

**CITY OF WOBURN
FEBRUARY 7, 2017 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
Campbell	Higgins
Concannon	Mercer-Bruen
Gaffney	Tedesco
Haggerty	

The City Council observed a moment of silence in memory of former Alderman John F. Scalley who recently passed away.

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

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$240,000.00 be and is hereby appropriated as so stated from Unreserved Fund Balance Acct #01-356000 to Veterans Cash Aid Acct #0154357-577000.

I hereby recommend the above. s/Mayor Scott D. Galvin
I hereby approved the above. s/Lawrence Guisepppe, Veteran's Agent
I have reviewed the above: s/Charles E. Doherty, City Auditor

s/President Haggerty

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

ORDERED That the sum of \$20,000.00 be and is hereby appropriated as so stated from BLS Ambulance Receipts Acct #31359-590000 \$20,000.00 to Fire Apparatus Maintenance Acct #0122054-544400 \$20,000.00.

I hereby recommend the above. s/Mayor Scott D. Galvin
I hereby approved the above. s/Timothy Ring, Chief Fire Department
I have reviewed the above: s/Charles E. Doherty, City Auditor

s/President Haggerty

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

ORDERED That the sum of \$2,274,560.00 be and is hereby transferred as so stated from Unreserved Fund Balance Acct #01-356000 \$2,274,560.00 to Various Capital Projects (see attached breakdown) \$2,274,560.00

I hereby recommend the above. s/Mayor Scott D. Galvin
I hereby approved the above. s/Timothy Ring, Chief Fire Department
I have reviewed the above: s/Charles E. Doherty, City Auditor

s/President Haggerty

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

A communication dated February 2, 2017 with attachment was received from His Honor the Mayor as follows:

On June 3, 2016, Governor Baker signed into law An Act to Improve Public Records that most relevant portion of which is set out in a new statute, M.G.L. c.66, §6A, which became effective on January 1, 2017. In accordance with this new statute, municipalities are required to designate one or more Records Access Officers (RAO) who will be responsible for coordinating responses to requests for access to public records. One of the RAOs is the City Clerk, and I have designated the City Solicitor as the other RAO for the City of Woburn.

Although each department head remains the custodian of that departments' records, all public records requests must be directed to the attention of the RAOs who, in accordance with the newly enacted statutes and rules and regulations, will:

- Coordinate the City's response to requests for access to public records;
- Assist individuals seeking public records in identifying records requested;
- Assist the custodian of records in preserving public records; and
- Prepare guidelines that enable requestors to make informed requests.

Of note, this new statute provides that the failure to produce responsive documents in a timely manner exposes the City to litigation and the award of attorney's fees. Due to the increased responsibilities of this position which are outside the scope of their regular duties, I have established a \$6,500.00 annual stipend for each RAO position limiting such positions to two. Submitted herewith, is an Order and an appropriation.

Thank you for your attention and consideration.

Sincerely, s/Scott D. Galvin, Mayor

Attached thereto was the following Order:

ORDERED Be it ordained by the City Council of the City of Woburn, that Title II, Article XXVIII. Compensation of Officers and Employees, Section 2-180, Base Salaries, be amended by inserting the following position and stipend as follows:

Records Access Officer (MGL Ch. 66, §6A) (2).....\$6,500.00

This ordinance shall be effective January 1, 2017.

s/Alderman Gately (per request)

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

ORDERED Be it Ordained by the City Council of the City of Woburn, that pursuant to M.G.L. c.59, §38H and c.164, §1, and any other relevant enabling authority, the Mayor, in consultation with the Board of Assessors, is hereby authorized to negotiate an agreement with ECA Solar Systems W.B. LLC of Boston, Massachusetts, and its successors and assigns, for a payment in lieu of taxes for the personal property associated with the privately owned and operated solar photovoltaic facility installed on the rooftop at 181 New Boston Street, Woburn shown on the Woburn Assessors Maps as Parcel 15-1-13, for a term of fifteen (15) years, on such terms and conditions as the Mayor and the Board of Assessors deem in the best interest of the City, and to take all necessary action and to execute all necessary documents to implement, administer and enforce such agreement, or to take any relevant action thereto.

s/President Haggerty

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

PUBLIC HEARINGS:

On the petition by Boys & Girls Club of Woburn, Charles Gardner Lane, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1, Note 14 to conduct a six-day carnival from May 9, 2017 to May

14, 2017 at the National Amusements site (Showcase Cinemas), 25 Middlesex Canal Park. PUBLIC HEARING OPENED. A communication dated February 2, 2017 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Department as follows:

Re: Planning Department comments on special permit petition to conduct a six-day fundraising carnival from May 9 – May 15, 2017 at 25 Middlesex Canal Park/Boys and Girls Club of Woburn, Inc.

Dear Council:

The Planning Department has reviewed the above-referenced application for the requested use pursuant to Section 5.1.75 of the Woburn Zoning Ordinances, as amended (WZO). The application however, incorrectly references Section 5.1.14 which in fact would not apply to the use/activity proposed in this application. The property in question is zoned B-I (Interstate Business) and the requested use is allowed by City Council Special Permit in accordance with Section 5.1.75.

The Planning Department takes no exception to this request. However, as noted in the attached guidance document issued by City Solicitor Ellen Callahan Doucette, Chapter 309 of the Acts of 2016 requires that notice be given to the Middlesex Canal Commission if a permitted activity will be located within one hundred feet (100') of the route of the Middlesex Canal.

Should the Council elect to grant this request, Planning Staff recommends the following:

1. That the City Council determine whether or not the proposed activity will be located within 100' of the route of the Middlesex Canal. If it will be, the Middlesex Canal Commission must receive notice of the proposed project/activity at least fourteen (14) days prior to a vote of the Council; and
2. That the applicant be required to comply with the requirements of Note 14 to Section 5.1.75, Table of Use Regulations of the WZO. Note 14 limits the hours of operation on Sundays and other days and sets certain applicable insurance and minimum notification requirements.

Please feel free to contact me if you have any questions or concerns regarding this recommendation.

Respectfully, s/Dan Orr, City Planner/Grant Writer

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was James Haggerty, Carnival Chair and he stated that this is the same carnival company that has been used in the past, that the carnival has been a financial and social success, that the hours will be the same as in past years, and that ticket sales stop at 9:30 p.m. and the rides stop at 10:00 p.m. PUBLIC

COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That Planning Board recommendation 2 be adopted as a condition of the special permit, all in favor, 9-0

On the petition by Sports Management Services, Inc., an individual owning land to be affected by change or adoption, to amend the Zoning Map of the City of Woburn by changing the zoning district for two parcels of land known as Lot 69-08-07 on Garfield Avenue and Lot 69-08-08 on Garfield Avenue together containing approximately 2.92 acres of land as shown on a plan by Allen & Major Associates, Inc. entitled "Parcel Rezoning Plan" dated November 10, 2016 from R-2/I-G to R-3. PUBLIC HEARING OPENED. A communication dated January 25, 2017 was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Zoning Map amendment to rezone two parcels on Garfield Avenue from the R-2 and I-G zoning districts to the R-3 zoning district/Sports Managements Services, Inc.

Dear Mr. Campbell:

At a meeting of the Woburn Planning Board held on Tuesday, January 24, 2017, the Board opened the public hearing on the above-referenced petition. After some discussion, the Board voted unanimously (5-0-0, with Mr. Kevin Donovan recusing) to continue the public hearing to the Board's February 28, 2017 meeting.

Respectfully, s/Tina P. Cassidy, Planning Board Director

A communication dated January 19, 2017 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Petition to amend Zoning Map, Sports Managements Services, Inc., Garfield Avenue, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent Sports Managements Services, Inc. in connection with the above-referenced Petition. On behalf of my client I respectfully request that the Public Hearing scheduled before the City Council for February 7, 2017 be continued to the City Council Meeting scheduled for March 7, 2017. If you have any questions please feel free to contact me. Thank you.

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

Motion made and 2nd that the communications be received and made part of the record, all in favor, 9-0. Alderman Tedesco stated that a Planning Board recommendation will be

required before a vote can be taken. PUBLIC COMMENTS: Andrew Riley, 10 Carter Street stated that he is concerned about the rezoning due to traffic and the narrow roadways in the area, that 24 units will have a negative impact on the neighborhood, that he is concerned that this will tax the water system and other community resources, that changing the zoning district from commercial to residential will result in consumers of the city's resources where a business contributes to those resources, and that he wanted to know whether if the property is rezoned would this give precedence to allowing abutting properties to also be rezoned. Mary Burns, 126 Garfield Avenue stated that she opposed the petition, that there is significant traffic on the street, that the proposal is for 24 units and there are currently single and two family homes in this area, that the petitioner could put five or six duplexes on the parcels which would be more comparable to the neighborhood, and that the proposal will have an impact on the schools. Julie Foley, no address given, stated that traffic has increased steadily in the area including large trucks, that the area is overburdened, and that she opposes the zoning change. Lee Kiklis-Cappello, 4 Cliffside Terrace stated that she is concerned with safety issues and the impact on the infrastructure, that this is spot zoning, that the property is only 2.92 acres, that recent changes of zoning districts were for large parcels of property, that this is not a large commercial area, that she learned at the Planning Board meeting that 24 units are being proposed, that once the parcel is rezoned to the R-3 zoning district the property can be developed in any manner consistent with the zoning code but not necessarily based on the plan submitted to obtain the zoning change, that the proposal does not benefit the neighborhood, that she asks that the petition be denied, that she lives next door to a house that has been under construction for nearly twenty years, that the city has not been able to get the property owner to finish the project, that the neighborhood is still in poor condition, that the neighborhood is densely populated, and that not everyone in the neighborhood was notified of the public hearing. Lori Medeiros, 23 Arlington Street stated that she is concerned with the project, that the proposal is out of scope with the character of the neighboring properties, and that she asks that the zoning amendment not be granted. Diane Yebba, 3R Belmont Street stated that she opposes the petition, and that the landowner can develop the property under the current zoning district and still benefit greatly. Don Hickey, 3 Arlington Street stated that the tennis courts already generate significant traffic. Jean Monahan-Doherty, 31 Arlington Street stated that she does not understand why there are delays in the hearings, that the project is out of the scope and character of the neighborhood, that Arlington Street is a quiet street, that opening the paper streets will change the quiet character of the neighborhood, and that there will be significantly more traffic with 24 units. Marianne Murphy, 38 Arlington Street stated that there is already truck traffic in the neighborhood, and that she opposes the petition. Ken Murphy, 38 Arlington Street stated that he understands that a street may be constructed down to Stoneham Street, and that this proposal will cause traffic congestion. Claire Murphy, 124 Garfield Avenue stated that Garfield Avenue is a busy street, that the new housing will require school buses for the children and there is nowhere to turn around the buses, and that the water has been clean for a while after having had dirty water for some time and that she is concerned that the project may adversely impact the water again. Christopher Titus, 123 Garfield Avenue stated that Garfield Avenue is an extremely busy street for traffic, that the lack of sidewalks is an issue, and that vehicles already park on the sidewalks now which limits accessibility. Alderman Gately stated that he will not do

anything that will harm the neighborhood, that the petitioner wants to develop the land, that the neighborhood does not believe that this is a good project, that GPS is directing trucks through these streets, that this is a quiet neighborhood, that there are substandard streets that do not conform to the 40 foot right of way, that there are no sidewalks on most of the streets, that there are several areas where it would be difficult to install sidewalks because of the narrow street and closeness of houses to the streets, and that he has asked the Building Commissioner to be involved in the house long under construction which had resulted in fines being issued. Alderman Mercer-Bruen stated that she would like an update as to why there are no plans available for the proposal, that she knows that every delay impacts the participation of the community, that notice is sent to properties within 300 feet of the locus, and that there was not defective notice of this proposal. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MARCH 21, 2017 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor, 9-0.

On the petition by 600 MetroNorth Corporate Center to amend the 1985 Woburn Zoning Ordinances, as amended, by amending Section 13 Sign Regulations relative to billboards; and by adding a new Section 29 Billboards as set forth in the petition. PUBLIC HEARING OPENED. A communication dated January 25, 2017 was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Proposed zoning text amendment to allow billboards as special permit use (City Council) in the OP-93 and I-P2 zoning districts/600 MetroNorth Corporate Center LLC

Dear Mr. Campbell:

At a meeting of the Woburn Planning Board held on Tuesday, January 24, 2017, the Board opened the public hearing on the above-referenced matter and then voted unanimously (6-0-0) to continue the public hearing to the Board's February 14, 2017 meeting.

Please feel free to contact me if you have any questions about the Board's deliberations on this matter.

Respectfully, s/Tina P. Cassidy, Planning Board Director

A communication dated January 30, 2017 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Proposed amendment to Section 13 of the 1985 City of Woburn Zoning Ordinance, as amended and proposed new Section 28

Dear Mr. Campbell:

On behalf of my client I respectfully request that the Public Hearing scheduled for February 7, 2017 be continued to the City Council meeting scheduled for March 7, 2017. The Planning Board continued its Public Hearing on the proposed amendment to February 14, 2017. If you have any questions, please contact me. Thank you.

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

Motion made and 2nd that the communications be received and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: Chris Owen, 3 Florence Terrace stated that he wants to know the process used to grant continuances when the petitioner requests one, that half of the City Council agendas are continued without any discussion as to why the continuance is needed, and that the City Council should demand that a reason be given for a continuance. Alderman Anderson stated that the City Council is waiting for the Planning Board recommendation. Alderman Gately stated that the petitioner has had a medical condition that caused a delay. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MARCH 7, 2017, all in favor, 9-0.

On the petition by Minast, LLC, 11 Presidential Way, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, to modify a special permit dated January 9, 2014, as modified by decisions dated October 29, 2015 and August 11, 2016 to allow for the deletion or modification of Condition 3 of the Decision relative to mitigation at Lot 1, Presidential Way. PUBLIC HEARING OPENED. A communication dated February 2, 2017 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on a request to modify a special permit decision for 11 Presidential Way/Minast, LLC

Dear Council:

The Planning Department has reviewed the above-referenced petition, which seeks to modify an existing special permit pursuant to Section 11.3.12 of the Woburn Zoning Ordinance (WZO). The petitioner requests that a “deletion or modification” be made to Condition #3 of the Decision, originally dated July 9, 2015, with modifications dated October 29, 2015 and August 11, 2016.

The Petitioner’s attorney has proposed no specific modification to the previously-imposed condition and posits instead that deletion of the condition may be the appropriate option, at the Council’s discretion. The Petitioner claims to have “expended monies for offsite mitigation on Presidential Way”, apparently in lieu of completing the improvements required by Condition #3 of the earlier Special Permit decision. The application does not detail the cost and scope of work which was completed on

Presidential Way, why that work was performed in lieu of the construction required by the Special Permit Decision and who authorized the substitution. Therefore, Planning staff cannot make a specific recommendation as to the wisdom of modifying or deleting this condition.

Planning staff respectfully suggests that the Council should require the applicant to provide a written detailed summary of improvements made to Presidential Way along with paid invoices so it can determine whether the scope of the “substituted” work would meet the requirements of the mitigation ordinance. The Council should also determine whether the “alternative” improvements made to Presidential Way were comparable in terms of public benefit to those that were initially required in the Special Permit Decision. In addition, the Council may want to ask the City’s Engineering Department for its opinion relative to whether the construction on Presidential Circle was/is satisfactory from the City’s perspective.

Lastly, Planning staff suggests that if the Council elects to grant this Special Permit modification, the remaining conditions of approval imposed in connection with the original Special Permit and its two subsequent modifications, to the extent they are still applicable, remain in full force and effect.

Please feel free to contact me if you have any questions relative to this recommendation.

Respectfully, s/Dan Orr, City Planner/Grant Writer

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and offered a memorandum dated February 7, 2017 entitled “Applicability of Development Impact Mitigation to Special Permit Granted to Minast LLC for property located at Lot 1 a/k/a 4 Presidential Way” to the City Council for review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Attorney Tarby stated that the petitioner makes this request as it expended funds for work on Presidential Way that were not expected, that the mitigation component was not implemented in compliance with the ordinance, that Apria Healthcare, LAX and Mobility Links are tenants of the building, that under the mitigation ordinance the petitioner was required to file a development impact statement which assesses the impact of a project on traffic and utilities, that this was the final lot to be built upon on Presidential Way, that there was no impact on the traffic or utilities due to this project, that if there is no impact then there is no mitigation due, that the City Council can assess a mitigation fee of 3% of the total development cost in lieu of mitigation which can be used with approval of the Mayor and City Council for traffic improvements, that there is minimal traffic generated from the project, that the mitigation ordinance is not applicable to this project, that there is an MWRA water line that runs down Presidential Way but is not on the city records, that the petitioner had to work around the MWRA water line to connect for water and sewer which resulted in unexpected expenses, that other than the water and sewer issues no other mitigation work was completed, that the mitigation imposed does not have any link to the project, that the

unexpected costs were for the installation of the water and sewer line and curb to curb paving required by the Superintendent of Public Works, and that generally a petitioner may agree to offsite mitigation but in this case the public hearing was closed and the decision amended after reconsideration with no input from the petitioner when the mitigation was imposed. Michael Tamasi, Manager of Minast, LLC stated that the petitioner performed mitigation when developing 10 Presidential Way, that there were unexpected costs at the locus including the clean-up of contamination on the site, that there are significant wetlands on the locus, that there are three tenants in the property and a fourth tenant will occupy the building soon, and that the mitigation work designated in the special permit has not been performed. Bill Berg, Design & Development Solutions, LLC, 400 TradeCenter, Suite 5900, Woburn, Massachusetts 01801 stated that the MWRA water line is not on the city plans, that they began to dig to install the utilities when they came upon the line, that Woburn, Wilmington and the Commonwealth did not have the water line on any available plans, and that they had to maintain separations between the MWRA water line and the city water line including going under the MWRA water line because there was not enough distance from the surface. Alderman Gately stated that the record indicates what mitigation was to be performed, that half the street was blasted to install the MWRA water line, that the MWRA water line was deeper than the city water lines, and that is it not the city's responsibility if the petitioner found unexpected conditions during construction. Alderman Anderson stated that if the mitigation ordinance did not apply then that issue should have been raised at the time of the special permit process, that he wants to know how much the 3% total development costs would be, and that other than the work to hook up the water line and sewer line he wanted to know what other mitigation was performed. Alderman Mercer-Bruen said that often there is offsite mitigation required. Alderman Concannon stated that the matter should be reviewed in committee, that the mitigation ordinance is a concern, that the City Council should tread lightly when mitigation or linkage is concerned, that a determination should be made of the impact of the project and there should be a nexus between mitigation and the project, and that is there are not specific problems connected to the project then mitigation may not apply. Motion made and 2nd that a communication be sent to the City Engineer for his opinion relative to whether the construction on Presidential Circle was/is satisfactory from the City's perspective in terms of the alternative improvements made to Presidential Way in conjunction with the special permit decision, all in favor, 9-0. Motion made and 2nd that a communication be sent to the Superintendent of Public Works for his opinion relative to whether the construction on Presidential Circle was/is satisfactory from the City's perspective in terms of the alternative improvements made to Presidential Way in conjunction with the special permit decision, what work was performed as requested by the Department of Public Works, and what work was done outside the scope of what was required to be done, all in favor, 9-0. Motion made and 2nd that a communication be sent to the Water Treatment Plant Manager about what work was performed in conjunction with the project, all in favor, 9-0. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MARCH 7, 2017 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

On the petition by Commonwealth Investment Properties LLC, 12 Chandler Road, Burlington, Massachusetts 01803 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended Section 7.3 to alter and reconstruct a pre-existing nonconforming three family residential dwelling by razing the existing structure and replacing with a new three family dwelling house at 43-45 Church Street. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Malcolm H. Houck, 7 Winn Street, Woburn, Massachusetts 01801 and he stated that the petitioner has satisfied the requirement that the building is a preexisting structure, that the building was constructed prior to the adoption of the zoning code in Woburn in 1925, that a 1971 building permit indicates that the building was a three-family dwelling at this time, that a 1978 building permit also indicates that the building was a three-family dwelling at that time, that Eversource indicated that there are three meters to the building, that there are three gas meters for service to the building, that the post office indicates that there are three mail stops to the building, that the water and sewer records indicate two parcels with one unit on one parcel and two units on the second parcel, that there are three bathrooms with one for each unit, that there are separate entrances for each unit, that there are three kitchen stoves and cooking units, that the petitioner wants to do new construction on the property, that there is no provision for adequate parking with the current building, that there would be two parking space per each unit in the new building, that there is presently no parking on site, that there proposal is for there to be six parking spaces for the three units, that the water and sewer service would continue to be for three units, that the proposal would be an improvement due to the lack of parking under current conditions, that there are two issues to find abandonment, that one issue is intent to abandon and the second issue is conduct of abandonment, that the petitioner had no intent to abandon the three residential units, that all kitchens, bathrooms and interior walls remain in place, that all units may not have been occupied at the same time but there was no intent to abandon the unrented units, that the units will be rental units, and that snow will be removed from the site. Attorney Tarby offered a set of architectural renderings to the City Council for review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Nick Moscaritolo stated that he manages the property, that the nonconforming existing structures will be rented, that they have not decided whether the new units would be rented or sold as townhouses or condominiums, that the petitioner also owns 31-33 Church Street, that he upgraded that house four years ago, that he wants to upgrade the locus, that they began to clean out the building, that if the building was renovated there would be on off-street parking, and that the building was purchased as a three family dwelling. Alderman Anderson stated that the neighbors are happy that the building will be improved but are concerned that there will be three units, that the proposed building will be up against the lot lines, that although there may be three units in the current building it has been many years since all three units have been occupied at one time according to the neighbors, that often the tenants do not have cars, that two units would be acceptable, that the neighbors would like to meet about the proposal, that parking is difficult in the neighborhood, that there is a question as to whether the three unit use has been abandoned, that the City Council has to decide whether replacing the nonconforming structure with a nonconforming structure is permitted in this case, and that according to the engineer the parcel is 3,058 square feet in

area. Alderman Gately stated that he will not support three townhouses because the lot is too small, that the lot is 3,400 square feet, that he believes that the parcel is too small for the project, and that the petitioner will have to deal with the water runoff which will be difficult. Alderman Mercer-Bruen stated that the parcel is too small for the project, that this is not a three family neighborhood, and that she encourages the petitioner working with the neighborhood to find middle ground. Alderman Concannon stated that the city should limit nonconforming structures and uses, that the City Council must balance the legality of a preexisting nonconforming use with neighborhood conditions, and that there may be an upgrade of the neighborhood but there is a presumption that nonconforming structures and uses should go away and not made stronger. PUBLIC COMMENTS: Jeffery James, 24 Church Street stated that the petitioner is proposing three units, that the setbacks are a concern, that he wants to see the neighborhood upgraded, that he is concerned about rodents being exterminated before construction, that he is concerned about snow removal from the site, and that there are limitations on the area of the lot during construction. Joe Giordano, 37B Church Street stated that he has not seen the plot plan, that the building department shows the property size as 3,058 square feet and not 3,500 square feet, and that the footprint of the structure is 27 feet deep by 64½ feet long but the plan shows the building to be 24 feet deep. Mildred Polcaro, 6 Manning Street stated that the property has been neglected for a long time, that she is concerned with an inspection being completed of the inside of the building before the building is torn down for issues such as asbestos and rodents, that there is no storage on the property for supplies during construction, that the Department of Public Works allowed the petitioner to place a dumpster on the street to clean out the building because there was no area for the dumpster on the site, that the dumpster was on the street for three weeks with no cover and no work being done, and that drainage from the site is an issue. Tracey Downs, 37½ Church Street stated that she is concerned about blasting during construction and the times of demolition and construction, that the dumpster was on the street in front of the property for three months, and that she has seen rodents come from the building which is a great concern. Marjorie Giordano, 37B Church Street stated that she would like to see this building taken down and a new structure built, that she is concerned about blasting and where construction vehicles will park, and that she would prefer a two-family structure rather than a three-family structure. Donna James, 24 Church Street stated that she would like to see the building cleaned up, that three units is too much for the site, that there is limited parking in the area, and that the building must be taken care of before the demolition begins. Ms. James offered a petition to the City Council for review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MARCH 7, 2017 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

Motion made and 2nd to take the following matter out of order, all in favor, 9-0.

On the petition by President Haggerty, Alderman Campbell and Alderman Anderson to amend the 1985 Woburn Zoning Ordinances, as amended, by adding new definitions for “Marijuana Accessories”, “Marijuana Cultivator”, “Marijuana Establishment”, “Marijuana Product Manufacturer”, “Marijuana Products”, “Marijuana Retailer” and “Marijuana Testing Facility” to Section 2 Definitions; by amending Section 5.1.33c to “Medical Marijuana Treatment Center; Marijuana Establishment” by special permit in IP-2 zoning district and prohibited in all other zoning districts; and by amending Note 19b of Section 5.1 relative to Medical Marijuana Treatment Center and Marijuana Establishment, as set forth in the petition. PUBLIC HEARING OPENED. A copy of a communication dated January 12, 2017 from City Solicitor to Alderman Joanne Campbell regarding the proposed zoning amendment was received. Alderman Campbell stated that the intent of the ordinance is to prohibit marijuana establishments in all zoning districts except the IP-2 zoning district to protect children and residents from any negative impact the use may generate, that in 2015 the City Council adopted a zoning amendment by which medical marijuana treatment centers were placed in one area of the city away from schools, churches and residences, that this was a proactive position, that the marijuana establishments should be in the same IP-2 zoning district, that she applied the statute to the zoning code when drafting the ordinance, that she requested the City Solicitor review the ordinance and some comments were received which can be reviewed in committee, and that the Planning Board must hold a hearing on the matter before the City Council can act. PUBLIC COMMENTS: Elisabetta Daneu, 7 Arlington Road stated that she is proud that Woburn voted no on the question allowing marijuana establishments, that she respects the will of the voters but the city should not let potential revenue drive this issue, that the retail context of marijuana creates an attractive nuisance similar to pools where a fence is required, that there is no such protection with these establishments where products such as marijuana edibles disguised as candy can be sold, that placing the use in an area where someone under 21 years old may not be able to get to would be beneficial, that the city should not have retail marijuana shops in the center of the city or at the shopping mall, that the city must protect children from hazards, and that this ordinance respects the overall vision of the Commonwealth yet represents the city’s priorities in protecting the community where the city did not approve the question. Giuliana Long, 7 Arlington Road stated that it is not appropriate to have easy access to marijuana in the city, that the marijuana establishments would give a bad impression to visitors to the city, and that some of the product is disguised as candy which is dangerous to children. Rick Jolly, 12 Day Circle stated that he is the city’s Substance Abuse Coordinator, that he agrees with the zoning change, that the city may not be able to ban the use but can isolate the use to one area of the city, and that there is access to the highway from this area which will reduce people buying the product from then coming into the city. Nancy Herlihy, 10 Fortune Road stated that the voters of the city did not want this use, that this is a common sense compromise, that at this meeting on other matters there was concern expressed about how structures will affect a neighborhood, and that this product can have a greater effect on a neighborhood than a structure. Alex Langlais, 91 Wood Street stated that he does not want to encounter marijuana, and that there is peer pressure for students. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MARCH

7, 2017 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor, 9-0.

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

On the petition by President Richard Haggerty to amend Section 5.1.42a Self-storage Warehouse facility of the 1985 City of Woburn Zoning Ordinance, as amended, by deleting the “P” under the B-I, I-P and I-G zoning districts and replacing same with a “-“ thereby making the use a prohibited use in those zoning districts. PUBLIC HEARING OPENED. A report was received from the Committee on Ordinances as follows: “ought to pass.” A communication dated January 11, 2017 was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Proposed zoning text amendment to delete “Self Storage Warehouse Facility” use as a permitted use in the B-I, I-P, and I-G zoning districts

Dear Councilors:

At a meeting of the Woburn Planning Board held on Tuesday, January 10, 2017, the Board conducted and concluded a public hearing on a proposed zoning text amendment sponsored by Alderman Richard Haggerty. The proposed amendment would delete the use “Self-Storage Warehouse Facility” as a use allowed by special permit in the B-I, I-P, and I-G Zoning Districts. If adopted, the result would be that self-storage warehouse facilities will not be permitted in any zoning district in the City of Woburn.

Following deliberation on the merits of the proposal, the Planning Board voted unanimously (7-0) to recommend to the City Council that the proposed amendment be adopted.

If you have any questions regarding the Board’s vote please do not hesitate to contact me.

Respectfully, s/Tina P. Cassidy, Planning Board Director

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: February 9, 2017 s/Scott D. Galvin February 9, 2017

On the petition by Alderman Anderson to amend Section 3 Administration, Enforcement and Appeals of the 1985 Zoning Ordinance of the City of Woburn, as amended, by inserting a new Subsection 3.4 as follows: “3.4 Administrative Correction of Scrivener’s Errors: Typographical or numbering errors which do not affect the intent or substance of this Ordinance or any of its articles or sections may be corrected by the City Clerk,

without need of a public hearing or further legislative action, by filing a revised copy of same in the Offices of the City Clerk, City Solicitor and Building Commissioner, with a 'Scrivener's Note' providing the date and substance of the correction." PUBLIC HEARING OPENED. A communication dated January 11, 2017 was received from the Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Proposed zoning text amendment to insert provision in Section 3 of Zoning Ordinance relative to scrivener's errors

Dear Councilors:

At a meeting of the Woburn Planning Board held on Tuesday, January 10, 2017, the Board conducted and concluded a public hearing on a proposed zoning text amendment sponsored by Alderman Michael Anderson. The proposed amendment would add a new subsection 3.4 to the zoning ordinance which would authorize the City Clerk to correct typographical and numbering errors that do not affect the intent or substance of any part of the zoning ordinance.

Following deliberation on the merits of the proposal, the Planning Board voted 6-1 (Bolgen, Donovan, Turner, Callahan, Ventresca, Edmonds in favor, Doherty against) to recommend to the City Council that the proposed amendment be adopted.

If you have any questions regarding the Board's vote please do not hesitate to contact me.

Respectfully, s/Tina P. Cassidy, Planning Board Director

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Alderman Anderson stated that he would like the matter to be returned to committee for further review. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON March 7, 2017 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor, 9-0.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$800,000.00 from Overlay Reserve Acct to OPEB Trust Fund Acct \$750,000.00 and Assessor Appraisals Acct \$50,000.00, 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: February 9, 2017

s/Scott D. Galvin February 9, 2017

ORDINANCES:

On the Order to amend Title 14, Article I, Section 14-7 of the 1989 Woburn Municipal Code, as amended, relative to Trash Removal and Recycling Condominium Associations, committee report was received “ought to pass, as amended with the amendments as follows:

Be it Ordained by the City Council of the City of Woburn that:

Title 14, Article I, Section 14-7 of the 1989 Woburn Municipal Code, as amended, be further amended as follows by replacing the existing 14-7 with the following:

14-7 Trash Removal and Recycling – Condominium Associations

- A. The Board of Health shall provide for the collection and disposal of recyclable material and garbage from residential condominiums in existence as of December 31, 2016 that are not subject to a Special Permit in the same fashion as the City provides those services to single family residences. For those residential condominium associations in existence as of December 31, 2016 that are subject to a Special Permit, the Board of Health shall continue to provide for the collection and disposal of recyclable material and garbage from those residential condominiums in the same fashion as the City provides those services to single family residences provided, however, in the event that the Special Permit is ever subject to review or modification, the matter may be reconsidered and the service may be modified or terminated. The Board of Health may establish reasonable regulations in relation to the manner of collection provided same are not more burdensome on the condominium association or unit owners than those imposed on similarly situated single family residences or other facilities to which public trash removal is provided in the City of Woburn. No collections of any refuse will be made at any time, or services in connection with disposal rendered to any commercial enterprise or apartment house or residential condominium association not in existence as of December 31, 2016 where the number of apartments or units exceed three (3).
- B. Condominium Association Responsibilities.
 - 1. To keep the area around the trash containers free of litter and refuse.
 - 2. Associations must keep clean access for the contractor to collect containers whether or not the City is providing the service. If the city contractor is unable to collect the containers due to vehicles or other impediments (such as snow or ice), it will be the association’s responsibility to have the containers disposed of at their expense.
 - 3. Failure to comply with any of the above shall be cause for suspension.

C. Recycling.

1. Any condominium units/associations who according to this ordinance may have their refuse/trash collected by the City contractor must participate fully in the City of Woburn recycling program in order to do so.
2. No recyclable material shall be included in rubbish or garbage collected pursuant to 1989 Woburn Municipal Code, as amended.
3. Any dumpster or containers that may be required in order to recycle will be provided at the expense of the association.”

Alderman Concannon stated that this is a fairness issue, that he understands the cost to the city, and that he cannot support the amendment. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 1 opposed (Concannon opposed).

Presented to Mayor February 9, 2017 – Veto Message Received February 16, 2017

NEW PETITIONS:

Petition by EC Inc. dba Xpress Fuel, 505 Main Street for renewal of Second Class Motor Vehicle Sales License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petition by Abdikadir H. Wardere, 241 Lexington Street, Apt 15-1A, Woburn, Massachusetts 01801 for a new Livery License for one (1) vehicle. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

A communication dated January 18, 2017 was received from Sheila Scheick, M.Ed., LMT, Owner, Zen Muscular Therapy & Wellness Center, LLC, 100 Trade Center, Suite 725, Woburn, Massachusetts 01801 as follows:

Dear Woburn City Council Members:

I am writing to request that a minor modification be made to the special permit that was granted to me, Sheila Scheick/Zen Muscular Therapy & Wellness Center, LLC, 75 School Street, Andover, MA 01801, Petitioner and Cummings Properties, LLC, 200 West Cummings Park, Woburn, MA 01801, Landowner for the land affected located at 100 TradeCenter, Suite 725, 100 Sylvan Road, Woburn, Massachusetts. The decision of the City Council is on file at the Office of the City Clerk, Volume 56, Page 152. The special permit was certified on August 26, 2010.

The minor modification that I am requesting is a change in the suite number from Suite 725 to Suite 670. I am moving my wellness center business down the hall in the same building where it is currently located to downsize the space/square footage. All other aspects of the original special permit will remain the same and be adhered to, including but not limited to the requirement that all muscular therapy shall be provided by a duly licensed massage therapist.

It is my hope that this minor modification will be allowed rather than going through the entire process of getting a new special permit as nothing but the suite number will be changing from the original special permit issued to me in 2010. I have enjoyed being a business owner in Woburn for the last several years and look forward to continuing to work in Woburn and to contribute to the local economy.

Sincerely, s/Sheila Scheick, M.Ed., LMT, Owner
Zen Muscular Therapy & Wellness Center, LLC

Motion made and 2nd that the communication be accepted and made part of the record and that the REQUEST FOR A MINOR MODIFICATION TO AMEND THE SUITE FROM 725 TO 670 be APPROVED, all in favor, 9-0.

A communication dated February 1, 2017 was received from John A. Buttaro, Trustee, Salvatore F. Buttaro & Marie J. Buttaro Irrevocable Trust, Petitioner, 16 Buttaro Road, Woburn, Massachusetts 01801 with a plan attached thereto entitled "Plot Plan, 16 Buttaro Road, Woburn, Mass." prepared by Edward J. Farrell, Professional Land Surveyor dated January 20, 2017, revised February 1, 2017, as follows:

Mr. Campbell:

I am writing today in reference to the special permit granted on January 26, 2017 for 16 Buttaro Road.

I would like to request a minor amendment to the awarded special permit plan. In order to maximize exposure for planned solar panels – I would like to make sure the roof of the garage is angled in a way to capture the most sunlight. In order to achieve this goal, I would like to shift the back left corner of the proposed structure towards the north by 2-3 feet. This will allow solar panels to capture more sunlight and increase their effectiveness by an estimated 1-20%.

As a note – this requested amendment will not change the footprint or the proposed plan of the garage in any manner.

I look forward to hearing your decision on this matter. Thank you for your consideration.

s/ John A. Buttaro, Trustee, Salvatore F. Buttaro & Marie J. Buttaro Irrevocable Trust,
Petitioner

Motion made and 2nd that the communication be accepted, all in favor, 9-0. Motion made and 2nd to suspend the rules to hear from the petitioner, all in favor, 9-0. Appearing was John Buttaro and he stated that the purpose of the request is to move the rear left corner of the garage 3.3 feet toward the property line to allow more sunlight on the solar panels and increase the efficiency 15% to 20%, that there are no other changes other than to shift the building, that the building will be 31.5 feet from the side lot line, that the garage size remains the same, that the solar panel company recommended the adjustment, that he spoke to the Building Department and was advised that he would have to go by the plan approved by the City Council, that there will be no impact on neighboring properties, and that the rear of the lot goes out to Wood Street. Alderman Mercer-Bruen stated that she does not consider a shift of three or four feet to be minor. Alderman Gately stated that this would not be considered a minor modification however there is a lot of room on this lot, and that there are not any neighbors who would be impacted by the change. Motion made and 2nd that the plan entitled "Plot Plan, 16 Buttaro Road, Woburn, Mass." dated January 20, 2017, revised February 1, 2017 prepared by Edward J. Farrell, Professional Land Surveyor be received and made part of the record, all in favor, 9-0. Motion made and 2nd to return to the regular order of business, all in favor, 9-0. Motion made and 2nd that the REQUEST FOR A MINOR MODIFICATION TO AMEND THE PLAN OF RECORD TO BE THE PLAN ENTITLED "PLOT PLAN, 16 BUTTARO ROAD, WOBURN, MASS." DATED JANUARY 20, 2017, REVISED FEBRUARY 1, 2017 PREPARED BY EDWARD J. FARRELL, PROFESSIONAL LAND SURVEYOR be APPROVED, all in favor, 9-0.

Petition by NSTAR Electric Company d/b/a Eversource Energy for a grant of right in a way to install conduit on East Dexter Avenue as follows: 1. Northerly from pole 60/17 approximately 65 feet northwest of Baldwin Avenue, a distance of about 6 feet; and 2. Northerly from pole 60/18 approximately 35 feet north of Baldwin Avenue, a distance of about 7 feet. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by NSTAR Electric Company d/b/a Eversource Energy and Verizon New England Inc. for a grant of right in a way on East Dexter Avenue northerly side at pole 60/18, approximately 35 feet north of Baldwin Avenue, to relocate one (1) hip guy approximately 12 feet west. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by NSTAR Electric Company d/b/a Eversource Energy and Verizon New England Inc. for a grant of right in a way on Wade Place as follows: 1. Southeasterly side relocate one (1) Eversource pole 221/1 to northwesterly side at North Warren Street; 2. Southeasterly side relocate one (1) Eversource pole 221/3 approximately 56 feet northeast; 3. Northwesterly side install one (1) Eversource pole 221/5-1 and two (2) hip guys; 4. Northwesterly side relocate one (1) joint occupancy pole 221/5 approximately 25

feet southwest and rename pole 221/4; and 5. Northeasterly side relocate one (1) joint occupancy pole 221/6 approximately 14 feet east, rename pole 221/5, and install two hip guys. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated January 23, 2017 was received from Charles O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

Council Members,

In accordance with Massachusetts General Laws Chapter 90, Section 20½ I am submitting the following parking ticket report. Figures cited below are for the Month of Jan. 2016 to December 2016: Number of violations issued 787, Number of violations paid 456, Number of violations outstanding 296, Amount collected and submitted to Collectors Office \$50,617.60, Parking fines referred to the Handicap Commission \$23,400.00.

There is a backlog of 1,663 unpaid tickets dating from January 2004 to Dec. 2016. A 21 day late notice is sent to vehicle owners who have not paid the fine. After 28 days, if the fine still has not been paid, that information is forwarded to the Registry of Motor Vehicles for administrative action.

Respectfully submitted, s/Charles O'Connor, Parking Clerk

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

A communication dated January 25, 2017 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Director's Report and the minutes of the Council on Aging meeting for the month of December 2016. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated January 25, 2017 was received from Woburn Traffic Commission as follows:

Re: Bedford Road and Cambridge Road Intersection Safety Improvements

At its Regular Meeting on January 19, 2017, the Woburn Traffic Commission reviewed a petition seeking traffic safety improvements at the intersection of Bedford Road and Cambridge Road. Since the intersection is on a state-controlled roadway, it may be necessary for the project to be placed on the State Transportation Improvement Program

list. It is the understanding of the Traffic Commissioners that there will be a meeting in April 2017 to consider the State Transportation Improvement Program 2017-2021. At their meeting, the Traffic Commission voted to request the City Council encourage MassDOT to support TIP funding for these traffic safety improvements.

Thank you for your assistance and attention to this matter.

s/William C. Campbell, City Clerk

Motion made and 2nd that the communication be accepted and made part of the record and that a COMMUNICATION be FORWARDED TO MASSDOT IN SUPPORT OF THE MATTER, all in favor, 9-0.

A copy of a communication dated January 4, 2017 from State Representative James J. Dwyer, State Representative Jay R. Kaufman and State Senator Kenneth J. Donnelly to Patricia A. Leavenworth, P.E., Chief Engineer, Massachusetts Department of Transportation in support of the construction of the New Boston Street Bridge was received. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of the Massachusetts Department of Transportation Design Public Hearing presentation given in the Council Chambers on February 1, 2017 for the proposed New Boston Street over MBTA Bridge Construction Project, Project No. 605996, Bridge NO, W-43-017 was received. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated January 2017 was received from Sean R. Cronin, Senior Deputy Commissioner of Local Service, Massachusetts Department of Revenue Division of Local Services, P.O. Box 9569, Boston, Massachusetts 02114-9569 was received relative to authorization of departmental revolving funds and model by-law/ordinance. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES, all in favor, 9-0.

A communication dated February 1, 2017 was received from Paul Farrow, 10 Bruce Road, Woburn, Massachusetts 01801 requesting assistance in having a flagpole installed on Bruce Road in memory of Police Officer John "Jack" Maguire. Alderman Gaffney stated that he spoke to the petitioner, that the petitioner wants to erect the flagpole on land that he believes is owned by the city, that there is an issue as to where the property line is, and that it must be determined exactly where the petitioner wants to erect the flagpole and from whom the petitioner would obtain authorization. Motion made and 2nd that a communication be forward to the Superintendent of Public Works and to the Police Department concerning the request to erect a flagpole on Bruce Road, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Be it ordained by the City Council of the City of Woburn that Rule 1 of the Rules and Orders of the City Council be deleted and the following be inserted in its place:

Rule 1. Meeting dates and time

Regular meetings of the City Council shall be held on the first and third Tuesdays of each month at 7:00 p.m. Notice of the meeting shall be made by electronic mail sent to each Alderman at least five (5) days before the meeting.

s/Alderman Tedesco and Alderman Anderson

Alderman Anderson stated that the Aldermen receive notice by mail as well as email, and that this amendment will reduce the cost of postage for the mailings. Alderman Tedesco stated that this will not change the notice for special meetings, and that the mailed notice for regular meetings is duplicative. Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.

ORDERED WHEREAS, there presently exists a structure or structures located in the City of Woburn, Massachusetts known and numbered as 52-54 High Street; and

WHEREAS, at the said building or buildings the exterior grounds have excessive parking on the locus and adjoining streets;

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

order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation.

s/Alderman Gately

Alderman Gately stated that this property has been before the City Council in the past, that there have been many calls to police department regarding the property, the property is dilapidated, that the mortgage on the property has recently been foreclosed, that there are holes in the roof, the front porch is falling down and there are broken windows, that the rear garage is in disrepair, that there is someone living in the house with no less than six holes in the roof where snow and rain gets into the building, and that he wants the property to be declared a nuisance. Motion made and 2nd to accept the documents received from the Building Department and make them part of the record, all in favor, 9-0. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Presented to the Mayor February 9, 2017 and ten days having elapsed without same being approved, said Order became effective without his signature on February 22, 2017.

RESOLVED Whereas, the City of Woburn had its 25% design hearing for the New Boston Street Bridge and we are seeking the continued support for this project from surrounding communities;

Now, therefore, be it Resolved that the Woburn City Council adopt the attached letter and send this communication to the respective parties:

State Senator Ken Donnelly
State Representative James Dwyer
State Representative Jay Kaufman
State Representative Brad Jones
Scott D. Galvin, Mayor of Woburn
Jeffrey M. Hull, Wilmington Town Manager
Judith L. O'Connell, Wilmington Selectman, Chairman
Gregory B. Bendel, Wilmington Selectman
Kevin A. Caira, Wilmington Selectman
Michael L. Champoux, Wilmington Selectman
Michael V. McCoy, Wilmington Selectman
Robert W. LeLacheur, Jr., Reading Town Manager
John R. Halsey, Reading Selectman, Chairman
Kevin M. Sexton, Reading Selectman, Vice Chairman
Barry Berman, Reading Selectman
John Arena, Reading Selectman
Daniel Ensminger, Reading Selectman

Attached thereto was the following:

To Whom It May Concern:

Re: Proposed New Boston Street over MBTA Bridge Construction Project
MassDOT Project No. 604996
Bridge No. W-43-017

We write to you to discuss the recent 25% design hearing meeting that was held at City Hall in Woburn on February 1, 2017 for the New Boston Street Bridge project.

The proposed New Boston Street Bridge project is a vital infrastructure project for not only Woburn, but for the surrounding communities as well. It will serve as a necessary regional and local transportation link by providing a more direct route to I-93 and I-95, as well as a new access point to Anderson Regional Transportation Center. This increased connectivity will take trucks and cars out of residential neighborhoods in Woburn, Reading and Wilmington and put them back into the predominantly industrial areas where they belong.

The bridge will remove the often-used traffic cut through on the Industrial Parkway and Woburn Street that many employees in that area use to access West Street and Route 129 that causes back-ups into residential neighborhoods in Wilmington and Reading. By constructing the bridge, it will give employees an uninterrupted path to those commercial areas and keep traffic off residential streets.

This project will also serve as an opportunity for communities to help bolster economic activity by interconnecting two industrial parks. This important link will be a catalyst for greater development opportunities for business, increased property values for landowners and job creation for our residents. The enhancement and expansion of this commercial area will also increase the commercial tax base for our communities and allow us to keep our city and towns affordable for our residents.

In closing, the benefits of this project would be great. By providing a more direct transportation route, this would help alleviate traffic problems in residential neighborhoods that abut the industrial areas in Woburn and Wilmington, and lessen traffic congestion on Route 38 as well as West Street. This project would create great economic development potential with more direct transportation routes to I-93, I-95, and improve access to Anderson Regional Transportation Center. We ask that you continue to support us in these efforts to make this bridge a reality.

If you have any questions, please do not hesitate to contact us.

Sincerely, WOBURN CITY COUNCIL

Alderman Tedesco stated that a public hearing was held by MassDOT concerning the New Boston Street bridge, and that the letter is intended to inform the neighboring communities of Reading and Wilmington the benefits that the bridge would bring to each

of the communities. President Haggerty stated that it is beneficial to collaborate with neighboring communities on this issue as the project provides benefits related to traffic and economic development for each of the communities. Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.

Presented to the Mayor February 9, 2017 and ten days having elapsed without same being approved, said Resolve became effective without his signature on February 22, 2017.

ORDERED Be it Ordained by the City Council of the City of Woburn that the 1989 Woburn Municipal Code, as amended, be further amended as follows:

1. By deleting from Title 3, Article III, Section 3-19 the following:
“Pawnbrokers \$50.00 annually.”
2. By deleting from Title 5, Article XV, Section 5-84 the words “unless duly authorized by the City Council”.
3. By deleting from the section title for Title 5, Article XV, Section 5-84 the words “—Licenses required”.

s/President Haggerty, Alderman Anderson
and Alderman Higgins

Alderman Tedesco stated that he agrees with the intent to limit pawnbrokers in the city but that he is concerned that a petition is pending in committee for a pawnbrokers license and whether this ordinance would impact that petition. President Haggerty stated that the Committee can act on the pending petition as it sees fit, that he does not believe that pawnshops should be allowed in the city, and that he will not support licensing a pawnshop in the city. Alderman Concannon stated that there is a reference to pawnbrokers in the ordinance but no specifics concerning the use, and that the City Solicitor should be consulted as to whether the use can be prohibited or whether the use can be restricted to certain areas of the city. Alderman Higgins stated that the Committee on Public Safety and Licenses sent a communication to the City Solicitor concerning pawnbroker licenses but has not received a response yet. Motion made and 2nd that a communication be forwarded to the City Solicitor asking whether pawnbrokers can be prohibited as a use in the city, all in favor, 9-0. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES, all in favor, 9-0.

ORDERED Be it Ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinances, as amended, be further amended as follows:

1. By amending Section 2 Definitions by adding between “Passenger Transportation Terminal” and “Persons” the following the two new definitions:

“Pawnbroker - Pawnbroker means a person engaged in the business of lending money upon the security of goods deposited with it or left in pawn, with or without a fixed period of redemption, whether or not a fixed place of business is maintained for such purposes. Pawnbroker shall not mean or include any bank, savings and loan, credit union or financial institution subject to financial regulations by the federal or state government, nor does it include lending of money on deposit or pledge of title to property.”

“Pawn Shop - The location at which or premises in which a pawnbroker conducts business.”

2. By amending Section 5.1 Table of Uses by adding a new line “25d Pawn Shop” and adding a “-“ under all zoning districts meaning and intending that the use is not allowed in any zoning district.

s/President Haggerty, Alderman Anderson
and Alderman Higgins

Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:29 p.m.

A TRUE RECORD ATTEST:

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