

**CITY OF WOBURN
SEPTEMBER 25, 2007 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Denaro	Gately
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Galvin	Doherty

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

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$150,000.00 be and is hereby transferred as so stated from BLS Receipts Acct #31359-595000 \$150,000.00 to Fire Ambulance Salary Acct #0122051-511500 \$125,000.00 to Ambulance Maintenance Acct #122054-544300 \$25,000.00.

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

s/President Doherty

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

ORDERED That the sum of \$380,000.00 be and is hereby transferred as so stated from Demolition of Reeves School Acct #0112158-586572 \$380,000.00 to Reeves School Landscaping Acct #0112158-586597 \$380,000.00.

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

s/President Doherty

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

PUBLIC HEARINGS:

Motion made and 2nd to take the next three matters collectively, all in favor, 8-0.

On the petition by Koffler/GID Woburn LLC, One Providence Washington Plaza, Ninth Floor, Providence, Rhode Island 02903 for a special permit to modify a special permit dated October 9, 2003 pursuant to Section 5.1.23 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a further amended site plan and an additional 2,500 square feet of gross floor area at 300 Mishawum Road. PUBLIC HEARING OPENED. A communication dated September 19, 2007 was received from Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

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

Dear Bill:

Due to the fact that my client will not be able to provide the additional information requested by the Planning Board by September 25, 2007 and due to the schedules of the Planning Board and City Council for the October 2, 2007 meeting, my client will not be in a position to meet with the Planning Board until October 23, 2007. As a result, I hereby request that the City Council public hearing on the above-referenced petition by continued to the City Council meeting scheduled for November 20, 2007. If you have any questions, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 20, 2007 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 8-0.

On the petition by Koffler/GID Woburn LLC, One Providence Washington Plaza, Ninth Floor, Providence, Rhode Island 02903 for a special permit to modify a special permit dated October 9, 2003 further amended by special permit dated August 21, 2006 said modification being pursuant to Section 8.2.5 of the 1985 Woburn Zoning Ordinances, as amended to allow for 1,283 parking spaces at 300 Mishawum Road. PUBLIC HEARING OPENED. A communication dated September 19, 2007 was received from Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

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

Dear Bill:

Due to the fact that my client will not be able to provide the additional information requested by the Planning Board by September 25, 2007 and due to the schedules of the Planning Board and City Council for the October 2, 2007 meeting, my client will not be in a position to meet with the Planning Board until October 23, 2007. As a result, I hereby request that the City Council public hearing on the above-referenced petition be continued to the City Council meeting scheduled for November 20, 2007. If you have any questions, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 20, 2007 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 8-0.

On the petition by Chair 5 Restaurants-Woburn LLC dba Qdoba Mexican Grill, 572 Washington Street, Suite 17A, Wellesley, Massachusetts 02482 for a special permit pursuant to Section 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a fast food restaurant and building signage at 300 Mishawum Road PUBLIC HEARING OPENED. A communication dated September 19, 2007 was received from Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

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

Dear Bill:

Due to the fact that my client will not be able to provide the additional information requested by the Planning Board by September 25, 2007 and due to the schedules of the Planning Board and City Council for the October 2, 2007 meeting, my client will not be in a position to meet with the Planning Board until October 23, 2007. As a result, I hereby request that the City Council public hearing on the above-referenced petition be continued to the City Council meeting scheduled for November 20, 2007. If you have any questions, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 20, 2007 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 8-0.

On the petition by Alderman Dwyer and Alderman Galvin concerning the building or buildings located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 10 Lowell Street, Woburn, Massachusetts for the purposes of determining whether said building or buildings 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 Dwyer stated that he spoke to the building inspector, that progress has been made, that he suggests this matter be continued for two months, that the work has begun, and that the city is looking for a special grant to help the owner improve his home. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON December 4, 2007 and that a communication be sent to the grant writer seeking his assistance in securing a grant to assist the homeowner in improving his property, all in favor, 8-0.

On the petition by Susan C. Levine, P.O. Box 360, North Salem, New Hampshire 03073 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended Section 5.1.52 and Section 7.3 to construct a 3,400 square foot addition to an existing industrial use building at 11 Wheeling Avenue. PUBLIC HEARING OPENED. A copy of a communication dated September 10, 2007 from Brett F. Gonsalves, Senior Engineer, Engineering Department to Edmund Tarallo, Planning Director, Woburn Planning Board was received as follows:

Subject: 11 Wheeling Avenue Proposed 3,400 sf Addition, Special Permit – Special Permit Application Dated July 16, 2007 – Revised Site Plans Dated September 5, 2007 – Revised Plans Dated August 6, 2007 – Development Impact Statement Dated August 6, 2007 – Previous Memo Dated August 6, 2007

This office has reviewed the special permit application for the above referenced location and offers the following comments.

The revised plans show an area between the two catch basins that had an issue with a blockage. The applicants engineer delineated this area to be excavated and repair with new pipe.

All other concerns from previous memo dated August 6, 2007 have been addressed.

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

A communication dated September 13, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Susan C. Levine – 11 Wheeling Ave. – To construct 3,400 S.F. addition to existing industrial building Section 5.1.42 & 7.3 of the Woburn Zoning Ordinance

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on September 11, 2007, the Board voted to send a favorable recommendation to the City Council on the Special Permit application for Susan C. Levine, 11 Wheeling Ave. subject to the following conditions:

1. That the approval shall be in accordance with the plans entitled “Site Plan for Proposed Addition 11 Wheeling Avenue Woburn, MA 01801” prepared by Allen & Major Associates, Inc. Sheets C1, 1, and C7 dated 7/13/07 and Sheets C2-C6 dated 7/13/07 Revised 9/5/07.
2. That the existing blockage shown on Plan C shall be excavated and repaired with a new pipe to the satisfaction of the City Engineer.
3. That there shall be no outside storage on the site.
4. That the landscaping shall be in accordance with Plan C4 and that the Planning Board shall retain jurisdiction over the landscaping.
5. That the parking shall be in accordance with the Plan C2.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

A communication dated September 20, 2007 with attachment was received from Attorney John D. McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 as follows:

Re: Special Permit – Susan Levine – 11 Wheeling Ave.

Dear Members of the Council:

In preparation for the public hearing on this matter, I am submitting herewith ten (10) sets of final plans, which are essentially the same as what you have, but which incorporate slight changes in the parking configuration, and related engineering changes as to drainage, etc. These are revisions which have been reviewed and approved by the Engineering Department and the Planning Board, and which are referenced in the Planning Board approval letter.

Thank you for your attention to this matter.

Sincerely, s/John D. McElhiney

Appearing for the petitioner was Attorney John D. McElhiney and he stated that there is a building on the locus with a 21,000 square foot footprint and a mezzanine for a total useable open space of 25,000 square feet, that the petitioner proposes adding another 3,400 square feet, that the street is a dead-end off of Olympia Avenue, that the area is completely zoned industrial park, that the property backs up to Route 128, that the property was developed in the late 1960s, that he located a 1968 building permit for the property, that the property was used by an industrial and trucking company for many years, that the petitioner purchased the property in 1982, that the petitioner operated a vending machine business from the location until 1998, that J.N. Phillips Glass Company has operated at the locus since 1998, that this addition will allow more room for storage, that this is a regional warehouse for retail shops, that there will be storage space for their glass and parts, that the building is in the shape of a block with a portion cut out, that the addition will add onto the block, that the petitioner will add more landscaping at the street, that the petitioner is a good corporate citizen, that J.N. Phillips Glass Company has had a retail facility in north Woburn since the 1960s, that the loading bays will be positioned differently but the petitioner will not increase the loading activities, that there will no repair work performed at this facility, that the petitioner just stores glass and parts at this location, that larger box trailer trucks that use the loading dock will range from zero to three times per day, that the plan of record has a revised date of September 5, 2007 consistent with the Planning Board recommendation, that the petitioner is retaining the open space in percentage terms, that the open space met the requirements until approximately ten years ago when the open space was increased, that the locus will have the same amount of open space, that the special permit will accommodate any existing non-conformities, and that the locus does not abut any residences. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that this is a clean company as is the building, and the he supports the petition. Alderman Gately stated that there are serious drainage issues in this area, and that the area floods during heavy rains. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 8-0. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the condition as follows: 1. That the Planning Board recommendations be adopted as conditions of the special permit, all in favor 8-0.

On the petition by Sam Gandor, 290 Turnpike Road, Suite 354, Westborough, Massachusetts 01581 for a special permit pursuant to Section 7.1.3 of the 1985 Woburn Zoning Ordinances, as amended, for reconstruction or structural change to a pre-existing and non-conforming four family frame residential dwelling to allow the construction of a deck or porch structure at the rear elevation of principal dwelling at 11-13 Porter Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "That the matter remain in committee." Appearing for the petitioner was Attorney Malcolm Houck, 7 Winn Street, Woburn, Massachusetts 01801 and he

stated that this matter is before the City Council because there are more than two residential units in the building, that there is an issue with the number of units, that the number of units were stated in the petition to establish jurisdiction, that some work was done without a permit, that a permit application was filed in January 2007 with architect's plans, that some statements were made that the petitioner may have added units, that there was an attempt to develop four exits for four units, that there is an issue as to whether this is a four family building and for how long, that a 1969 Building Department memorandum indicated that there were three family units, that the Building Department was established in May 1969 and prior to that permits were issued by the Department of Public Works, that no prior records were available, that in January 1993 a Building Department inspection indicated that there were four units in the building, that the report indicated a complaint follow-up form, that the Board of Assessors field card records only go back about six years, and that this is a pre-existing nonconforming structure even with the preexisting nonconforming use aside. IN FAVOR: None. OPPOSED: None. Mark Lalumiere stated that he is a Local Building Inspector for the city of Woburn, that he met with the petitioner on September 12, 2007 at the property, that he walked through the house, that there is a bathroom on the fifth floor, that it looked as if there was rehab work but he was not certain how long ago it took place, that the set up of the building indicated a rooming house arrangement, that he could only visit the common area as the occupied units were locked, that the existence of two units on the first floor and two units on the second floor does not reflect that they are legal but that they are existing, that a sworn affidavit by a previous owner to the Building Commissioner indicated a three family structure, that the affidavit has more weight than a building permit application, that there is an egress to the third floor, that the egress stair to the top floor is apparently to service rented rooms, that there are four units currently with the opportunity to develop the fifth floor, that there is no kitchen on the fifth floor, that the fifth floor has five potential bedrooms and a bathroom which were freshly painted and carpeted, and that there is a central common area staircase. Attorney Houck stated that there are four units presently occupied in the house, that there are no records of additional plumbing permits, that a visual inspection indicates four separate domestic water pipes, that there are four toilets, that each toilet has an individual vent stack pipe venting through, that the petitioner has owned the property since 2006, that he has paid three separate water bills, that in 1969 the records indicated a three family occupancy, and that the "sworn affidavit" is not sworn and was not signed by the owner by a third party indicating knowledge about activities in the building. Alderman Gately stated that under Title 13 without the fourth water bill the petitioner violates several sections of Woburn Municipal Code Section 13, that the Assessors' office indicates three units and the water department has three bills for the property, that with flat rate billing there is one bill for each residential unit regardless of metering, that if there is not a bill for water use then the unit does not exist, and that the Building Inspector has stated that the rear setbacks on the deck are nonconforming. President Doherty stated that any alteration to the existing nonconforming use requires a special permit, that any other work being done in the building or on the site requires a special permit, and that further up Porter Street the City Council recently required anything above what was clearly allowed to be ripped out of a building. Attorney Houck stated that the very limited special permit is for exterior work, and that any issues in the building is an enforcement issue. Alderman Galvin stated

that this matter has been dealt with for too long, that this is a special permit for the extension of a nonconforming use, and that the matter can be voted up or down at this meeting. Alderman Denaro stated that this neighborhood is transitioning back to a residential neighborhood and not a boarding house neighborhood, and that he will defer to the Ward Alderman as to whether more time is needed in this matter. President Doherty stated that the petitioner should work to establish a genuine three family house here. Alderman Drapeau stated that he is concerned about the potential development of the fifth floor with the accompanying increase in the number of cars and activity at the house, and that if the petitioner does not wish to work to resolving these issues he will vote today. Alderman Gonsalves stated that the structure and use have to be addressed together with the question as to what is the remedy. Attorney Houck stated that there are six rooms on the fifth floor, that one room was occupied but the tenant was evicted and the personal property remains there 1½ years later, that another room is used for storage and the remaining rooms on the fifth floor are vacant, and that the petitioner is not willing to reduce to a three family building based on the evidence available. Alderman Drapeau stated that the essence of what the City Council is saying is that it wants this to be a three family building, and that if it will be converted to a three family building it can move forward. Alderman Dwyer stated that this is a boarding house, that documents back to 1969 indicates a building with three apartments, and that this matter should be decided tonight. Sam Gandor stated that he is willing to entertain the idea to conform with the City Council suggestions however there is a center staircase to the units, that there is an eight foot gap between the units, that he would not know how to reduce the building to three units, that he would have to structurally change the interior of the building, that the architect told him the units appear to be preexisting with separate plumbing to each, that he does not want to have issues with the neighbors or the city but that it is difficult with the interior structure to reduce to four units, that he is willing to work within reason, and that he may not have the money to gut the building to convert to three families. President Doherty stepped down from the chair and Alderman Galvin assumed the chair. President Doherty stated that this was an estate home when it was originally built, that at some point it was allowed to be converted to three families, that just because the petitioner purchased the property at foreclosure as an illegal four family building does not mean that he is entitled to maintain the illegal four family, that this is not simply an issue of a deck setback, that this is a larger issue, that the building must be made into a three family, that the petitioner bought what he bought, that during the 1960s and 1970s extra units were allowed to be built which has been detrimental to the community, that denying this petition tonight leaves the matter in limbo, that the garage cannot be a common area with sewer tie-ins for future development, that even the interior changes to the three family will require a special permit, that off-street parking is an issue, and that there are many residences being rehabbed for owner occupied homes in the area and the City Council has to protect this. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 20, 2007 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 8-0. Alderman Galvin stepped down from the chair and President Doherty assumed the chair.

On the petition by Harout Avakian to further amend the 1985 Woburn Zoning Ordinances, as amended, as follows: that Section 7.1 of the 1985 Woburn Zoning Ordinance, as amended, be further amended by adding a new paragraph to the end of this Section as follows: "A residential structure used as a residence and conforming to the zoning district in which it lies, that is protected by the ten (10) year statute of limitations under Massachusetts General Laws Chapter 40A, Section 7 shall be considered for the purposes of this Section 7.1 a legal non-conforming structure." PUBLIC HEARING OPENED. A communication dated August 29, 2007 was received from Edward S. Robertson, Chair of Woburn Board of Appeals as follows:

Re: Your Letter of August 23, 2007

Dear Clerk Campbell:

My understanding is that G.L. c. 40A Sec. 7, is, essentially, a "statute of limitations", i.e. it establishes temporal parameters within which a municipality (or other interested person or entity) must undertake enforcement action with respect to allegedly nonconforming structures and/or uses, which structures or uses were originally commenced either with or without, or in violation of, a permit, special permit or variance. I see no language in Sec. 7, which provides that, after the applicable limitations period expires (six years in the case of structures or uses commenced in accordance with a permit, etc; ten years in the case of a structure commenced without a permit, etc), the structure or use, by virtue of the expiration of time, becomes legal and lawful. Further, I am aware of no court decision establishing this principle. And at least one commentator on Mass. Zoning law has written:

...Second, the statute provides no guidance as to the status of a use or structure that does manage to survive the applicable statute of limitations... There are no reported decisions directly on point. Bobrowski, Handbook of Massachusetts Land Use and Planning Law, pps. 223-224.

To the extent that the communication of the Planning Board to which reference is made in your letter to me of 8/23/2007, suggest other than the foregoing, I disagree with it. Obviously, however, I would defer to an opinion of legal counsel. Finally, the City Council should note the language in the third paragraph of Section 7.3 of the zoning ordinance which mandates that the "...preexisting nonconforming structure or use was validly and legally established." The foregoing represents my opinion only but your letter has been shared with the other members of the Board of Appeals and, I trust, that they will communicate their own opinion(s) regarding this issue.

Very truly yours, s/Edward S. Robertson

A communication dated September 20, 2007 was received from Margaret M. Pinkham, Member of the Woburn Board of Appeals, as follows:

Subject: Requirement of Lawful Existence of non-conforming structure

As we discussed last night, the Massachusetts Zoning Manual, Vol 1 (Healy, et al.), in Section 6.4:

“... a use of structure must be lawfully established before the applicability of a zoning change. A use or structure that conformed to the zoning laws at the time the use first commenced or the structure was first constructed will remain lawful if left unchanged... Conversely, a use or structure that violated the zoning laws at the time of its establishment and was not rendered lawful by intervening zoning changes will not receive any of the protections afforded by [Chapter 40A] Section 6 and will continue to be an illegal, noncomplying use or structure. See e.g, Hall v. ZBA of Edgartwon, 28 Mass. App. Ct. 249, 258-59 (1990). In Bruno v. Bd of Appeals of Wrentham, 62 mass. App. Ct. 527 (2004), the Appeals Court considered and flatly rejected the proposition that structures and uses authorized by a building permit automatically acquire a status of prior lawful nonconforming use under Mass. Gen. L. c. 40A, section 6 when the six year statute of limitations on zoning enforcement actions has run under c. 40A, section 7.”

Appearing for the petitioner was Attorney Francis DiLuna, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the proposed language was revised in August 2007, that the Board of Appeals indicated that they did not agree with the analysis of the Planning Board, that to provide the petitioner with the requested relief it would the city would have to adopt the zoning amendment, that the ordinance would only apply to single and two family homes constructed before the adoption of the zoning code in April 1985, that the proposal will allow City Council input through the special permit process, that this will not allow the opening of flood gates for these petitions because of the special permit review by the City Council, and that if the ordinance was adopted then similarly situated owners could come before the City Council for changes. Alderman Drapeau stated that the petitioner wanted the build an addition, that it was determined that the building was not constructed on the lot properly by a prior owner, and that the change requested will affect the whole city although only this petitioner has asked for a change. Alderman Galvin stated that the City Council does not currently have jurisdiction over two and three family residences, that it is true that each petitioner would have to come before the City Council, that this would only apply to buildings constructed prior to 1985, that this will not open the flood gates for these petitions, that there may be meritorious claims that come forward, that this can be further worked on in committee or the matter can be voted on at this meeting, that it would take little time in committee to decide this matter, and that the Planning Board has already offered its opinion in this matter. Alderman Denaro stated that he is willing to act on the matter at this meeting, that it should not take much action to change the proposed Order, that the City Council should provide a venue for landowners to come forward with these

petitions, that the Planning Board gave an unfavorable recommendation, and that if this is going back to the Planning Board this matter may be delayed until December. Alderman Mercer-Bruen stated that she wishes to be prudent in this matter, that committee review would be advisable, that an additional committee meeting will not be detrimental, that the city solicitor can look at the proposed language, and that she will visit the petitioner's neighborhood to determine the support for this amendment. Alderman Gonsalves stated that the City Council will have to decide jurisdiction on these matters, that issues will arise that the City Council is not even aware of yet, that this will involve construction issues that the City Council has no expertise in, and that the City Council may need input from the Planning Board and Zoning Ordinance Review Committee to sharpen the language. President Doherty stated that the city solicitor and Planning Board can be consulted on the proposed language, and the city solicitor can be consulted to determine if the change is sufficient to warrant re-advertising the proposal. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that the petitioner is a small business owner in the city, that the petitioner is a resident of the town, that the petitioner wishes to add onto his property and needs relief, and that the City Council must find a way to help the petitioner by changing the zoning code if necessary. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 16, 2007 and that the matter be referred to the Committee on Ordinances for further review, all in favor, 8-0.

On the petition by SAR Woburn Food Inc. dba Sarku, 300 Mishawum Road, Space #210, Woburn, Massachusetts 01801 for a special permit to allow a fast food use at 300 Mishawum Road, #210. PUBLIC HEARING OPENED. A communication dated September 13, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: SAR Woburn Food Inc. dba Sarku – 300 Mishawum Road #210 – To occupy as a Fast Food Restaurant under Section 5.1.29 of the Woburn Zoning Ordinance

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on September 11, 2007, the Board voted to send a favorable recommendation to the City Council on the Special Permit application of SAR Woburn Food Inc. dba Sarku, 300 Mishawum Road #210. The Planning Board took into consideration that the fast food restaurant, Sarku, is replacing an existing retail space within the Woburn Mall.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

A communication dated August 23, 2007 with attachment was received from Attorney Joseph R. Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of SAR Woburn Food Inc. d/b/a Sarku – 300 Mishawum Road, Woburn, Massachusetts

Dear Mr. Campbell:

Enclosed please find twenty one (21) copies of the Abbreviated Development Impact Statement relative to the above-referenced matter. If you have any questions, please feel free to contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

Attorney Francis DiLuna, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 offered 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, 8-0. Motion made and 2nd that the Planning Board letter dated September 13, 2007 and the letter dated August 23, 2007 received from Attorney Joseph R. Tarby III be received and made part of the record, all in favor, 8-0. Attorney DiLuna stated that the property is located in the B-I zoning district, that the fast food use is allowed by special permit, that Sarku was founded in 1987, that the menu consists of Japanese food, that there will be seating for 49 patrons, that the hours of operation will be Monday through Saturday from 10:00 a.m. to 9:30 p.m. and Sunday from 11:00 a.m. to 9:00 p.m., that the common victualler license was approved by the License Commission, that the location in the Woburn Mall was formerly a retail use, and that Sarku is the largest and most successful Japanese fast food chain in the United States. Len Lacey of Sarku stated that the business started in Boston twenty years ago, that this will be their first large format lifestyle restaurant, that there will be a Japanese grill, Sushi cuisine and Teppanyaki, that this adds an international flair to the Woburn Mall, that Japanese is the fourth most popular ethnic cuisine, that this will be a family atmosphere, that they will grow with the Woburn Mall development, that they will support the community, that they will be a Woburn employer, that they have been in constant contact with the Building Department, and that there will be an open service counter and work station. Alderman Mercer-Bruen stated that a full special permit review of the Woburn Mall will be made to determine whether the Woburn Mall is in compliance with current special permits, that this has led to some of these delays before the Planning Board, that the traffic patterns at the Woburn Mall are a concern, that the site is short 24 parking spaces of what is required, and that this has nothing to do with the proposed out buildings but is an issue that needs to be addressed. Alderman Denaro stated that this tenant is a clean operation, that the City Council should not hold this matter up, that the parking issue can be addressed in special permit review, that this tenant should not be held up, and that he is ready to support the petition at this meeting. Alderman Galvin stated that the Planning Board has reviewed this petition and supports it, that this is a simple matter than can be decided at this meeting, and that he will support the petition tonight. Alderman Mercer-Bruen stated that there is nothing wrong with

making sure that the Woburn Mall is in compliance with its special permits, and that the petitioner should want to be sure that it has adequate parking to support the business. IN FAVOR: None. OPPOSED: None. Attorney Joseph Tarby appeared at the meeting for the petitioner and stated that the Planning Board was reviewing four applications, that this was treated separately from the three out building petitions, that the Planning Board position was that because the petitioner would occupy 1,800 square feet of existing space in the retail portion of the Woburn Mall that they would move forward, that additional plans will be filed to reflect the additional parking, and that the 24 parking spaces is not an issue for Sarku. Alderman Mercer-Bruen stated that she is willing to move forward with the petition in view of that information. Motion made and 2nd to close the public hearing, all in favor, 8-0. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the condition as follows: 1. That the site plan shall be the plan of record, all in favor, 8-0.

Motion made and 2nd for a five minute recess, all in favor, 8-0.

President Doherty called the meeting back to order.

On the petition by Pacer Electronics, Inc. to further amend the 1985 Woburn Zoning Ordinances, as amended, as follows: That a new Accessory Use be added to Section 5.1 as follows: "Section 5.1.67 Accessory Kennel used in conjunction with a retail establishment greater than 15,000 square feet". In addition, an "x" shall be inserted in the BI column and a "-" in all other columns. PUBLIC HEARING OPENED. A report was received from the Committee on Ordinances as follows: "ought to pass as follows 'That a new Accessory Use be added to Section 5.1 as follows: Section 5.1.67 Pet Care Facility used as an accessory use to a retail pet store containing a minimum of 15,000 square feet of gross floor area providing day and overnight care for cats and dogs in a sound attenuated indoor facility containing non-operable windows located entirely within said retail pet store. A Pet Care Facility shall not be located within five hundred fifty (550) feet of a residential district nor shall any outside activities be allowed except bringing said animals to and from said Pet Care Facility. In addition, a "P" shall be inserted in the BI column and a "—" in all other columns." Motion made and 2nd that the committee report be received, all in favor, 8-0. Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the section should be amended to read "5.1.35a" rather than "5.1.67". IN FAVOR: None. OPPOSED: Kathy Bailey, 4 Utica Street stated that she was concerned about the number of dogs and cats that will be allowed at the pet hotel, that testimony indicated that there would be approximately 125 dogs and 15 cats with two overnight staff members, and that she is concerned about the safety of the pets in the building in the event of fire. Alderman Mercer-Bruen stated that these pet safety issues can be addressed in committee during the special permit process. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, AS AMENDED, with the amendment as follows: 1. That the

section numbering 5.1.67 be stricken and in its place the section numbering be designated as 5.1.35a, all in favor, 8-0.

Presented to the Mayor: Sept. 27, 2007 s/Thomas L. McLaughlin Sept. 29, 2007

On the petition by 112 Commerce Way LLC, c/o National Development, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 for special permits pursuant to Section 5.1.22, 5.1.23 and 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended, to allow for: 1. a retail shopping center in excess of 15,000 square feet (47,010 square feet); and 2. a fast food restaurant at 112 Commerce Way. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "Back for action." A communication dated September 20, 2007 was received from Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 was received as follows:

Re: Special Permit Petition of 112 Commerce Way LLC, 112 Commerce Way, Woburn, Massachusetts

Dear Bill:

Enclosed please find eleven (11) copies of a revised site plan relative to the above-referenced petition. I have delivered copies to the Planning Board and City Engineer. The revisions to the plans do not impact the site design or zoning requirements. The revisions were made pursuant to requirements of the Environmental Protection Agency.

It was requested by the EPA that the proposed development at 112 Commerce Way limit the impacts to the current Hide Pile located on property now or formally owned by Resources for Responsible Site Management. Currently the Hide Pile encroaches into the 112 Commerce Way parcel. The encroachment area does not contain any hazardous material but does include a drainage swale and security fencing. The EPA requested that only minor earthwork take place within this area and any impacts to the encroachment area shall included the replacement of the fencing and drainage swale.

If you have any questions, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

A copy of a communication dated September 25, 2007 from John E. Corey, PE, City Engineer to Edmund Tarallo, Planning Director, Woburn Planning Board was received as follows:

SUBJECT: 112 Commerce Way Retail, Pet Center & Fast Food Restaurant Special Permit - Special Permit Applications Dated August 24, 2007 - Plans Dated August 18, 2007 - Revised Site Plans Received September 20, 2007 - Mitigation Letter received September 24, 2007

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

The special permit application is requesting a fast food restaurant, pet care facility and retail store situated on 4.99 acres of land.

Water

The proposed buildings will be serviced by a proposed 8" CLDI water main with 6", & 2" branches to the individual buildings.

This office takes no exception to the water connections as shown

Sewer

The buildings will be serviced by a proposed 8" PVC sewer main which connects to an existing sewer service on the site. There is a notation on the plan that states that the contractor will perform test pits to determine actual location and invert and if the existing line is not sufficient in size that a new sewer service be installed in the current location.

There is a comment on page 11 of the Development Impact Statement with regards to the Sanitary Sewer which says that the proposed building will connect to the 12" AC sewer on the northerly side of Commerce Way. This connection will require the sewer main be installed below the existing 4x7 box culvert and will be accomplished using horizontal pipe jacking techniques.

There is a notation in the development impact statement that states that the proposed development will generate 5,751 gallons of wastewater per day which equates to a \$40,257.00 mitigation fee as per Title 13 and an additional \$11,000.00 connection fee for a total of \$51,257.00 which will need to be paid prior to issuance of a building permit. However, this amount could change depending on the approved use and will need to be recalculated at the time of issuing the building permit.

Drainage

Storm water runoff from the site will be mitigated by a series of catch basins and underground infiltration chambers. These chambers will infiltrate runoff with an overflow discharge into the existing municipal drainage system on Commerce Way. The consultant's drainage computations indicate that there will be a decrease in runoff in the post development condition in accordance with City requirements.

There is a letter from the applicant's legal counsel indicating that minor modifications to the drainage structure locations were requested by the EPA due to the proximity of the hide pile. The revised plans reflect the EPA's request.

Traffic

The traffic report outlines the vehicle trips that will be entering and exiting the site based on the existing no-build and developed conditions. Intersection data and turning movements were obtained from previous traffic studies in the general project area. The

traffic analysis indicates that there are periods of congestion that could be softened by making minor changes in the traffic signal timing and coordination. The engineering department supports these improvements.

The engineering department recommends that the Traffic study recommendations from April of 2003 be implemented at the Atlantic Ave./Commerce Way intersecting to provide for two turning lanes onto Route 93. The improvements would minimize the long queues that extend past Target and Marshalls in the PM peak period and improve the level of service substantially. The elements necessary to implement this recommendation are as follows:

- Minor geometric changes for turning radius
- Modifications to traffic signal controllers
- Modifications to signal heads for dedicated turns
- Addition of signage for north and south bound lanes
- Addition of overhead sign supports and foundations
- Addition of appropriate turning lane markings
- Design of improvements

The estimated project cost at the time of the study was approximately \$117,000.00. The applicant has agreed to provide \$100,000.00 in mitigation towards these improvements.

I trust the foregoing information suffices for your needs. Should you have any questions or comments, please do not hesitate to contact this office.

Motion made and 2nd that the communication be received and made part of the record, all in favor, 8-0. Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that that Planning Board review of this matter has been continued to October 2, 2007, that there are some issues that have to be addresses, and that they will be submitting information including a landscape plan and snow removal plan to the Planning Board by next week. Alderman Mercer-Bruen stated that she wants to know the hours of operation. Attorney Tarby stated that conditioning hours of operation is more appropriate in a residential area, and that the petitioner would desire to extend its hours seasonally. Bryan Clancy of National Development stated that there is no hours of operation restriction for the Target building although there are for the Starbucks restaurant at that location. Alderman Mercer-Bruen stated that she will be looking at a number of conditions in committee and that she will be seeking written estimates for the mitigation calculations. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 2, 2007 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 8-0.

CITIZEN'S PARTICIPATION:

Petition by David Peary, Woburn Employees Coalition Bargaining Committee Chairman, Local 971 President, for citizen's participation time before the City Council or the Committee on Liaison to present to the City Council information on Massachusetts General Laws, Chapter 32B, Section 19, health carriers; contracts; public employee committees; agreements with public authorities. Alderman Denaro stated that it is good for employees to get involved with this issue, that this should be a live presentation before the City Council with the employees experts present, that the City Council should avoid the perception of being involved in collective bargaining, that this should be an open educational meeting, and that this is a good concept. President Doherty stated that this can be handled in the Committee on Liaison and community access television can be asked to cover the meeting. Alderman Galvin stated that the city solicitor should be present at the meeting to provide input. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON LIAISON, that community access television be requested to broadcast coverage of the meeting, that his honor the mayor be invited to attend the meeting and that the mayor have the city solicitor available at the meeting if he chooses, all in favor, 8-0.

COMMITTEE REPORTS:

ORDINANCE:

On the Order to amend Title 12, Article IV, Section 12-19(A) of the 1989 Woburn Municipal Code, as amended, relative to permits for placing of poles, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0.

Presented to the Mayor: Sept. 27, 2007 s/Thomas L. McLaughlin Sept. 29, 2007

PERSONNEL:

On the Order to accept the provisions of Massachusetts General Laws Chapter 31, Section 60A relative to intermittent or reserve police or fire force members; effect of refusals to accept employment on permanent basis in regular police or fire force, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0.

Presented to the Mayor: Sept. 27, 2007 s/Thomas L. McLaughlin Sept. 29, 2007

FINANCE:

On the Order to appropriate the sum of \$300,000.00 from Overlay Reserve Account to Library Expansion & Renovation Project, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0.

Presented to the Mayor: Sept. 27, 2007 s/Thomas L. McLaughlin Sept. 29, 2007

NEW PETITIONS:

Petition by Bonanno Construction Inc., 12 Longmeadow Road, Arlington, Massachusetts 02474 for a special permit to amend an existing special permit to reflect site changes at 239 Salem Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 8-0.

Petition by Woburn Armory LLC, c/o John D'Ovidio, 175 Summer Street, Somerville, Massachusetts 02143 for an Inflammable License to store 615 gallons of gasoline underground in 41 cars with fifteen (15) gallons of gasoline each in parking level of residential condominium building at 286 Main Street a/k/a 320 Main Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 8-0.

Petition by Anchor Body Corp., 3 Breed Avenue, Woburn, Massachusetts 01801 for two special permits pursuant to 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Pursuant to Section 5.1.45 to allow for the sale of five (5) used motor vehicles, and 2. Pursuant to Section 8.3.2 to allow for off-site parking of twenty (20) vehicles, and a petition for Second Class Motor Vehicles Sales License, both at 3 Breed Avenue/Florence Avenue. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 8-0.

Petition by Patricia K. Figueiredo, 12 Grant Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.33b of the 1985 Woburn Zoning Ordinances, as amended, to allow muscular therapy at 576 Main Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 8-0.

Petition by A.L. Prime Energy, 319B Salem Street, Wakefield, Massachusetts 01880 for a special permit pursuant to Sections 5.1.46a, 5.1.46b and 5.1.22a of the 1985 Woburn Zoning Ordinances, as amended, to allow for a self service gasoline station and convenience store with hours in excess of 7:00 a.m. to 10:00 p.m. at 1 Hill Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 8-0.

Petition by 112 Commerce Way LLC, c/o National Development, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 for a special permit pursuant to Section 5.1.35a of the 1985 Woburn Zoning Ordinances, as amended, to allow for a Pet Care Facility at 112 Commerce Way. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 8-0.

Petition by Vee Vee Enterprises Inc., 8 Madison Avenue, Groveland, Massachusetts 01834 for a special permit pursuant to Section 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to allow for the parking of petitioner's commercial vehicles at 5 Crescent Avenue. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 8-0.

COMMUNICATIONS AND REPORTS:

A communication dated September 14, 2007 was received from Charles L. O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 90, Section 20A½, I am submitting a report to you on the parking violations in the City of Woburn for the period ending August 2007: number of tickets issued 1,123, number of tickets paid 1,069, number of hearings scheduled 581, number of tickets voided or dismissed 94, number of tickets outstanding 299, number of tickets issued by motorcycle officers 0, total dollar amount collected and turned into the Treasurer's Office \$43,688.60. There exists a backlog of 4,919 tickets for 1982 through 2006. Demands will be sent out until all tickets have been cleared. Parking violations turned over to Handicap Commission to date \$6,410.00.

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

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

A communication dated September 20, 2007 was received from the Traffic Commission as follows:

Re: Traffic Commission Vacancy

With the recent resignation of Alderman John Ciriello, a vacancy has been created on the Traffic Commission. This vacancy impacts the ability of the commission to conduct business in an efficient manner, particularly with such issues as having a quorum for meetings.

At its meeting on September 20, 2007, the Traffic Commission voted to forward a communication to the City Council requesting that the President of the City Council appoint an Alderman to fill the vacancy on the Traffic Commission consistent with Chapter 103 of the Acts of 2005. Section 1 of the Act provides in pertinent part as follows: "There shall be in the city of Woburn, a traffic commission to consist of 9 commissioners, 2 of whom shall be aldermen selected by the city council president..."

The Traffic Commission is next scheduled to meet on October 18, 2007 and urges that an appointment be made by that time.

s/William C. Campbell, City Clerk and Clerk of the Traffic Commission

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

A communication dated September 17, 2007 with attachments was received from Donald J. Borchelt, Executive Director, Woburn Redevelopment Authority as follows:

Re: WRA Monthly Meeting Packages for July 17, 2007 and August 29, 2007

Dear Alderman Doherty:

Please find attached the Information Packages for the July and August monthly meetings of the Woburn Redevelopment Authority. Our next meeting is scheduled for September 25, 2007, at 5:00 pm, at the WRA Office. Please let me know if you have any questions or would like any further information.

Sincerely, s/Donald J. Borchelt, Executive Director

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

A communication dated September 5, 2007 entitled "Fuel Transactions (short format) from 8/1/2007 to 8/31/2007 Woburn Police" was received. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0.

A copy of an Agreement for Judgment in the matter of Robert Adams, et. al. v. Charles E. Doherty, et. al., pending in the Middlesex Superior Court at Docket No, 07-1212 was received as follows:

AGREEMENT FOR JUDGMENT

Now come the parties to the above-captioned action and hereby agree to entry of Judgment in favor of the Defendants, the members of the Woburn City Council, (the "Council"), as follows:

1. The Order of the City Council, dated march 20, 2007, adjudging the real estate located at 239 Main Street, Woburn ("Property") to be a nuisance and ordering the structures located on the Property to be demolished is hereby AFFIRMED.
2. The plaintiffs hereby waive all rights of appeal.

3. The City is hereby authorized to cause the structures on the Property to be secured and demolished, within the discretion of the City. The plaintiffs hereby release, indemnify and forever discharge the City, its employees, agents, contractors, attorneys and assigns, from and against any and all claims, liabilities and causes of action arising out of or related to such demolition, whether brought by the plaintiffs or by persons or entities not party to this litigation.
4. The plaintiffs shall not interfere with the demolition and hereby grant the City and its employees, agents, contractors, attorneys and assigns permission to enter upon the Property at such times as they deem reasonable and appropriate in connection with the securing and demolition of the structures on the Property.
5. The City shall be entitled to recover all costs associated with the demolition of the structures on the Property as follows:
 - a. All construction or demolition fees, permit fees, publishing fees, police detail fees or other costs of any kind incurred in securing and demolishing said structures;
 - b. Legal fees in the amount of \$2,000.00.
 - c. An administrative fee of 10% of all such costs and fees;
 - d. Interest at a rate of 6% per year, compounded monthly, on the above referenced amounts from the date(s) incurred to the date of full payment.
6. The amounts referenced in ¶4 may be recorded as a lien against the property, pursuant to G.L. c.139, §3A and/or G.L. c. 254, §§4 and 8. The plaintiffs certify that there are no outstanding mortgages or other encumbrances upon the Property.
7. A copy of this Agreement for Judgment may be recorded in the Middlesex County Registry of Deeds.

Plaintiffs,
 Robert Adams, et. al.
 By their attorney,
 s/Mark J. Salvati
 10 Cedar Street, Suite 26
 Woburn, MA 01801

Defendants,
 Woburn City Council
 By its Attorney
 s/Jonathan M. Silverstein
 Kopelman and Paige, P.C.
 City Solicitor
 101 Arch Street, 12th Floor
 Boston, MA 02110-1109

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

A communication dated September 14, 2007 was received from His Honor the Governor of the Commonwealth of Massachusetts Deval L. Patrick as follows:

Dear Mr. Campbell:

Thank you for your recent correspondence regarding funding for public library construction. As you may know, we recently announced our five year capital budget plan, a fiscally responsible document aimed at addressing many of the Commonwealth's

infrastructure needs, including education facilities, road and bridge repairs, transportation projects, housing and environmental protection.

I appreciate the importance of the services that public libraries across the Commonwealth provide, and our capital budget plan includes \$20 million in funding for public library construction projects in fiscal year 2008. I am grateful to have had your input during this process, and I hope you will keep the ideas coming, they are always welcome in this administration.

Sincerely, s/Devel Patrick

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

A copy of a communication dated September 20, 2007 from Archstone-Smith Operating Trust, 9200 East Panorama Circle, Suite 400, Englewood, California 80112 to City of Woburn Board of Appeals was received entitled "Notification of and Request for Consent to Transfer of Interest under that certain Comprehensive Permit issued to Archstone-Smith Operating Trust, and approved by the City of Woburn Zoning Board of Appeals on September 10, 2001, relating to certain property located in Woburn, Massachusetts." Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0.

A communication dated September 12, 2007 was received from Paul L. Paris, 110 Locust Street, Woburn and Margaret Syzmanowicz requesting the opportunity to purchase two parcels of land totaling approximately 4,400 square feet of land located adjacent to Lot 53 on Columbus Road a/k/a 1 Columbus Road. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0.

A copy of a communication dated September 7, 2007 was received from State Representative James R. Miceli, State House, Room 448, Boston, Massachusetts 02133 to the Surface Transportation Board relative to the New England Transrail, LLC matter. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0.

A copy of a communication dated August 29, 2007 was received from Frank S. DeMasi, 26 Macarthur Road, Wellesley, Massachusetts 02482 to the Surface Transportation Board relative to the New England Transrail, LLC matter. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0.

A copy of a communication dated August 29, 2007 was received from Massachusetts Office of the Attorney General, One Ashburton Place, Boston, Massachusetts 02108 to the Surface Transportation Board relative to the New England Transrail, LLC matter. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0.

A copy of a communication dated September 10, 2007 was received from Massachusetts Office of the Attorney General, One Ashburton Place, Boston, Massachusetts 02108 to the Surface Transportation Board relative to the New England Transrail, LLC matter. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0.

A copy of a communication dated September 21, 2007 was received from Vernon A. Williams, Secretary, Surface Transportation Board as notice that a court action was instituted on or about September 11, 2007 in the United States Court of Appeals for the First Circuit seeking judicial review of the Board's decision in the New England Transrail matter. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0.

A communication dated September 25, 2007 was received from Bob Frey, Manager of Statewide Planning, Office of Transportation Planning, Massachusetts Executive Office of Transportation entitled Notice of MEPA Site Visit relative to the I-93/I-95 Interchange Transportation Improvements Project on Tuesday, October 2, 2007 at 4:00 p.m. in Stoneham Town Hall Auditorium, 35 Central Street, Stoneham. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0.

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 SIXTH DAY OF NOVEMBER 2007** from 7:00 a.m. to 8:00 p.m., then and their 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

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	Hurld Elementary School Gymnasium 75 Bedford Road
3-2	Hurld Elementary School Gymnasium 75 Bedford Road
4-1	Wyman Elementary School Auditorium Main Street and Eaton Avenue
4-2	White Elementary School Gymnasium 36 Bow Street
5-1	Goodyear Elementary School Gymnasium 41 Orange Street
5-2	Goodyear Elementary School Gymnasium 41 Orange Street
6-1	Altavesta Elementary School Gymnasium 990 Main Street
6-2	Altavesta Elementary School Gymnasium 990 Main Street
7-1	Reeves Elementary School Gymnasium 240 Lexington Street

s/President Doherty

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

Presented to the Mayor: Sept. 27, 2007 s/Thomas L. McLaughlin Sept. 29, 2007

ORDERED That the Regular Meeting of the City scheduled for November 6, 2007 is hereby canceled due to the Municipal Election.

s/President Doherty

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

RESOLVED That the Committee on Municipal Lands meet with the Woburn Cemetery Commission to discuss future needs of the cemetery commission with respect to land and that His Honor the Mayor be invited to attend the meeting.

s/Alderman Denaro

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

Presented to the Mayor: Sept. 27, 2007 s/Thomas L. McLaughlin Sept. 29, 2007

RESOLVED That the Superintendent of Public Works repave Buttaro Road from side to side for its entire length.

s/Alderman Dwyer

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

Presented to the Mayor: Sept. 27, 2007 s/Thomas L. McLaughlin Oct. 1, 2007

RESOLVED That the Traffic Commission establish a no parking restriction on the westerly side of Caulfield Road from the intersection with Church Avenue to a point thirty (30) feet beyond 5 Caulfield Road.

s/Alderman Gately

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

Presented to the Mayor: Sept. 27, 2007 s/Thomas L. McLaughlin Sept. 29, 2007

RESOLVED That the Superintendent of Public Works repave Ferguson Place from side to side for its entire length.

s/Alderman Gately

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

Presented to the Mayor: Sept. 27, 2007 s/Thomas L. McLaughlin Oct. 1, 2007

RESOLVED That the Traffic Commission establish rules of procedure for matters before the Traffic Commission by its next meeting.

s/Alderman Mercer-Bruen

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

Presented to the Mayor: Sept. 27, 2007 s/Thomas L. McLaughlin Sept. 29, 2007

RESOLVED That Superintendent of Public Works construct concrete sidewalk with granite curbs the entire length of Parker Street from the intersection with Lexington Street to the driveway entrance to the intersection with Cambridge Road.

s/Alderman Drapeau and
Alderman Doherty

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

Presented to the Mayor: Sept. 27, 2007 Returned Unsigned October 1, 2007

RESOLVED That Superintendent of Public Works construct concrete sidewalks with granite curbs on Cambridge Road from the Four Corners intersection to the Horn Pond Plaza on the easterly side and to the Crescent Condominium development on the westerly side, where the sidewalks do not currently exist, and where the sidewalk is made of asphalt that these be replaced with concrete sidewalk; and further that if the area is under the jurisdiction of MassHighway that the Superintendent of Public Works secure permission to perform the work if MassHighway fails or refuses to perform the work.

s/Alderman Drapeau and
Alderman Doherty

Motion made and 2nd that the RESOLVE be ADOPTED, AS AMENDED, with the amendment as follows: "That a communication be sent to the State senators and State

representative of the city asking that their offices assist in seeking State funds to offset the construction costs and to coordinate this effort on behalf of the city”, all in favor, 8-0.
Presented to the Mayor: Sept. 27, 2007 Returned Unsigned October 1, 2007

RESOLVED That Superintendent of Public Works construct concrete sidewalk with granite curbs on Crawford Drive and Pond Terrace.

s/Alderman Doherty

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 8-0.
Presented to the Mayor: Sept. 27, 2007 Returned Unsigned October 1, 2007

RESOLVED That Traffic Commission install traffic control signals on Crawford Drive at the intersection with Cambridge Road which can be activated by motion sensors on Crawford Drive to allow access to the residents onto Cambridge Road.

s/Alderman Doherty

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 8-0.
Presented to the Mayor: Sept. 27, 2007 s/Thomas L. McLaughlin Sept. 29, 2007

RESOLVED That the Superintendent of Public Works construct concrete sidewalks with granite curb along Water Street from the intersection with Pleasant Street to the intersection with Sturgis Street and that the area of the old band stand that was disturbed by prior work in the area be cleaned and graded between Water Street and Woburn Parkway.

s/Alderman Doherty

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 8-0.
Presented to the Mayor: Sept. 27, 2007 Returned Unsigned October 1, 2007

RESOLVED That the Superintendent of Public Works construct concrete sidewalks with granite curb along Burlington Street and Locust Street and that the City Engineer prepare the plans necessary to perform the work.

s/Alderman Doherty

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 8-0.
Presented to the Mayor: Sept. 27, 2007 Returned Unsigned October 1, 2007

Motion made and 2nd to ADJOURN, all in favor, 8-0. Meeting adjourned at 9:43 p.m.

A TRUE RECORD ATTEST:

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