED. A

communication dated September 9, 2015 was received from Tina P. Cassidy, Planning Director as follows:

Re: Planning Department recommendations on special permit applications of 80 Holton Street LLC to allow for warehouse and distribution use, overnight parking of commercial vehicles and continuance of existing area, parking and landscaping requirements

Dear Members of the Council:

The Planning Department has reviewed the above-referenced special permit application which seeks special permits in accordance with Sections 5.1(42), 5.1(57b) and 7.3 of the Zoning Ordinance. The special permits would allow the use of this existing non-conforming building for warehouse and distribution uses, the overnight parking of an unknown number of commercial vehicles on site, and the continuation of existing lot area, parking and landscaping requirements.

The Planning Department makes the following comments on this application:

1. There is a loading bay/door on the front façade of the building and a ramp leading to it. The plans accompanying the application are being redrawn to include them as existing conditions. On a related note, the existence of the aforementioned ramp may interfere with the ability to access the two (2) parking spaces shown along the southerly property line. The applicant may be amending the plan to reorient those spaces such that they are perpendicular to the street rather than parallel to it.
2. The application does not specify the number or type(s) of commercial vehicles for which permission for overnight parking is being sought. The applicant should be required to provide this information and to indicate on the plans where the vehicles will be parked overnight.

Similarly, the applicant should be required to provide the Council with the number of employees expected to be employed on the largest work shift. This information is needed to ensure there will be sufficient on-site parking for all customers, employees and company vehicles at all times, particularly in light of the request for overnight commercial vehicle parking.

3. The plan does not show any snow storage areas. The plan should be amended to include sufficient snow storage areas or a plan for removal of snow after every storm should be submitted.
4. The ramp should be marked with signage and/or pavement paint to alert motorists and pedestrians of the ramp's location.
5. The applicant should be encouraged to add two (2) or three (3) trees to the front planting beds to augment the low-growing shrubs along the front façade.

Respectfully, s/Tina P. Cassidy, Director

Appearing for the petitioner was Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the current use as manufacturing and distribution is nonconforming, that the building was constructed in 1967, that the loading dock in the front of the building, some parking that does not meet the setback requirements and the rear setback are nonconforming, that the warehouse and distribution use now requires a special permit, that the property had been used for warehouse and distribution over the years, that the user will be Jack Young Co. which is a wholesale distributor of auto parts and supplies, that the company has been in operation since 1959 and is based in Allston, that the petitioner will park fifteen commercial vehicles overnight including three box trucks and twelve delivery vans, that there will be no retail sales, that the company is not open to the public, that the building is approximately 40,000 square feet in area, that the petitioner will accept six to eight tractor trailer delivery of parts each week at the loading dock, that there was an issue of truck restrictions on Holton Street from 10:00 p.m. to 6:00 a.m. and MassDOT has determined the hours of restriction are unenforceable, that the petitioner does not operate during night hours, that Winchester Hospital had offered \$500,000.00 to widen Holton Street and add sidewalks, that when it was determined that many of the residents' sidewalks and walls had encroached on the street the project was halted, that a crane manufacturing company previously operated at the locus, that between 1967 and 1990 the warehouse and distribution use was by right, that as of 1990 the warehouse and distribution use requires a special permit and therefore is now nonconforming, that the building is also nonconforming with respect to the setbacks, and that under the recent owner the operation on site was manufacturing, warehouse and distribution. Tim Williams, Allen & Major Associates, Inc., 100 Commerce Way, Woburn, Massachusetts 01801 stated that the petitioner will restripe the existing parking lot, that the site parking is now in conformance with zoning requirements, that the parking has proper setbacks, that some of the parking spaces were eliminated to create snow storage, that 55 parking spaces are required, and that there are 58 parking spaces provided three of which are handicapped accessible parking spaces. Alderman Mercer-Bruen stated that Holton Street is a disaster, that Holton Street is a narrow street in deplorable condition, that there are residences on both sides of the street, and that the biggest concern is the trucks and traffic along the roadway. Alderman Concannon stated that the City Council has certain facts that have to be determined if a continuance or extension of nonconforming use it to be allowed, and there has to be a finding that the use will not be substantially more detrimental than the former use. Alderman Drapeau stated that box trucks would be less detrimental than cranes from the manufacturing business that was operating from the site. Alderman Gately stated that there has been a lot of truck traffic through the abutting residential neighborhoods, and that it would be difficult to approve a distribution center in this area. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 20, 2015 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

On the petition by Rosematwo, LLC, 10 Dorrance Street, Boston, Massachusetts 01219 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, to modify a special permit issued February 27, 2014 to eliminate the handicapped parking spaces at the front of the site at 7 State Street. PUBLIC HEARING OPENED. A communication dated September 15, 2015 was received from Daniel Campbell, Level Design Group, LLC as follows:

Mr. Campbell:

Please inform the chair that in light of the subcommittee not having met LDG on behalf of the owner would like to continue the hearing this evening to allow us to meet with the subcommittee.

Thanks, Daniel Campbell, PE
Level Design Group, LLC

PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 6, 2015, 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 20 Garfield Avenue, 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 there is an issue with determining the correct property owner, and that it is necessary to provide notice to proceed. Alderman Anderson stated that the matter could be referred to the City Solicitor to determine whether seeking a court appointed receiver over the property would be beneficial. PUBLIC COMMENTS: None. Motion made and 2nd that a communication be forwarded to the City Solicitor requesting that she pursue a court appointed receiver over the property if appropriate, all in favor, 9-0. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 10, 2015, all in favor 9-0.

On the Order to determine whether there is cause for revoking the inflammable licenses held by NSTAR Electric Company, Cove Street at the request of licenseholder; by 300 MetroNorth Corporate Center, 200 Presidential Way at the request of licenseholder; ProCoating, Inc, 229 New Boston Street at the request of licenseholder; NSTAR Electric Company, Cove Street due to nonregistration; and ArQule, Inc., 10 Presidential Way due to nonregistration. PUBLIC HEARING OPENED. City Clerk Campbell advised that NSTAR and 300 MetroNorth Corporate Center requested that the licenses remain in

effect and are filing the necessary papers and filing fees, that ProCoating, Inc. appears to be no longer operating at the location, and ArQule, Inc. advised that they are vacating the premises and ask that the license be terminated. A communication dated May 4, 2015 was received from Nicole A. Blute, EH&S Manager, ArQule, Inc., 19 Presidential Way, Woburn stating that ArQule, Inc. is in the process of vacating the facility located at 19 Presidential Way and requesting that the inflammable license for the premises be terminated. PUBLIC COMMENTS: Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the inflammable licenses of ProCoating Inc. 229 New Boston Street and ArQule, Inc., 10 Presidential Way be revoked, all in favor, 9-0. Motion made and 2nd to allow the withdrawal of the petition without prejudice relative to the inflammable licenses of NSTAR Electric Company, Cove Street and 300 MetroNorth Corporate Center, 200 Presidential Way, all in favor, 9-0.

Presented to the Mayor: September 17, 2015 s/Scott D. Galvin September 17, 2015

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

ORDINANCES:

On the communication from the City Solicitor regarding a proposed Order relative to authorizing expenditure of gift accounts funds without City Council approval, committee report was received "ought not to pass". Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES, all in favor, 9-0.

NEW PETITIONS:

Petition by Winchester Cooperative Nursery School, 478 Main Street, Winchester, Massachusetts 01890 for a Special Event Permit to allow a preschool event gathering for children and parents at Lions Park at Horn Pond on October 4, 2015. Appearing for the petitioner was Marta Dragos and she stated that she is Chair of the Fundraising Committee, that they held a similar successful event at Horn Pond last year, that last year they had 27 people attending which included a number of children, and that this will be a small gathering. Motion made and 2nd that the SPECIAL EVENT PERMIT be GRANTED, all in favor, 9-0.

Presented to the Mayor: September 17, 2015 s/Scott D. Galvin September 17, 2015

Petition by Paulo Rosa dba Brazez Auto Appraisal, 70 Mill Street #9m Woburn, Massachusetts 01801 for a new Livery License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petition by ACT Leasing, Inc., 215 Salem Street, Woburn, Massachusetts 01801 for renewal of 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 Speedway LLC for transfer of an Inflammable License from Hess Retail Operations LLC at 306 Montvale Avenue. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

A communication dated September 10, 2015 with attachment was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn Massachusetts 01801 as follows:

Re: R.C. Olsen Cadillac, Inc., 201 Cambridge Road, Woburn, Massachusetts

Dear Mr. Campbell:

On October 9, 2014 your office issued a Landowner's Decision and Notice of Special Permit which was recorded with the Middlesex County South District Registry of Deeds at Book 6400, Page 445 (the "Decision"). The Special Permit is scheduled to expire after one year on October 9, 2015. On behalf of my client I respectfully request that the Special Permit be extended for one additional year to October 9, 2016. For your convenience I have enclosed a copy of the Special Permit Decision for filing with this request. If you need any further information please do not hesitate to contact me.

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

Appearing was Attorney Joseph R. Tarby, III and he stated that the special permit was to allow three storage trailers on the site, that the special permit is for one year but can be extended, that the petitioner is using the trailers for storage, and that the petitioner is seeking an alternative to using the trailers for storage. Alderman Mercer-Bruen stated that the storage trailers are allowed for one year to give the property owner time to find a long-term solution, and that she is concerned about the potential of a growing number of storage trailers in the city. Alderman Gately stated that there is no detriment to the area, and that the trailers are not visible to the neighbors. Motion made and 2nd that a communication be forwarded to the petitioner requesting a plan for long-term storage solutions that the petitioner will execute over the next twelve months, all in favor, 9-0. Motion made and 2nd that SPECIAL PERMIT be EXTENDED UP TO AND INCLUDING OCTOBER 9, 2016, 8 in favor, 1 opposed (Anderson opposed).

Petition by Allan Danley, Food Truck Builders Group, 2 Draper Street, Unit 1, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to allow overnight parking of commercial vehicles at 2 Draper Street, Unit 1. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by The Bostonian, 20 Brookbridge, Stoneham, Massachusetts 02180 for a special permit pursuant to Section 5.1.57b and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the outside storage and overnight parking of commercial vehicles at 1095R Main Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Lord Hobo Brewing Co., 5 Draper Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 8.2 of the 1985 Woburn Zoning Ordinances, as amended, to allow a reduction in the number of required parking spaces at 5 Draper Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Burns Landscaping & Construction, LLC, 68 Delwood Drive, Tewksbury, Massachusetts 01876 for a special permit pursuant to Sections 5.1.57a, 5.1.57b and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow a modification of a special permit issue April 9, 2015 by amending Condition One to allow for a revised site plan at 1095R Main 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 2, 2015 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Director's Report and the minutes of the Council on Aging meeting for the month of August 2015. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

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 Municipal Elections to assemble at the polling places in their respective wards as designated herein, on TUESDAY, the THIRD DAY OF NOVEMBER, 2015 from 7:00 a.m. to 8:00 p.m., then and there to cast their votes in the MUNICIPAL ELECTION for the candidates for the following offices:

ENTIRE CITY MAYOR, ALDERMAN-AT-LARGE, SCHOOL COMMITTEE

EACH WARD WARD ALDERMAN

QUESTION 1

Shall the City of Woburn 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, known as the Community Preservation Act (or CPA), establish a dedicated funding source to enable cities and towns to:

- (1) acquire, create, preserve, and rehabilitate local parks, playgrounds and athletic fields,
- (2) acquire, preserve and restore historic buildings, artifacts and resources,
- (3) acquire, create and preserve open space, which includes land for drinking water protection, parks, recreational uses and conservation areas, and
- (4) acquire, create, and preserve community housing to help meet local housing needs.

In Woburn, the funding source for these community preservation purposes will be a surcharge of one percent (1%) on the annual property tax assessed on real property beginning in Fiscal 2017 (July 1, 2016) and by annual distributions made by the state from a trust fund created by the CPA. If approved, the following will be exempt from the surcharge:

- (1) \$100,000 of the value of each taxable parcel of residential real property;
- (2) \$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; and
- (3) property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in Woburn as defined in Section 2 of the Act.

A taxpayer receiving a regular property tax abatement or exemption will also receive a full or partial reduction in the surcharge.

If the Act is accepted, a Community Preservation Committee will be established by ordinance to study community preservation resources, possibilities and needs and to make annual recommendations to the City Council on spending the funds. In each fiscal year, at least 10% of the funds will be spent or reserved for later spending on each of the CPA's three community preservation purposes: (1) open space, (2) historic resources and (3) affordable housing.

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
- 2-1 Shamrock Elementary School Gymnasium, 60 Green
 Street
- 2-2 Shamrock Elementary School Gymnasium, 60 Green
 Street
- 3-1 Hurd Elementary School Gymnasium, 75 Bedford Road
- 3-2 Hurd 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: September 17, 2015 s/Scott D. Galvin September 17, 2015

ORDERED That the City Council meeting scheduled for November 3, 2015 be and is hereby canceled due to the Municipal Election.

s/President Haggerty

Motion made and 2nd that the ORDER be ADOPTED, AS AMENDED with the amendment as follows: That the November 3, 2015 Regular Meeting be moved to November 10, 2015, all in favor, 9-0.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 8:38 p.m.

A TRUE RECORD ATTEST:

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