

**CITY OF WOBURN
SEPTEMBER 4, 2007 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Ciriello	Galvin
Denaro	Gately
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Doherty	

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

Motion made and 2nd to suspend the rules for the purposes of taking the following matter out of order and to hear from His Honor the Mayor, all in favor, 9-0.

RESOLVED Whereas, Reverend Larry Edmunds has pastored St. John's Baptist Church since 1976, the longest serving pastor in the history of St. John's; and

Whereas, Reverend Edmunds completed his undergraduate studies at Lincoln University, received advanced degrees from Gordon Conwell Theological Seminary and Andover Newton Theological Seminary, and was awarded an Honorary Doctoral degree from Shaw University; and

Whereas, Reverend Edmunds brought to St. Johns and to the City of Woburn a wealth of personal experience and formal academic training in Sociology, Organizational Development and youth work, including his experience as a tenured professor of Social Work at Salem State College; and

Whereas, Reverend Edmunds has overseen major renovations and an expansion of the church building and adjacent properties on Everett Street; and

Whereas, through his efforts Amos Fortune Square was dedicated at the intersection of Montvale Avenue and Everett Street in recognition of one of Woburn's African-American leaders within the business community in the 1800's; and

Whereas, Reverend Edmunds has been very active with the city's leadership, school system and Social Capital Inc. in organizing events such as the annual Martin Luther King Scholarship Luncheon and in providing assistance to many Woburn residents through the church's Benevolent Fund; and

Whereas, Reverend Edmunds initiated outreach programs that yielded tangible improvements in the lives of people as far way as Kenya, Dominican Republic and Jamaica;

Now, Therefore Be It Resolved that the Woburn City Council recognizes and extends to Reverend Larry Edmunds our appreciation for your dedicated and professional service that he provided to all the members of his church, the Woburn community, and people across the state, nation and world.

s/Alderman Gonsalves and Alderman Dwyer

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

Presented to the Mayor: September 6, 2007 s/Thomas L. McLaughlin Sept. 6, 2007

Mayor Thomas McLaughlin appeared and introduced John Guidara of the Metropolitan Boston Emergency Medical Services Council. Mr. Guidara stated that Woburn has been designated as a Heartsafe Community and presented a certificate of recognition to the mayor.

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

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$300,000.00 be and is hereby appropriated as so stated from Overlay Reserve Acct #01-356000 \$300,000.00 to Library Expansion & Renovation Project Acct #0161058-589000 \$300,000.00

I hereby approve the above: s/Thomas L. McLaughlin, Mayor

I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Doherty (per request)

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

PUBLIC HEARINGS:

On the petition by Raymond Airhart dba Oriental Medical Therapy Assoc., 73 Green Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.33b of the 1985 Woburn Zoning Ordinances, as amended, to allow massage/muscular therapy as an adjunct to medical services at 350 Washington Street, 208 West Cummings Park, First Floor. PUBLIC HEARING OPENED. A copy of a communication dated July 31, 2007 from Brett F. Gonsalves, Senior Engineer, Woburn Engineering Department to Edmund Tarallo, Planning Director, Woburn Planning Board was received as follows:

Subject: 350 Washington Street Physical Therapy/Chiropractic Service Special Permit –
Special Permit Application Dated July 23, 2007

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

The application is seeking a special permit to expand their business to include physical therapy and chiropractic services.

There are no exterior improvements being made and therefore this office takes no exception to the special permit as submitted.

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

A communication dated August 16, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Raymond Airhart, dba Oriental Medical Therapy Assoc. – 350 Washington Street –
To operate and conduct a muscular therapy facility and chiropractic service under
Section 5.1.33b of the Woburn Zoning Ordinance

Dear Mr. Campbell and Members of the City Council:

At the meeting held on August 7, 2007, the Planning Board voted to send a favorable recommendation to the City Council to allow a muscular therapy facility at 350 Washington St.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

Appearing was the petitioner Raymond Airhart and he stated that in 2004 he received a special permit for this use at another location, that he has expanded the business, that he seeks to locate in another building at Cummings Park, and that there have been no issues

at his previous location. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn and he stated that he visited the location, that this is a good clean business, and that he supports the petition. OPPOSED: None. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That this special permit is for petitioner and is non-transferable, and 2. That the recommendations of the Planning Board be adopted as conditions of the special permit, all in favor 9-0.

On the petition by Pacer Electronics, Inc. to further amend the 1985 Woburn Zoning Ordinances to add a new Accessory Kennel Use to Section 5.1.67 in conjunction with a retail establishment greater than 15,000 square feet. PUBLIC HEARING OPENED. A report was received from the Committee on Ordinances as follows: "That the matter remain in committee for further review." Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that this was reviewed in the Committee on Ordinances, that it was decided that the matter would remain in committee, that the petitioner will be providing additional information on the proposal within the next few days, and that the petitioner requests that the public hearing be continued to the Regular Meeting of the City Council on September 25, 2007. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON SEPTEMBER 25, 2007 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor 9-0.

On the petition by 112 Commerce Way LLC, c/o National Development, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 for special permits pursuant to Section 5.1.22, 5.1.23 and 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended, to allow for: 1. a retail shopping center in excess of 15,000 square feet (47,010 square feet); and 2. a fast food restaurant at 112 Commerce Way. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that this is a request for a special permit for a retail shopping center and a fast food restaurant, that the property is located in the B-I zoning district, that the zoning district was changed recently from IP-2 to B-I, that there locus contains 4.99 acres of land, that there is an existing building on the site with a footprint of 69,000 square feet which was formerly occupied by Pacer Electronics, Inc., that a new building approximately 45,000 square feet in area and a new building approximately 2,000 square feet in area will be built on the locus, that in the larger building there will be an OfficeMax store of approximately 18,000 square feet in area and a Petsmart store of approximately 27,000 square feet in area, that a Chipotle Mexican Grill non-drive-thru fast casual restaurant will be located in the smaller building, that Petsmart is the largest supplier of supplies for pets, there are 966 retail stores in the United States and Canada, that the store provides pet care supplies and information at the store and on-line, that a pet hotel component is planned for the store, that the hours of operation of the store will be Monday through Saturday from 9:00 a.m. to 9:00 p.m. and Sunday from 10:00 a.m. to 6:00 p.m., that the hours of operation of the

pet hotel will be Monday through Saturday 7:00 a.m. to 9:00 p.m. and Sunday from 9:00 a.m. to 6:00 p.m., that OfficeMax is the leader in supplying business products, that there are almost 1,000 stores nationwide, that the hours of operation will be Sunday from 10:00 a.m. to 6:00 p.m., Monday through Friday 8:00 a.m. to 9:00 p.m. and Saturday 9:00 a.m. to 9:00 p.m. with extended hours for back to school shopping and during the holiday season, that there are 640 Chipotle Grill restaurants, that the hours of operation will be Monday through Saturday from 10:30 a.m. to 10:00 p.m., that there will be 44 seats inside and 32 seasonal patio seats, that the site plan meets the requirements of Section 11 of the zoning ordinances, that the use is consistent with the Conroy zoning review of this area, that the Planning Board is still reviewing the petition, and that the petitioner is working on mitigation with the City Engineer. Tim Williams of Allen & Major Associates stated that he is a professional engineer, that this is a five acre site, that restaurant building will be built against Commerce Way on the lot, that at the back of the lot will be constructed one building with two tenants, that there will be 257 parking spaces with 11 handicapped accessible and 64 for compact cars, that there will be one entrance to the site, that truck traffic to the site will circulate through the lot in a clockwise direction and out the back of the lot, that there will be no mix of retail traffic with the truck traffic, that lights will be configured so that light is not shed on abutting properties, that loading for the larger building will be at the back of the building, that there will be two separate loading docks for the two separate uses, that there will be no loading area for the restaurant, that there are designated areas for trash disposal, that a comprehensive drainage analysis has been conducted for the site, that water currently discharges to the railroad bed at the rear and collects, that the petitioner proposes to capture all the stormwater on site, move it underground and back out the existing culvert, that gas, water and sewer use have existing stubs, that there is adequate pressure in the water main, that prior to construction the contractor will determine the location of the trunk line, that they will attempt to avoid opening Commerce Way for construction, that there is adequate parking, that the proposal meets all zoning requirements, that there has been no response from the fire department to the proposal, that they used the template and found no issue with fire trucks traversing the property, that large tractor trailers do not service the restaurant, that they use refrigerated box trucks that can park along the curb of the restaurant, and that there are currently three curb cuts at the locus and that they will abandon one curb cut. Don Lovas of VHB stated that he is the traffic and transportation consultant for the project, that they prepared a traffic impact and analysis of the project, that they followed all State and local guidelines, that they have consulted with the planning department and incorporated their recommendations into the plan, that they prepared a design to mitigate the impact of the project, that they reviewed data from traffic counts as well as ongoing studies for other projects, that this contains historical growth rate projections, that they looked at weekday peak hour and Saturday peak hour retail traffic in the area, that the traffic will be disbursed between the I-93 ramp and the I-95 ramp, that the petitioner will provide traffic signal timing modifications at the Commerce Way/Mishawum Road intersection and the Commerce Way/Woburn Mall traffic control signal, that they are looking at making additional improvements along the Commerce Way corridor, that the level of service at all intersections remains virtually unchanged with no build and no change with a build situation five years out, that one change at Mishawum Road will be remedied with signal modifications, that the

Mishawum Road and Commerce Way intersection is at a level D service which will go to level E and then be returned to level D with signal modifications, that the Mishawum Road and Commerce Way intersection is maxed out in terms of the right of way, that the intersection processes a lot of traffic, that there is not much that can be done beyond signal timing changes that can lead to intersection improvement there, that general restaurant and fast food restaurant classes were used to calculate traffic at the site, and that there will be 1,500 vehicle entries to the site on weekdays and 2,000 vehicle entries to the site on Saturday. Bryan Clancy of National Development stated that the site is regulated by the Environmental Protection Agency and the Department of Environmental Protection in which work plans and protocols are established prior to construction work beginning, that there will be a soil management plan, that the level of the site will be raised by two feet, that they do not expect to remove soil from the site, that this will likely be pressure injected type footings to reduce the amount of soils to be removed, and that they will meet with the fire department for review and comment on the plan. Alderman Ciriello stated that there appears to be some excavation required on the site and he wants there to be oversight of the work. Alderman Gonsalves stated that she is concerned about the impact on the intersections with the additional traffic on Commerce Way. Alderman Galvin stated that the retail use is what was envisioned for this lot, that he supports the three proposed uses, that he wants to minimize the traffic impact from the uses, that the petition includes the request for a special permit for a shopping center which allows the development of the property without interference by the city, and that this process has worked well in other developments in that area. Alderman Mercer-Bruen stated that she wants to know if the uses are specific to particular tenants or for a general use of retail and fast food, that adjusting the timing of traffic signals has been problematic in the past, that the City Council will have to review the traffic impact of the project, and that she is concerned about issuing a blanket special permit without have a particular use. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that this will be a smaller development than the Target store development in that area, that the petitioner will not do anything that will take away from other properties in the area, and that this locus needs some work. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON SEPTEMBER 25, 2007 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

Motion made and 2nd for a five minute recess, all in favor, 9-0

President Doherty called the meeting back to order.

On the petition by Woburn Armory LLC, 286 Main Street aka 300 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.69 and Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for change, extension and alteration of the Woburn Armory building to allow twenty-five (25) residential dwelling

units at 286 Main Street aka 320 Main Street. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the property is located in the B-D zoning district and in the R-2 zoning district, that the more restrictive R-2 zone requirements were used when calculating the dimensional requirements, that the Board of Appeals granted a front yard setback reduction to accommodate the underground parking, a rear yard setback to accommodate a wall for the parking garage and a reduction of the building ground coverage from 25% to 33%, that the current building ground coverage is 38%, that the Board of Appeals decision increased the amount of open space and decreased the building ground coverage, that the building was originally constructed in 1917 for a cost of \$65,000.00, that there were offices, locker room, kitchen and other facilities along with an 80 foot by 120 foot drill shed with a permanent stage and balcony, there is a dirt floor in the basement which was used to allow tent pitching practice in inclement weather, that the facility was closed in 1987, that the property was sold in 2004 to the petitioner, that there were certain historical covenants placed on the conveyance, that the property is listed in the Massachusetts Historical Commission's inventory of historic assets of the Commonwealth, that plans to alter the building must be reviewed by the Massachusetts Historical Commission, that interior changes must also be approved by the Massachusetts Historical Commission, that the petitioner went through that lengthy approval process, that the Massachusetts Historical Commission approved the renovation plans for the building, that there will be fifty on-site parking spaces with forty-one parking spaces underground, that there will be extensive landscaping, that the chainlink fence will be replaced, that there will be improved drainage through grading and on-site mitigation, that there will be lighting that will not impact the abutters, that snow will be removed from the site, that there will be no entrance or exit from the site on Myrtle Street, that an appropriate veterans memorial will be placed on the site, that this is an adaptive reuse of a building for residential purposes, and that this is consistent with the Woburn Square revitalization plan of 2000. Steve Hurley, 37 Walnut Street, Wellesley, Massachusetts stated that he is the architect for the project, that front portion of the building contained offices, that there was a drill shed to the rear of the building which is in poor condition, that there will be a granite wall along Main Street and Myrtle Street, that there will be a six foot wood fence installed along the rear of the property and along the northerly perimeter of the property, that there will be minor modifications to the front of the building with the exception of a handicapped entrance, and that the drill shed will be replaced with a new addition with similar architectural features on the exterior as well as similar size windows. David Giangrande of Design Consultants, Somerville stated that he is a registered engineer, that he met with municipal departments during the process, that he met with the city engineer, that there is a six inch fire service with fire suppression, that there is sufficient water pressure and flow to service the building, that they will utilize the existing sewer pipe if possible or will replace the sewer in the existing arrangement, that they reviewed the drainage with respect to abutting properties, that they will install small pipes to collect puddling water to the property and improve the drainage in the area, that they designed a subsurface infiltration field that will result in a 60% reduction in discharge to the municipal sewer system, that this will allow water such as roof drainage to recharge the aquifer rather than be deposited in the sewer system, that they will maintain where possible the existing vegetation, that they will perform selective

pruning with consultation, that there will be a perimeter walkway around the building, that they will install lighting that will not infringe on abutting properties, that low level lighting will be installed to light the perimeter walkway for security without impacting the abutters, that they prepared a trip generation memorandum, that they looked at impacts with the conditions at their worst, that the driveway will enter from Main Street with no access onto Myrtle Street, and that this is a passive use. Attorney Tarby stated that they are awaiting Planning Board review and that these will be condominium units. Alderman Gonsalves stated that this is a busy area, that she is concerned with the density of the proposal, that she would like to see comparisons with other similar developments such as the Salem Place and the Avalon properties, and that she is concerned with the impact on abutters. Mr. Hurley stated that each unit has a terrace or a balcony along Myrtle Street and that there are balconies only on the north elevation, that there are no balconies or terraces to the rear of the property, that the rear wall is virtually a solid wall with only windows for the stairwell, that there is approximately eighty feet from the rear wall of the building to the nearest abutter, and that visitor parking is not an issue. Attorney Tarby stated that the zoning code only requires two parking spaces per unit and that the project provides this parking. Mr. Hurley stated that the addition replacing the drill shed will be smaller than the current drill shed. Alderman Denaro stated that he appreciates the project, that this would have made a great municipal project, that this became an armory in 1915, that the State sold the property in 2004 to balance the State budget and the city lost the opportunity to get the property, that the city chose to purchase the property at auction for a municipal use, that he will not support this project, and that the petitioner made a business decision to purchase the property. Attorney Tarby stated that the petitioner obtained the property at auction. Alderman Denaro stated that this was a city piece of land that was needed for city use, that it may be a decent project but there is not support in the area and that he will not support the project. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that he is not against the project but he not entirely in favor of the project either, that a juvenile court was proposed for the site and should have been allowed to locate there, that a children's satellite library was proposed for the site, that the Woburn Redevelopment Authority should be present for this proposal, that the building cannot be left the way it is, that the homes on Myrtle Street and Caulfield Road are well-kept, that the right solution can be negotiated here, that other armories have been developed, that the units will be owner occupied as opposed to rental property, and that not all units will have two cars associated with them as there is public transportation located nearby. OPPOSED: John O'Neil, 10 Myrtle Street stated that traffic on Myrtle Street is bad particularly when school begins or dismisses the students, that twenty-five units is a massive project, that the petitioner can remove the rear portion of the building, construct two homes on Myrtle Street and put four condominiums in the front portion of the building. Richard Tobin, Green Street stated that vehicles moving in and out of the driveway will have difficulty against the Main Street traffic. Mark Sanborn, 12 Caulfield Road stated that his property abuts the site, that the balconies, garage door and garage air vents all face his yard, that he has no water problems at this house, that if the grade of the locus is raised three to four feet as proposed he will have water problems, that the nine outside parking spaces are located on his side of the property, that a third story will be added to the drill shed, and that there is a sloped roof currently but with a third story the

building will look into his yard. Margarette Masotta, 313 Main Street stated that she lives diagonally across from the site, that the building has never been occupied for a 24 hour period, that this is too many people to be in this small area, and that she is opposed to the size of the project. Margaret Longendyke, 4B Bartlett Drive stated that she lived near the Kimball Court apartment project during the construction phase, that the City Council needs to ensure that the children in the nearby school are not impacted by the construction, and that during construction the parking that services the businesses on Main Street may be impacted. Mr. Giangrande stated that trip generation looks at peak hour data, that there would be more foot traffic from the development to local businesses as opposed to vehicle traffic, that the intent of the design is to emulate the existing grade and not build up the property four feet, and that there will be some increase for the patio on Myrtle Street but not at the back of the property. Attorney Tarby stated that a petition will be filed to allow for the storage of vehicles underground. Mr. Giangrande stated that there will be a standard double garage door which will be similar to a residential garage. Alderman Gately to the City Council for review as letter from Elisa S. Roche and Kevin C. Roche of 5 Myrtle Street relative to their concerns with the project, including landscaping, drainage, excessive exterior lighting spillage, electrical transformer location, trash storage, snow removal and storage, demolition and construction procedures, traffic and parking, and the proposed number of condominium units given the zoning and suggested underground parking. Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Alderman Gately stated that the issue of parking on Myrtle Street at the school has to be addressed, that something must be done with the armory building, and that he will work with the neighbors on the project. Alderman Galvin stated that the density is an issue, that it seems that the density is twice the amount that he would be comfortable with at the site, and that he is willing to work on the project but that density is a concern. Attorney Tarby stated that this is a 38,349 square foot lot. President Doherty stated that if 12,000 square feet is deducted for the first unit then there would be approximately 1,000 square feet for each remaining unit, and that he wants to see analysis of the square footage of similar developments as to density. President Doherty stepped down from the chair and Alderman Galvin assumed the chair. President Doherty stated that there is no visitor parking set out, that visitor parking may not be required under the zoning ordinances but with the size of the project this should have been considered, that the underground parking should be large enough to accommodate visitor parking, that emergency access to the underground garage is an area of concern, and that impact of the patio and garage to drainage from the site has to be considered. Mr. Giangrande stated that the transformer would be located on a pad, surrounded by bollards and landscaped. Mr. Williams stated that there will be a trash room in which the trash is stored inside on site, that the trash will be wheeled out to the trash truck on trash day, that there is a fifteen foot by fifteen foot storage room for trash, and that they could schedule two pick-ups per week for trash if this becomes necessary. Attorney Tarby stated that the driver of the trash truck will come into the building and pull the trash out to the truck. President Doherty stated that this is an area with an established church, businesses and apartment buildings that use the parking in the area, that there is poor on-street parking in that area, and that he wants the petitioner to look at the number of units and at the existing conditions in the area. 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 9-0. Alderman Galvin stepped down from the chair and President Doherty assumed the chair.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

PERSONNEL:

On the appointment of David S. Ryan as a Member of the Sign Review Board, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: September 6, 2007 s/Thomas L. McLaughlin Sept. 6, 2007

On the re-appointment of Edward R. Quinn as a Member of the Woburn Handicapped and Disabled Citizens Commission, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: September 6, 2007 s/Thomas L. McLaughlin Sept. 6, 2007

On the re-appointment of John Harney as a Member of the Woburn Handicapped and Disabled Citizens Commission, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: September 6, 2007 s/Thomas L. McLaughlin Sept. 6, 2007

NEW PETITIONS:

Petition by NSTAR Electric Company and Verizon, New England Inc. for a grant of right in a way to install conduit in Forest Park Road a distance of approximately 33 feet from pole 11/47 approximately 130 feet south of Alfred Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by pION, Inc., 5 Constitution Way, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.41 of the 1985 Woburn Zoning Ordinances, as amended, to operate a research and testing laboratory along with its manufacturing use at 5 Constitution Way. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by 400 MetroNorth Corporate Center LLC, c/o National Development, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 for special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Pursuant to Section 5.1.17b to allow for the construction of an approximately 32,500 square foot health and fitness facility; 2. Pursuant to Section 5.1.65b to allow for muscular therapy (not to exceed 1,500 square feet) as an accessory use within the building; and 3. the petition also required Site Plan Review pursuant to Section 12.2.4, all at 400 Presidential Way. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Nicholas Leo and Vincent Leo, 517 Concord Avenue, Cambridge, Massachusetts 02138 for a special permit pursuant to Section 5.1.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow for dwelling units above the first story in a commercial structure at 371 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 August 30, 2007 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the August meeting of the Council on Aging, the Director's report for the month of August. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated August 27, 2007 attachments was received from Attorney Michele E. Randazzo, Kopelman and Paige, P.C. relative to changes to M.G.L. Chapter 32B regarding health insurance. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated August 20, 2007 was received from Baker Botts L.L.P. entitled "Response of New England Transrail, LLC to the Commonwealth of Massachusetts' Petition for Reconsideration, or in the Alternative, for Clarification." Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication with attachments dated August 29, 2007 was received from Beveridge & Diamond P.C. relative to the matter of New England Transrail, LLC. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated August 24, 2007 was received from Jacques Whitford relative to the matter of New England Transrail, LLC. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated August 29, 2007 was received from Deutsch Williams relative to the matter of New England Transrail, LLC. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication with attachment dated August 31, 2007 was received from Kevin M. Walsh, Acting Director of Environmental Services, Massachusetts Executive Office of Transportation, Ten Park Plaza, Boston, Massachusetts 02116 relative to a Environmental Notification Form for the I-93/I-95 Interchange Transportation Improvements Project in Woburn, Reading, Stoneham and Wakefield. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING:

On the Order to amend Title 20, Section 20-7 of the 1989 Woburn Municipal Code, as amended relative to fees of the Sealer of Weights and Measures. Motion made and 2nd to take the matter from table, all in favor, 9-0. Alderman Gately stated that he spoke to Paul Meaney the Executive Director of the Woburn Business Association about this proposed ordinance and that he would like to speak to him further in committee. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES, all in favor, 9-0.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Be it ordained by the City Council of the City of Woburn that Title 12, Article IV, section 12-19(A) "Permits for Placing of Poles" of the 1989 Woburn Municipal Code be amended as follows: "By inserting after the words 'and in addition, that the person applying for the permit' the following words 'shall place the pole in such a manner that does not create a sight-view impediment for vehicular traffic, shall place the pole in such a manner that there is at least 36 inches clear, unobstructed path of travel between the base of the pole and the inside edge of the curbing and said path of travel should be at least 52 inches in width where achievable;" so that Paragraph A shall read as follows:

A. The superintendent of public works, when a petition praying therefore has been granted by the city council, shall issue permits to open and occupy portions of the streets, for the purpose of placing and maintaining poles therein, for the support of wires, on a condition, the terms of which shall be those hereinbefore stated in Sections 12-15 and 12-16 of this chapter, and in addition, that the person applying for the permit shall place the pole in such a manner that does not create a sight-view impediment for vehicular traffic, shall place the pole in such a manner that there is at least 36 inches clear, unobstructed path of travel between the base of the pole and the inside edge of the curbing and said path of travel should be at least 52 inches in width where achievable; shall keep said poles well painted and in good condition, to the satisfaction of the superintendent of public works; shall place the wires on said poles not less than twenty feet from the ground; shall keep the name of the person or corporation owning the wires distinctly marked on said poles; shall allow the departments of the city the exclusive use of the upper crossbar and top of each pole, free of all charge, for the purpose of placing wires thereon; shall not suffer or permit any other person to place or keep wires on said poles or upon the fixtures thereto affixed, without permission being first obtained in writing from the city council; shall not remove any pole erected under this order until, and shall remove any pole when, directed by the city council so to do, and that on violation of any term of this condition the said superintendent shall remove the poles at the expense of the person or corporation owning them. (Prior Ch. 25 sec. 2(E); amended 7/22/2002; 12/19/2003).

The intent of this ordinance is to clarify the record with respect to changes made to the section on July 22, 2002 and December 19, 2003.

s/Alderman Gonsalves

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

ORDERED That pursuant to Title 12, Article III, Section 12-5 of the 1985 Woburn Municipal Code, as amended, et. seq., the City Council shall hold a public hearing and take all other steps necessary for the purposes of altering a portion of Nashua Street in order to improve the safety of motorists, pedestrians and residents in the area, and that all departments, boards and commissions having an interest in this matter shall file with the City Council a report with recommendations that may assist in rendering a final decision.

s/Alderman Mercer-Bruen

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

Presented to the Mayor: September 6, 2007 s/Thomas L. McLaughlin Sept. 6, 2007

RESOLVED Whereas, on March 23, 2007 an Order of the City Council issued relative to the property located at 239 Main Street; and

Whereas, the Order declared the property to be a public nuisance pursuant to Massachusetts General Laws Chapter 139, Section 1 et. seq.; and

Whereas, the owner of the property was ordered to tear down and remove the property within thirty (30) days of the date of the Order; and

Whereas, the owner of the property has not complied with the Order, that the property has continued to deteriorate, that the property continues to be subject to intrusion, and that the property continues to be a threat to neighboring properties, residents and businesses;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that a communication be directed to His Honor the Mayor urging that he take all action necessary and available to see to the immediate razing of the property located at 239 Main Street including: 1. That the foundations of the buildings shall be taken out and good fill brought in to fill the foundations to the same grade as the neighboring properties so as to prevent run-off from the property to the neighboring properties; 2. That all utilities to the property shall be cut off at the street; 3. That the property shall be kept clear of debris; and 4. That a snow fence shall be installed to keep debris from being deposited on site; and

Further, this His Honor the Mayor consult with the City Solicitor to ensure that the removal of the property is completed in a quick and lawful manner and that the City Solicitor file any and all claims necessary to recover the cost of removal and securing the property and all other costs incurred by the city of Woburn in acting to protect the public safety in regards to this property.

s/Alderman Gately

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

Presented to the Mayor: September 6, 2007 s/Thomas L. McLaughlin Sept. 6, 2007

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to repave Campbell Street the entire length, to install granite sidewalks on both sides and to install trees along the street.

s/Alderman Dwyer

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

Presented to the Mayor: September 6, 2007 Returned Unsigned Sept. 6, 2007

Alderman Ciriello was recognized by the President and stated that he was resigning his position as Alderman of Ward Six effective September 5, 2007 at 12:01 a.m. as he is moving out of the city, that he thanked his colleagues on the City Council, the administration and city employees for their assistance and his constituents for their support, and that he was honored by the experience. The Alderman shared comments and observations of their association with Alderman Ciriello, thanked him for his service and wished him well in his future endeavors. President Doherty presented a plaque to Alderman Ciriello on behalf of the City Council. Mayor McLaughlin thanked Alderman Ciriello and wished him well.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 10:08 p.m.

A TRUE RECORD ATTEST:

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