

**CITY OF WOBURN
SEPTEMBER 5, 2017 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
Campbell	Higgins
Concannon	Mercer-Bruen
Gaffney	Tedesco
Haggerty	

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

MAYOR'S COMMUNICATIONS:

A communication dated August 31, 2017 was received from His Honor the Mayor Scott D. Galvin with attachment as follows:

Re: Complete Streets Program and Policy

Dear Aldermen:

It is my pleasure to submit to you for adoption a proposed "Complete Streets" policy for the City of Woburn. The policy will ensure that local roadway construction projects are consistent with State transportation guidelines and will make the City eligible for over \$400,000 in grant funding.

By way of background, "Complete Streets" is a comprehensive philosophy adopted by Massachusetts' Department of Transportation (MADOT) that requires safe and appropriate accommodations be provided for all eventual users of a roadway, not just motorists. The State integrated the philosophy into its construction and design standards 18-24 months ago and now offers grants to communities that adopt similar principles in policy and practice.

A Complete Street is one that provides safe and accessible options for all travel modes - walking, biking, transit and vehicles - for people of all ages and abilities. Designing streets with these principles contributes to the safety, health, economic viability and quality of life in a community by improving the pedestrian and vehicular environments. Providing safer, more accessible and comfortable means of travel between home, school, work, recreation and retail destinations helps promote more livable communities. The Complete Streets Funding Program was launched by the State on February 1, 2016 and provides technical assistance and project funding to foster the inclusion of Complete

Streets principles on local roads. The attached policy for Woburn was drafted consistent with the requirements of this Program.

Once adopted by the City Council, Woburn's Complete Street Policy will be submitted to and reviewed by MADOT. If it is deemed acceptable, the City will then receive State funding to hire a consultant to develop a Complete Streets Prioritization Plan. The Prioritization Plan will be based on existing City documents like the Capital Improvement and Open Space and Recreation Plans and include meetings with various City officials and public workshops.

Once finalized, Woburn's Complete Streets Prioritization Plan will be submitted to MADOT for approval; upon approval of the Plan the City will be eligible for up to \$400,000 in State construction funding assistance to implement one or more of the projects identified in the Plan.

A draft Complete Streets Policy for the City of Woburn is attached for your consideration and approval. I respectfully request that you set aside time during the next available Council meeting so that we can make a public presentation to you and other City entities on this subject.

Please forward any questions in the interim to me or to City Engineer Jay Corey. Thank you.

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2nd that MATTER be REFERRED TO PUBLIC HEARING at the City Council Regular Meeting on October 3, 2017, all in favor, 9-0.

Motion made and 2nd to take the three Orders under Unfinished Business of Preceding Meeting off the table, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING:

On the Order to transfer the sum of \$1,355,243.40 from Stabilization Fund Acct to Montvale Ave Infrastructure Acct. Alderman Concannon stated that everyone agrees with the necessity of the project and the method of funding, that he is in favor of taking funds from the Stabilization Account because of the need for the project, and that he prefers this funding mechanism. Motion made and 2nd that the ORDER be ADOPTED, ROLL CALL: Anderson – Yes, Campbell – Yes, Concannon – Yes, Gaffney – Yes, Gately – Yes, Higgins – Yes, Mercer-Bruen – Yes, Tedesco – Yes, Haggerty – Yes, Motion passes. Motion made by Alderman Tedesco to reconsider his vote and 2nd, all in favor, 9-0. After reconsideration, motion made and 2nd that the ORDER be ADOPTED, ROLL CALL: Anderson – Yes, Campbell – Yes, Concannon – Yes, Gaffney – Yes, Gately –

Yes, Higgins – Yes, Mercer-Bruen – Yes, Tedesco – Yes, Haggerty – Yes, Motion passes.

Presented to the Mayor: September 6, 2017 s/Scott D. Galvin September 6, 2017

On the Order to transfer the sum of \$126,256.34 from Montvale Ave Infrastructure Acct, Dunkin Wash St Ward 5 Traffic Acct, Traffic Improvements E. Woburn Acct and Fave & Busters Acct to Stabilization Fund Acct. Alderman Anderson stated that he supports the Dave and Busters \$75,000.00 portion of the transfer, and that the Traffic Improvements E. Woburn related to the Self Storage Group LLC special permit in the amount of \$47,464.28 should not be transferred. Alderman Concannon stated that he has unanswered questions regarding the way in which money is being moved, that the mitigation accounts are set up to resolve specific problems, that he does not know if the work was completed or the issues addressed, that he is uncertain about the legality of the transfer, that this matter should be referred to committee for a further opportunity to obtain answers to these questions, that the recent best practices policies do not include the mitigation account, and since this transfer is to backfill the Stabilization Account there is no urgency and the matter should be referred to committee for further review. Alderman Mercer-Bruen stated that she would vote to return this matter to committee if such action will not jeopardize the project. President Haggerty stated that there will be no impact on the project if this matter is referred to committee as full funding is in place for the project from the Stabilization Account. Alderman Campbell stated that the Mayor reported in committee that there is approximately \$10,000,000.00 in the Stabilization Fund and referring this matter to committee should not be an issue. Alderman Anderson stated that the Self Storage mitigation money could be used for issues related to the nearby Washington Street bridge. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 9-0.

On the Order to amend 1989 Woburn Municipal Code, as amended, Section 2-161 by reducing the number of Council on Aging Members from fifteen to ten. Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.

Presented to the Mayor: September 7, 2017 s/Scott D. Galvin September 7, 2017

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

INFRASTRUCTURE AND PUBLIC LANDS:

On the Order of Taking relative to the Montvale Avenue reconstruction project, committee report was received: “That the following Order be referred back for action” and attached thereto was the following Order revised 8-24-17:

THE CITY OF WOBURN

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Order of Taking

WHEREAS, the City Council of the City of Woburn in the Commonwealth of Massachusetts, on behalf of the City of Woburn and in accordance with M.G.L. c.82, and acts in amendment thereof and in addition thereto, has determined that it is necessary and essential as a matter of public necessity and public welfare to acquire temporary and permanent easements in certain properties abutting Montvale Avenue and portions of Washington and Central Streets in said City of Woburn, for the purpose of widening and reconstructing Montvale Avenue and portions of Washington and Central Streets, and to relocate utilities, install sidewalks, driveways and traffic signals, with associated rights of access therein (the "Project"); and

WHEREAS all other conditions precedent have been complied with;

NOW, THEREFORE, it is Ordered that the City Council of the City of Woburn, duly elected and qualified, acting in compliance with M.G.L. c.79, does hereby take on behalf of the City of Woburn, and for public way purposes, for the benefit of the public to cross and recross, pass and repass, as appropriate, specifically for the widening and reconstruction of Montvale Avenue and portions of Washington Street and Central Street, the following interests in land, all as shown on a plan entitled "Plan of Road in the City of Woburn, Mass. showing location of Easements for the purpose of Reconstructing Montvale Avenue for the City of Woburn Scale 20 feet to the Inch" consisting of 5 sheets, to be recorded herewith and made a part of this taking, with a copy to be filed in the City of Woburn Engineering Department.

Temporary Easements are hereby taken in the parcels of land identified as Parcels TE-1 through TE-43 inclusive as identified on the Plan, consisting of the non-exclusive right to enter upon said land at any time during the effective period of said easements to accomplish the necessary work within said parcels including constructing or reconstructing roadways, sidewalks, driveways and walkways, sloping and grading, erosion control and tree protection, and to perform any incidental work necessary or convenient to the Project. Said easements are temporary in nature and shall terminate automatically five (5) years from the date of the recording of this instrument.

Permanent Easements are hereby taken in the parcels of land identified on the Plan as Parcels E-1 through E-23 inclusive, for the construction of roadways and sidewalks and the installation of traffic signals and the perpetual right to pass and repass over the Easement premises, by foot and by motor vehicle, including heavy equipment, from time to time and at all times, in order to repair and maintain such roadways, sidewalks and traffic signals, and for all uses incidental thereto; and PUE-1 through PUE-11 inclusive, for the relocation of utility poles and overhead wires; and in PUE-D-1 for drainage and overhead wire clearance. The interest taken in Parcel E-11 requires the removal of the existing canopy. The Permanent Easements are perpetual unless and until abandoned by

the City. The Owners of the aforementioned parcels of land affected by the Permanent Easements shall retain the right to use the land for any and all purposes, provided that such use does not interfere with or impair the City's rights in said Permanent Easements.

Included in this taking are all trees and structures located upon the Permanent and Temporary Easement premises. Excepted from this Order of Taking are all easements for wires, pipes, conduits, poles and appurtenances for the conveyance of water, sewage, gas and electricity and for telephone communications and television transmission now lawfully in or upon the Permanent and Temporary Easement premises and the lawful rights of the public to use those parts of the public streets and ways which may be included in the foregoing description.

Said parcels of land are owned or supposed to be owned and/or formerly owned by the persons, corporations and limited liability corporations identified in Exhibit A attached hereto, and are collectively referred to as the Owners.

For damages sustained by the Owners in their property by reason of the aforesaid takings, and in accordance with the provisions of M.G.L. c.79, §6, as amended, awards are made.

In witness whereof, we have set our hands and seals this 5th day of September, 2017.

CITY OF WOBURN CITY COUNCIL

EXHIBIT A

Record Owner: Schena Montvale Avenue Trust
Property Address: 269 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 51885, Page 68
Interests Taken: PUE-1 74 s.f.
TE-3 648 s.f.
Damages: \$3,420.00

Record Owner: Edith M. Cox
Property Address: 10 Grape Street, Woburn, MA
Title Reference: MSRD – Registered Land
LC Book 741, 165 – Certificate No. 122315
Interests Taken: TE-4 194 s.f.
Damages: \$640.00

Record Owner: William F. Lentini & Marian Pizzi Lentini
Property Address: 52 Central Street, Lots 3B, 2A & 1A
Title Reference: MSRD Book 33420, Page 279
Interests Taken: TE-6 1,644 s.f.
Property Address: 277-279 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 27191, Page 383
Interests Taken: TE-9 748 s.f.

Damages: \$12,530.00

Record Owner: 52 Central Street Trust
Property Address: 52 Central Street, Woburn, MA
Title Reference: MSRD Book 24152, Page 450
Interests Taken: E-1 217 s.f.
TE-7 1,580 s.f.
Damages: \$20,000.00

Record Owner: Boston Federal Savings Bank c/o TD Bank
Property Address: 280-282 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 30797, Page 226
Confirmatory Deed: 30836, Page 40
Interests Taken: E-2 756 s.f.
PUE-2 1,319 s.f.
TE-8 2,473 s.f.

Damages: \$89,720.00
Record Owner: Long H. Nguyen
Property Address: 281 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 67647, Page 37
Interests Taken: TE-10 250 s.f.
Damages: \$980.00

Record Owner: 283A Montvale Avenue Realty Trust
Property Address: 283A Montvale Avenue Realty Trust
Title Reference: MSRD Book 50589, Page 184
Interests Taken: TE-11 788 s.f.
Damages: \$3,100.00

Record Owner: Anthony A. & Dorothy M. Roscillo
Property Address: 283 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 69282, Page 304
Interests Taken: TE-12 515 s.f.
Damages: \$2,020.00

Record Owner: The 282 Montvale Avenue Realty Trust
Property Address: 282 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 49533, Page 12
Interests Taken: E-3 97 s.f.
PUE-3 420 s.f.
TE-13 208 s.f.
Damages: \$12,420.00

Record Owner: G. Malden Realty Trust
Property Address: 285 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 11241, Page 183

Interests Taken: TE-14 640 s.f.
Damages: \$2,510.00

Record Owner: CCWG Realty Trust
Property Address: 284 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 49812, Page 180
Interests Taken: E-4 109 s.f.
PUE-4 421 s.f.
TE-15 369 s.f.
Damages: \$13,230.00

Record Owner: Montvale Avenue Realty Trust &
William E. Scire (tenants in common)
Property Address: 286-288 Montvale Avenue
Title Reference: MSRD Book 28098, Page 12
Interests Taken: E-5 131 s.f.
PUE-5 449 s.f.
TE-17 523 s.f.
Damages: \$15,020.00

Record Owner: Connolly Realty Trust
Property Address: 287-289 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 17682, Page 585
Interests Taken: PUE-6 564 s.f.
TE-16 1,542 s.f.
Damages: \$25,520.00

Record Owner: Dale Eramo-McDonough Realty Trust
Property Address: 290 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 66197, Page 80
Interests Taken: E-7 48 s.f.
PUE-7 152 s.f.
TE-18 178 s.f.
Damages: \$5,190.00

Record Owner: Antonio DaSilva
Property Address: 292 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 46217, Page 307
Interests Taken: E-8 119 s.f.
PUE-8 360 s.f.
TE-19 428 s.f.
Damages: \$12,450.00

Record Owner: Crown Realty Trust
Property Address: 78 Washington Street, Woburn, MA
Title Reference: MSRD Book 12967, Page 350

Interests Taken: TE-23 107 s.f.
TE-24 124 s.f.
Damages: \$1,100.00

Record Owner: Freedom Realty Trust
Property Address: 291 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 63163, Page 257
LCC Book 1447, Page 100 – Certificate No. 255827

Interests Taken: PUE-9 261 s.f.
TE-20 614s.f.
Property Address: 293 Montvale Avenue
Title Reference: MSRD Book 40486, Page 89
Interests Taken: E-11 514 s.f.
TE-22 2,391 s.f.
Canopy Removal
Damages: \$123,490.00

Record Owner: Press-It, LLC
Property Address: 84 Washington Street
298-302 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 36059, Page 380
Interests Taken: E-10 1,021 s.f.
PUE-10 1,382 s.f.
TE-21 1,666 s.f.
Damages: \$118,200.00

Record Owner: Ashford Corp.
Property Address: 303-305 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 11278, Page 302
Interests Taken: E-12 2,220 s.f.
TE-29 3,787 s.f.
Damages: \$117,420.00

Record Owner: 306 Montvale Avenue Realty Trust
Property Address: 306 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 48758, Page 381
Interests Taken: E-14 695 s.f.
TE-30 291 s.f.
TE-32 412 s.f.
Damages: \$40,490.00

Record Owner: Stedman 309, LLC.
Property Address: 309 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 52079, Page 186
Interests Taken: E-15 949 s.f.
TE-34 1,047 s.f.

Damages: \$40,930.00

Record Owner: 318 LLC
Property Address: 314 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 68562, Page 523
Confirmatory Deed – Book 68562, Page 518
Interests Taken: E-16 841 s.f.
TE-33 335 s.f.
Property Address: 318 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 27366, Page 396
Interests Taken: E-17 1,731 s.f.
TE-35 1,053 s.f.
Damages: \$126,700.00

Record Owner: 313 Montvale Avenue LLC
Property Address: 313 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 66920, Page 431
Interests Taken: E-18 630 s.f.
PUE-D-1 151 s.f.
TE-36 1,274 s.f.
Damages: \$254,390.00

Record Owner: HT Properties LLC
Property Address: 320 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 66407, Page 513
Interests Taken: E-19 1,441 s.f.
TE-37 216 s.f.
Damages: \$66,550.00

Record Owner: Leemilt's Petroleum, Inc.
Property Address: 317 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 17633, Page 327
LCC Book 1023, Page 28 – Certificate No. 178578
Interests Taken: E-20 89 s.f.
TE-38 1,495 s.f.
Damages: \$18,950.00

Record Owner: Mack Investors, LLC
Property Address: 23 Rainin Road, Woburn, MA
Title Reference: MSRD Book 51779, Page 476
Interests Taken: E-23 41 s.f.
TE-41 1,284 s.f.
Damages: \$1,140.00

Record Owner: Blue Hills Fuels LLC

Property Address: 328 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 66613, Page 187
LCC Book 1483 Page 96 - Certificate 261268
Interests Taken: E-21 2,579 s.f.
TE-39 879 s.f.
PUE-11 263 s.f.
Damages: \$158,640.00

Record Owner: Tanner Associates Nominee Trust
Property Address: 325 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 13048, Page 736
Interests Taken: E-22 104 s.f.
TE-40 909 s.f.
Damages: \$13,280.00

Record Owner: New Aberjona Realty Nominee Trust
Property Address: 331 Montvale Avenue, Woburn, MA
Title Reference: MSRD
LCC Book 1449, Page 110 Certificate No. 256131
Interests Taken: TE-42 362 s.f.
Damages: \$2,280.00

Record Owner: City of Woburn
Property Address: Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 4890, Page 301
Interests Taken: TE-1 647 s.f.
TE-2 1,588 s.f.
TE-43 562 s.f.

Property Address: Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 45166, Page 470
Interests Taken: TE-5 600 s.f.
TE-25 245 s.f.
TE-28 82 s.f.

Property Address: Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 58726, Page 66
Interests Taken: E-13 1,710 s.f.
Damages: \$0

A communication dated September 5, 2017 with attachment was received from City Solicitor Ellen Callahan Doucette as follows:

Subject: Order of Taking

Good morning,

Prior to sending down the Final Order of Taking, I ran the titles again. I found that the properties at 314 and 318 Montvale, owned by 318 LLC (Bob Haverty) were combined and made subject to a condominium master deed. Therefore, the final Order is amended to reflect the current owner, 318 Montvale Condominium, and the title reference. There are no other substantive changes.

I will provide the City Clerk with the original for signatures. The 5 plan pages will also be left in the council chamber for signature. VHB will be changing Sheet 2 to reflect the changes to 314 and 318 Montvale.

Ellen Callahan Doucette

Attached thereto was the following Order:

THE CITY OF WOBURN
COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Order of Taking

WHEREAS, the City Council of the City of Woburn in the Commonwealth of Massachusetts, on behalf of the City of Woburn and in accordance with M.G.L. c.82, and acts in amendment thereof and in addition thereto, has determined that it is necessary and essential as a matter of public necessity and public welfare to acquire temporary and permanent easements in certain properties abutting Montvale Avenue and portions of Washington and Central Streets in said City of Woburn, for the purpose of widening and reconstructing Montvale Avenue and portions of Washington and Central Streets, and to relocate utilities, install sidewalks, driveways and traffic signals, with associated rights of access therein (the "Project"); and

WHEREAS all other conditions precedent have been complied with;

NOW, THEREFORE, it is Ordered that the City Council of the City of Woburn, duly elected and qualified, acting in compliance with M.G.L. c.79, does hereby take on behalf of the City of Woburn, and for public way purposes, for the benefit of the public to cross and recross, pass and repass, as appropriate, specifically for the widening and reconstruction of Montvale Avenue and portions of Washington Street and Central Street, the following interests in land, all as shown on a plan entitled "Plan of Road in the City of Woburn, Mass. showing location of Easements for the purpose of Reconstructing Montvale Avenue for the City of Woburn Scale 20 feet to the Inch" consisting of 5 sheets, to be recorded herewith and made a part of this taking, with a copy to be filed in the City of Woburn Engineering Department.

Temporary Easements are hereby taken in the parcels of land identified as Parcels TE-1 through TE-43 inclusive as identified on the Plan, consisting of the non-exclusive right to enter upon said land at any time during the effective period of said easements to

accomplish the necessary work within said parcels including constructing or reconstructing roadways, sidewalks, driveways and walkways, sloping and grading, erosion control and tree protection, and to perform any incidental work necessary or convenient to the Project. Said easements are temporary in nature and shall terminate automatically five (5) years from the date of the recording of this instrument.

Permanent Easements are hereby taken in the parcels of land identified on the Plan as Parcels E-1 through E-23 inclusive, for the construction of roadways and sidewalks and the installation of traffic signals and the perpetual right to pass and repass over the Easement premises, by foot and by motor vehicle, including heavy equipment, from time to time and at all times, in order to repair and maintain such roadways, sidewalks and traffic signals, and for all uses incidental thereto; and PUE-1 through PUE-11 inclusive, for the relocation of utility poles and overhead wires; and in PUE-D-1 for drainage and overhead wire clearance. The interest taken in Parcel E-11 requires the removal of the existing canopy. The Permanent Easements are perpetual unless and until abandoned by the City. The Owners of the aforementioned parcels of land affected by the Permanent Easements shall retain the right to use the land for any and all purposes, provided that such use does not interfere with or impair the City's rights in said Permanent Easements.

Included in this taking are all trees and structures located upon the Permanent and Temporary Easement premises. Excepted from this Order of Taking are all easements for wires, pipes, conduits, poles and appurtenances for the conveyance of water, sewage, gas and electricity and for telephone communications and television transmission now lawfully in or upon the Permanent and Temporary Easement premises and the lawful rights of the public to use those parts of the public streets and ways which may be included in the foregoing description.

Said parcels of land are owned or supposed to be owned and/or formerly owned by the persons, corporations and limited liability corporations identified in Exhibit A attached hereto, and are collectively referred to as the Owners.

For damages sustained by the Owners in their property by reason of the aforesaid takings, and in accordance with the provisions of M.G.L. c.79, §6, as amended, awards are made.

In witness whereof, we have set our hands and seals this 5th day of September, 2017.

CITY OF WOBURN
CITY COUNCIL

EXHIBIT A

Record Owner: Schena Montvale Avenue Trust
Property Address: 269 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 51885, Page 68
Interests Taken: PUE-1 74 s.f.
TE-3 648 s.f.

Damages: \$3,420.00

Record Owner: Edith M. Cox
Property Address: 10 Grape Street, Woburn, MA
Title Reference: MSRD – Registered Land
LC Book 741, 165 – Certificate No. 122315
Interests Taken: TE-4 194 s.f.
Damages: \$640.00

Record Owner: William F. Lentine & Marian Pizzi Lentine
Property Address: 52 Central Street, Lots 3B, 2A & 1A
Title Reference: MSRD Book 33420, Page 279
Interests Taken: TE-6 1,644 s.f.
Property Address: 277-279 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 27191, Page 383
Interests Taken: TE-9 748 s.f.
Damages: \$12,530.00

Record Owner: 52 Central Street Trust
Property Address: 52 Central Street, Woburn, MA
Title Reference: MSRD Book 24152, Page 450
Interests Taken: E-1 217 s.f.
TE-7 1,580 s.f.
Damages: \$20,000.00

Record Owner: Boston Federal Savings Bank c/o TD Bank
Property Address: 280-282 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 30797, Page 226
Confirmatory Deed: 30836, Page 40
Interests Taken: E-2 756 s.f.
PUE-2 1,319 s.f.
TE-8 2,473 s.f.

Damages: \$89,720.00

Record Owner: Long H. Nguyen
Property Address: 281 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 67647, Page 37
Interests Taken: TE-10 250 s.f.
Damages: \$980.00

Record Owner: 283A Montvale Avenue Realty Trust
Property Address: 283A Montvale Avenue Realty Trust
Title Reference: MSRD Book 50589, Page 184
Interests Taken: TE-11 788 s.f.
Damages: \$3,100.00

Record Owner: Anthony A. & Dorothy M. Roscillo

Title Reference: MSRD Book 66197, Page 80
Interests Taken: E-7 48 s.f.
PUE-7 152 s.f.
TE-18 178 s.f.
Damages: \$5,190.00

Record Owner: Antonio DaSilva
Property Address: 292 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 46217, Page 307
Interests Taken: E-8 119 s.f.
PUE-8 360 s.f.
TE-19 420 s.f.
Damages: \$12,450.00

Record Owner: Crown Realty Trust
Property Address: 78 Washington Street, Woburn, MA
Title Reference: MSRD Book 12967, Page 350
Interests Taken: TE-23 107 s.f.
TE-24 124 s.f.
Damages: \$1,100.00

Record Owner: Freedom Realty Trust
Property Address: 291 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 63163, Page 257
LCC Book 1447, Page 100 – Certificate No. 255827
Interests Taken: PUE-9 261 s.f.
TE-20 614s.f.
Property Address: 293 Montvale Avenue
Title Reference: MSRD Book 40486, Page 89
Interests Taken: E-11 514 s.f.
TE-22 2,391 s.f.
Canopy Removal
Damages: \$123,490.00

Record Owner: Press It, LLC
Property Address: 84 Washington Street
298-302 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 36059, Page 380
Interests Taken: E-10 1,021 s.f.
PUE-10 1,382 s.f.
TE-21 1,666 s.f.
Damages: \$118,200.00

Record Owner: Ashford Corp.
Property Address: 303-305 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 11278, Page 302

Interests Taken: E-12 2,220 s.f.
TE-29 3,787 s.f.
Damages: \$117,420.00

Record Owner: 306 Montvale Avenue Realty Trust
Property Address: 306 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 48758, Page 381
Interests Taken: E-14 695 s.f.
TE-30 291 s.f.
TE-32 412 s.f.
Damages: \$40,490.00

Record Owner: Stedman 309, LLC.
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Title Reference: MSRD Book 52079, Page 186
Interests Taken: E-15 949 s.f.
TE-34 1,047 s.f.
Damages: \$40,930.00

Record Owner: 318 Montvale Condominium
Property Address: 318 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 69815, Page 170
Confirmatory Master Deed – Book 69845, Page 525
Interests Taken: E-16 841 s.f.
E-17 1,731 s.f.
TE-33 594 s.f.
TE-35 1,053 s.f.
Damages: \$126,700.00

Record Owner: 313 Montvale Avenue LLC
Property Address: 313 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 66920, Page 431
Interests Taken: E-18 630 s.f.
PUE-D-1 151 s.f.
TE-36 1,274 s.f.
Damages: \$254,390.00

Record Owner: HT Properties LLC
Property Address: 320 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 66407, Page 513
Interests Taken: E-19 1,441 s.f.
TE-37 216 s.f.
Damages: \$66,550.00

Record Owner: Leemilt's Petroleum, Inc.
Property Address: 317 Montvale Avenue, Woburn, MA

Title Reference: MSRD Book 17633, Page 327
LCC Book 1023, Page 28 – Certificate No. 178578
Interests Taken: E-20 89 s.f.
TE-38 1,495 s.f.
Damages: \$18,950.00

Record Owner: Mack Investors, LLC
Property Address: 23 Rainin Road, Woburn, MA
Title Reference: MSRD Book 51779, Page 476
Interests Taken: E-23 41 s.f.
TE-41 1,284 s.f.
Damages: \$1,140.00

Record Owner: Blue Hills Fuels LLC
Property Address: 322 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 66613, Page 187
LCC Book 1483 Page 96 - Certificate 261268
Interests Taken: E-21 2,316 s.f.
TE-39 879 s.f.
PUE-11 263 s.f.
Damages: \$158,640.00

Record Owner: Tanner Associates Nominee Trust
Property Address: 325 Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 13048, Page 736
Interests Taken: E-22 104 s.f.
TE-40 1,512 s.f.
Damages: \$13,280.00

Record Owner: New Aberjona Realty Nominee Trust
Property Address: 331 Montvale Avenue, Woburn, MA
Title Reference: LCC Book 1449, Page 110 Certificate No. 256131
Interests Taken: TE-42 362 s.f.
Damages: \$2,280.00

Record Owner: City of Woburn
Property Address: Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 4890, Page 301
Interests Taken: TE-1 647 s.f.
TE-2 1,588 s.f.
TE-43 562 s.f.
Property Address: Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 45166, Page 470
Interests Taken: TE-5 600 s.f.
TE-25 245 s.f.
TE-28 82 s.f.

Property Address: Montvale Avenue, Woburn, MA
Title Reference: MSRD Book 58726, Page 66
Interests Taken: E-13 1,710 s.f.
Damages: \$0

Motion made and 2nd that the matter be open to hear comments from the public, all in favor, 9-0. Tina Lentine, 52 Central Street stated that she was losing a substantial amount of land as well as parking for her commercial tenant, that she has worked with VHB and the city, that the sidewalk will be directly in front of her tenant's stairs, that the City Solicitor said that her tenant parks on the sidewalk but she has evidence that this is not the case, that there are three driveways, that at the front of the house her tenant loses parking and a driveway, that she would be forced to go into the neighbor's yard to use her driveway, that land she was told her land is not her land, that her lot is approximately 3,800 square feet in area, that approximately 3,400 to 3,500 square feet is the house, that there is one driveway between her house and 279 Montvale Avenue, that her tenant uses the area in front of the front door for parking, that she does not own the third driveway, that 217 square feet of land is being taken from her permanently, that 1,580 square feet of her land will be used temporarily, that a vacuum shop operates from the building, that the vacuum shop is located at 275 Montvale Avenue, that where her tenant parks is her land and not the city right of way, that 25 years ago the city took part of the land, that she had an independent plot plan of her land drafted, that the city stated it is impossible to widen the roadway from the other side of the street, that she started to receive letters regarding this matter in March 2017, that there is one business at her property, that she resides in the house with her family, that she can only park on the street or in her driveway, that once the tenants loses his parking are the driveway to her home will be blocked, that she consulted with realtors who told her she would be losing \$80,000.00 to \$100,000.00 in value, that the city offered \$20,000.00, that she has hired an attorney, and that her tenant is a source of household income which will be jeopardized if the tenant moves. Ms. Lentine offered photographs and plans for the City Council to review. Motion made and 2nd that the photographs and plans be received and made part of the record, all in favor, 9-0. Marian Lentine, 279 Montvale Avenue stated that she owns 277 and 279 Montvale Avenue as well as 0 Central Street, that the temporary easement is for five years although she was told the work would only last one year, and that the temporary easement will impact the value of her property if she tries to sell the property in the next five years. Alderman Gately stated that this is a time sensitive matter, that there are contingencies in the event of a law suit, that this is another example of a last minute process and this has been occurring for some time, that the radius at the corners of the street intersections are the key to the work, that without the corner at Central Street the intersection does not work, that the land owner should be properly compensated, that the matter has been forced on the City Council, that a month's worth of work has been compressed to seven days, and that the city cannot continue to do business in this manner. Alderman Mercer-Bruen stated that she is disappointed that a representative of VHB did not meet with this property owner again, that she does not appreciate the city representing that the resident parked on the street when she does not, that the city should be able to make the property owner whole if they are harmed by the process, and that she encourages the property owner to get a copy of the videotape of these deliberations for any appeal. Alderman

Higgins stated that she does not understand why there is no one at this meeting to answer last minute questions. Alderman Anderson stated that he is concerned that this taking will substantially impact the property of this landowner, and that \$20,000.00 does not appear to be sufficient compensation. Alderman Campbell stated that it is upsetting to see a piece of property that is not large to begin with losing so much land, that the street will be up to the landowner's stairs, that there seems that there should be movement on the other side, and that she does not know how the city can help the property owner without halting the project. President Haggerty stated that a land taking is difficult, that this is an unfortunate situation, and that there is a process in place for the petitioner to pursue further compensation for the value of the land. Alderman Concannon stated that one of government's largest powers is to take private property for the public good, that the City Council should not hold up the project, that the City Council could approve the order with a condition that city departments and VHB come up with creative measures to assist the property owner without jeopardizing the project, and that the landowner can pursue her rights for further compensation. Motion made and 2nd that a communication be sent to city departments on VHB asking that they meet with the landowner and others to minimize the impact on the property without delaying the project, all in favor, 9-0. Motion made and 2nd that the ORDER with the recommendations of the City Solicitor received on September 5, 2017 be ADOPTED, ROLL CALL: Anderson – No, Campbell – No, Concannon – Yes, Gaffney – Yes, Gately – Yes, Higgins – Yes, Mercer-Bruen – Yes, Tedesco – Yes, Haggerty – Yes, Motion passes. Motion made by Alderman Mercer-Bruen to reconsider her vote and 2nd, all in favor, 9-0. After reconsideration, motion made and 2nd that the ORDER be ADOPTED, ROLL CALL: Anderson – No, Campbell – No, Concannon – Yes, Gaffney – Yes, Gately – Yes, Higgins – Yes, Mercer-Bruen – Yes, Tedesco – Yes, Haggerty – Yes, Motion passes.

Presented to the Mayor: September 6, 2017 s/Scott D. Galvin September 6, 2017

Motion made and 2nd for a five minute recess.

President Haggerty called the meeting back to order.

PUBLIC HEARINGS:

On the petition by NSTAR Electric Company d/b/a Eversource Energy for a grant of right in a way to install conduit in Micro Drive southerly from pole 577/2, approximately 182 feet southwest of Holton Street, a distance of about eight (8) feet. PUBLIC HEARING OPENED. A communication dated August 18, 2017 was received from Superintendent of Public Works John Duran as follows:

Subject: NStar Electric Company d/b/a Eversource Energy- Micro Drive

Pursuant to NSTAR d/b/a Eversource request to install an underground conduit from the pole on Micro Drive to the building at 67 Holton Street located at the corner of Micro Drive, I offer the following recommendation for approval.

The work proposed is to cross a small section of asphalt sidewalk on Micro Drive. I recommend approval as long as a 10 foot minimum section is replaced with 4 inches of bituminous concrete to match existing and it is ADA compliant. Micro Drive is a newly paved roadway and there should not be any intrusion into the new pavement area.

Please feel free to call me with any questions or concerns on this matter.

Appearing for the petitioner was Renee Banks-Clark and she stated that the intention is to provide electric service to 66 Holton Street, and that the utility pole is on the sidewalk and will be on the same side of the street. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the GRANT OF RIGHT IN A WAY be APPROVED, AS AMENDED with the conditions as follows: 1. That any double utility pole on Micro Drive shall be removed as a condition of the grant, and 2. That the recommendations of the Superintendent of Public Works shall be adopted as conditions of the grant, all in favor, 9-0.

Presented to the Mayor: September 7, 2017 s/Scott D. Galvin September 7, 2017

On the petition to amend the 1985 Woburn Zoning Ordinances, as amended, by adding a new Section 30 entitled Anderson/Woburn Smart Growth Overlay District as set forth in the Journal of the City Council Regular Meeting of June 6, 2017. PUBLIC HEARING OPENED. A communication dated August 21, 2017 was received from His Honor the Mayor Scott D. Galvin as follows:

Re: Request to withdraw zoning petition without prejudice

Dear Members of the Council:

I respectfully request permission to withdraw from consideration, without prejudice, the proposed Smart Growth Overlay Zoning District-related zoning amendments which were submitted to you on June 1, 2017.

Thank you.

Respectfully, s/Scott D. Galvin, Mayor

PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the MATTER be GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE, all in favor, 9-0.

On the petition to amend 1985 Woburn Zoning Ordinances, as amended, Section 8.3 as follows: 8.3 Off Street Parking Facilities Required - Off street parking facilities shall be provided on the same lot with the principal use, except that: 1. Within any R3, R4, Business, Mixed Use, Industrial, or Office Park district, the City Council, by Special Permit, may allow the parking facility requirements to be met on a lot separate from the use to be served, if such facilities are located within five hundred (500) feet of the use to be served, and if the City Council finds that suitable arrangements, such as ownership, long term lease or easement, have been made to assure the permanent provision of the parking facilities; 2. Within the B-D District, municipal parking facilities may be substituted for the required off street parking for non-residential uses, if such facilities are located within five hundred (500) ft. of the use to be served; 3. Within the B-D District, the City Council, by Special Permit, may allow municipal parking facilities to substitute for the required off street parking for residential uses under this Section if it imposes, as a condition of approval, the non-waivable fee required by Section 8.3.4 below and makes the following findings: 1. That the municipal parking facilities are located within five hundred (500) feet of the use to be served; 2. That the proposed combination of on-site, off-street parking spaces and municipal parking spaces is available and adequate to serve the proposed development; and 3. That reliance on municipal parking facilities will not create an undue burden on the municipal parking facilities. 4. If a Special Permit is granted to allow municipal parking facilities to substitute for required off-street parking for residential uses in the B-D District, it shall be conditioned on the payment of a fee equal to Seventy Five Hundred Dollars (\$7,500) for each space in a municipal parking facility that substitutes for a required off-street parking space. The City Council shall not have the authority to vary or waive the fee, either in whole or in part, for any project. The payment of a fee shall not act as a guarantee that future tenants of the residential development shall be entitled to the reservation or designation of a parking space or spaces. All such fees shall be deposited in a separate "Downtown Parking Enhancement Fund" to be established in the City Treasury and administered by the Treasurer/Collector. Funds deposited in this account shall only be used for costs incurred by the City in acquiring, designing, constructing and/or reconstructing land and facilities that increase the supply of parking within the B-D District. Expenditure of funds from this account shall only be authorized by a 2/3 vote of the City Council. PUBLIC HEARING OPENED. A report was received from the Committee on Ordinances as follows: "Back for action with the following suggested amendments: 8.3 Off Street Parking Facilities Required - Off street parking facilities shall be provided on the same lot with the principal use, except that: 1. Within any R3, R4, Business, Mixed Use, Industrial, or Office Park district, the City Council, by Special Permit, may allow the parking facility requirements to be met on a lot separate from the use to be served, if such facilities are located within five hundred (500) feet of the use to be served, and if the City Council finds that suitable arrangements, such as ownership, long term lease or easement, have been made to assure the permanent provision of the parking facilities; 2. Within the B-D District, municipal parking facilities may be substituted for the required off street parking for non-residential uses, if such facilities are located within five hundred (500) ft. of the use to be served; 3. Within the B-D District, the City Council, by Special Permit, may allow municipal parking facilities to substitute for the required off street parking for residential uses under this Section if it imposes, as a condition of approval, the non-

waivable fee required by Section 8.3.4 below and makes the following findings: a. That the municipal parking facilities are located within five hundred (500) feet of the use to be served; b. That the proposed combination of on-site, off-street parking spaces and municipal parking spaces is available and adequate to serve the proposed development; and c. That reliance on municipal parking facilities will not create an undue burden on the municipal parking facilities. 4. If a Special Permit is granted to allow municipal parking facilities to substitute for required off-street parking for residential uses in the B-D District, it shall be conditioned on the payment of a fee equal to Seventy Five Hundred Dollars (\$7,500) for each space in a municipal parking facility that substitutes for a required off-street parking space. The City Council shall not have the authority to vary or waive the fee, either in whole or in part, for any project. The payment of a fee shall not act as a guarantee that future tenants of the residential development shall be entitled to the reservation or designation of a parking space or spaces. All such fees shall be deposited in a separate "Downtown Parking Enhancement Fund" to be established in the City Treasury and administered by the Treasurer/Collector. Funds deposited in this account shall only be used for costs incurred by the City in acquiring, designing, constructing and/or reconstructing land and facilities that increase the supply of parking within the B-D District and shall not be used in any way for consideration of, assessment of, financing or construction of parking meters. Expenditure of funds from this account shall only be authorized by a 2/3 vote of the City Council." PUBLIC HEARING OPENED. Alderman Gately stated that the \$7,500.00 fee is too high and should be in the range of \$4,500.00 to \$5,000.00. Alderman Concannon stated Section 4 refers to parking meters, and that he would prefer to delete the language relative to parking meters and to have a discussion on the matter at later time. PUBLIC COMMENTS: A communication dated August 28, 2017 was received from Woburn Business Association relative to the proposed ordinance. Motion made and 2nd that the communication be accepted and made part of the record, all in favor, 9-0. Heather Maguire, 24 Eaton Avenue stated that she is the Executive Director of the Woburn Business Association, and that their recommendations were submitted in writing. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd to amend the Committee Report by deleting the words "Seventy Five Hundred Dollars (\$7,500)" and inserting in their place the words "Four Thousand Five Hundred Dollars (\$4,500.00)", all in favor, 9-0. Motion made and 2nd to amend the Committee Report by deleting from Section 4 the words "and shall not be used in any way for consideration of, assessment of, financing or construction of parking meters", 5 in favor, 4 opposed (Anderson, Gately, Higgins, Haggerty opposed). Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, AS AMENDED, all in favor, 9-0.

Presented to the Mayor: September 7, 2017 s/Scott D. Galvin September 7, 2017

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

President Haggerty called the meeting back to order.

Motion made and 2nd that the public hearing on the following two matters be held collectively, all in favor, 9-0.

On the petition by Jamieson Properties, 627 Main Street, Woburn, Massachusetts 01801 to amend the 1989 Woburn Zoning Ordinances, as amended by adding a Section 31 Federal Street Smart Growth Overlay District (FS/SGOD) in accordance with the purposes of G. L. Chapter 40R as set forth in the Journal of the City Council Regular Meeting of August 15, 2017. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Joseph R. Tarby, III, Murtha Cullina, LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the proposal is for a new Smart Growth Overlay District on Federal Street, that the proposal is consistent with the Housing Production Plan, that the matter will be before the Planning Board of September 26, 2017, that the petitioner will meet with the Planning Director next week, that the proposal will provide housing in the downtown area, that 20% of the units will be affordable units, that all of the units will count towards the 10% affordable units required by M.G.L. Chapter 40B, that the project will add to the vibrancy of the downtown area, that the city will be paid a density bonus from the State of \$3,000.00 per unit, that with the 48 proposed units the density bonus will be \$144,000.00, that there will also be a payment to the downtown parking fund, that there will be not less than 20% affordable housing units, that there will be 1.25 parking spaces per studio and one bedroom unit, that there will be no two bedroom units, that a concept plan will have to be presented before the final plan and there will be a hearing before the City Council, that the petitioner has substantial experience in residential rental property, that their building on Walnut Street has on average one car per unit, that the parking fund will assist with this issue, that there will be 48 units, that the petitioner has a through tenant screening process, and that the petitioner encourages tenants to patronize the downtown businesses. Attorney Tarby offered a copy of the PowerPoint presentation 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 a communication be sent to the IT Director asking that a copy of the PowerPoint presentation be posted on the city's website for the benefit of the public, all in favor, 9-0. Glenn Morris, Morris Architects, 33 Murray Road, West Newton, Massachusetts 02465 stated that there will be a site plan review process under M.G.L. Chapter 40R, that the presentation is not the final design, that there are two lots on Federal Street between the post office and a car dealership, that the land sits lower than Abbott Street, that the post office sits higher than the building, that Chapter 40R requires the development to be in certain districts, that this district is substantially built and near public transit which is the MBTA bus lines, that most of the proposed overlay district dimensional requirements track the dimensional requirements in the B-D zoning district, that the petitioner is proposing four stories with a height of forty feet which is the height current height restriction in the B-D zoning district, that the minimum number of dwelling units in the overlay district is 20 units per developable acre and the maximum number of units is 200 units per developable acre, that there will be no non-residential units on site, that the parking requirements track those in the Commerce Way Corridor Overlay District, that all units will be studio and one bedroom, that there is no office or storage, that there will be a small workout room for tenants but it will not be staffed and therefore parking for

tenant recreational facilities will not apply, that the proposal is for residential uses above and parking in the basement, that there will be a lump sum zoning incentive payment from the State to the city in the amount of \$75,000.00, that the \$3,000.00 per unit density bonus payment from the State to the city is an additional \$144,000.00, that the downtown parking fund will also generate a \$144,000.00 payment to the city, that these are not taxes but cash payments to the city, that there will be seventeen studio and thirty-one one bedroom apartments, that ten units will be affordable at 20% of the units rounded up, that since these will all be rental units all of the units are counted to the Chapter 40B 10% affordable requirement, that there will be 28 parking space on site and 32 parking spaces at the Abbott Street lot, that the building will have four stories above the garage, that the Abbott Street parking lot is next to Library Field, that there will be a landscaped walkway from Federal Street to Abbott Street with the building entrance along the sidewalk, that access to the garage will be on Federal Street, that standing in front of the post office on Abbott Street you would not be able to see any of the building behind the post office, that the first floor will have an exercise room, community space and nine residential units, that the second, third and fourth floor will have thirteen units each, that there are currently thirteen units in the building, that the elevation will not drop at the property line with car dealership, and that the project will be built into the grade. President Haggerty stated that he likes the idea of additional residential uses in the downtown area, that parking will be the greatest hurdle, that proposing to use 32 parking space on Abbott Street is excessive, and that he would prefer greater height with more structured parking. Alderman Campbell stated that she is concerned about the parking issues as well as the traffic these 48 units may produce, that the city already has parking issues, and that she does not know how the city can give up 32 parking spaces at Library Field. Alderman Gately stated that the height of the building is a concern as well as drainage and water issues, that he prefers structured parking, and that the tenants will have to be aware of the long-existing car dealership next to the property. Alderman Anderson stated that 200 units per acre is too thickly settled, that taking 32 parking spaces after the city created 64 parking spaces is too high a demand, that he has no idea why this overlay district would be adopted for one particular area, that he wants to know how many units and parking needs will need to be created if the overlay district was applied to the entire B-D zoning district, that if the overlay district applies to one property it may have to be extended to other properties, and that the project is too dense. PUBLIC COMMENTS: None. Motion made and 2nd that a communication be sent to the Planning Director requesting a computation as to how many additional residential units could be created if the Federal Street Smart Growth Overlay District was applied to the entire B-D zoning district at 200 residential units per acre and, in addition, how many parking spaces would be required, all in favor, 9-0. Motion made and 2nd that a communication be sent to the Planning Director requesting a review of height restrictions in the downtown area, all in favor, 9-0. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 17, 2017 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor, 9-0.

On the petition by Jamieson Properties, 627 Main Street, Woburn, Massachusetts 01801 to amend the Zoning Map of the City of Woburn by changing the zoning district for the property located at 14 Federal Street and 14R Federal Street containing approximately 11,325.6 square feet of land from the B-D zoning district to the FS/SGOD zoning district. PUBLIC HEARING OPENED. See record notes from preceding matter. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 17, 2017 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor, 9-0.

On the petition by Ronchetti Masonry, 6 Draper Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.5 and 5.1.43 to allow: 1. Outside storage of building materials and equipment, 2. Accessory storage trailers, and 3. Accessory parking of commercial vehicle, at 6 Draper Street. PUBLIC HEARING OPENED. A communication dated August 31, 2017 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for 6 Draper Street/Ronchetti Masonry

Dear Council:

The Planning Department has reviewed the above-referenced petition, which seeks a special permit pursuant to Sections 5.5 and 5.1 (43, 57a, and 57b) of Woburn Zoning Ordinance (WZO) to authorize outside storage of building materials and equipment, the placement of accessory storage trailers on site, and the accessory parking of commercial vehicles, respectively. The property is located in the Industrial General (I-G) zoning district, which allows the aforementioned uses by City Council special permit.

Planning staff considers this application to be inadequate in its current form:

- The 8.5” x 11” black and white copy of a GIS-based map submitted with the application is not suitable for the purpose of this review. It shows a general quarter-mile or so area around the site but doesn’t identify the subject property. It provides no information as to existing conditions on the site in question, nor does it provide any of the basic information the Council will need to consider the special permit request (i.e. identification of areas on the property where the proposed building materials, storage trailers and commercial vehicles would be stored).
- It lacks critical site and zoning-related information necessary to determining whether the proposed uses will conform to zoning. For instance, it is important to know exactly where the commercial vehicles will be stored on site, since there is a prohibition on the daytime parking of commercial vehicles within 70’ of the nearby R-2 zoning district (Section 5.7.6.).

Planning staff recommends the applicant be required to provide an engineer-certified plot plan (preferably an updated version submitted with the yet-to-be decided petition at this property by C&C Realty Trust to authorize storage of 2,800 cubic yards in order to identify the scope and location of proposed building materials and equipment, storage trailers, and commercial vehicle storage.

As noted in the Planning Office's comment letter dated June 1, 2017 submitted for the C&C Realty petition at this property, if the current applicant intends to utilize the existing pavement for storage purposes, it may: 1) impact on the number available off-street parking spaces required for the current 2-story building use, 2) complicate access through the pre-existing, relatively narrow (as little as 15' wide) drive aisles, and 3) conflict with any onsite snow storage. This becomes even more of a concern with two concurrent special permits for outside storage at the same property. In addition, as previously noted, an 8-ft. wall or solid fence does not appear to surround the area of material storage, as required by Note 6 to Section 5.1, although the existing natural tree buffer lays between this parcel and easterly residential properties may help to allay screening concerns, depending where onsite materials and equipment will be stored.

Also as noted in our June comment letter, a review of environmental mapping on the City's GIS system reveals that the parcel does not fall within a local floodplain, Groundwater Protection District, or an area of contaminated soils. The site is however within 150' of a wetland boundary line and within 200' of a riverfront area. As such, both would trigger jurisdictional review by the City's Conservation Commission. In addition, because Commission approval has not yet been sought, a final plan and attached permit conditions would have to be reconciled between the Council and the Commission.

Finally, the Planning Department recommends that the submitted plan show the areas proposed for snow storage. Although submission of snow storage plans are sometimes deferred until after the Special Permit decision, we recommend in this case that the plan include that information now for review, given the extent to which outside areas, including parking areas, are proposed for storage-related uses.

Although the Planning Department's thorough review is obstructed by the lack of essential information, Planning staff recommends the Council consider imposing at least the following as conditions of approval should it ultimately vote to approve the application:

1. That the plot plan submitted on behalf C&C Realty for this parcel be modified to indicate the proposed locations of materials, vehicles, equipment and storage trailers intended for the tenant of Ronchetti Masonry, as well as onsite snow storage (if applicable); and
2. That the Plan of Record for this Petition shall be "Existing Parking Plan 6 Draper Street, Woburn, MA," Scale 1"=20'; Prepared by Alan Engineering, LLC, 288 Littleton Road, Suite 31, Westford, MA 01886; Dated May 9, 2017; Revised _____;" and

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

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

A communication dated September 5, 2017 was received from Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 as follows:

Re: 6 Draper Street, Ronchetti Masonry

Dear President Haggerty and Aldermen,

Request is made to continue the above matter from September 5, 2017 to the September 19, 2017 in order to have this matter heard in conjunction with a similar petition at the same address.

Thank you for your attention to this matter.

Very truly yours, s/Mark J. Salvati

Motion made and 2nd that the two communications be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Mark J. Salvati and he stated that this is the only remaining tenant, that he would like to have this matter heard together with another special permit petition for the same property at 6 Draper Street, that the petitioner will address the Planning Board comments, and that the petitioner will update the plan. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON SEPTEMBER 19, 2017, all in favor, 9-0.

On the petition by Luis Cortorreal, 27 Salem Street, Apt. 1B, Woburn, Massachusetts for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.29 to allow a fast food restaurant at 446 Main Street. PUBLIC HEARING OPENED. A communication dated August 30, 2017 was received from Tina P. Cassidy, Planning Director, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for 446 Main Street/Luis Cortorreal

Dear Council:

The Planning Department has reviewed the above-referenced Special Permit application which requests permission to operate a fast food restaurant (5.1 [29]) at the above-referenced location. The property is zoned Downtown Business (B-D) and therefore such use is permitted by City Council Special Permit, subject to Site Plan review requirements

(Section 12). No exterior construction is proposed in connection with this application. Instead, re-configuration/renovation of interior space is proposed.

Planning staff offers the following questions and comments for the Council's consideration:

- The proposed use (RESTAURANT, FAST FOOD) requires both a special permit in accordance with Section 5.1(29) of the Zoning Ordinance as well as site plan review in accordance with Section 12 (see Notes to Section 5.1, Table of Use Regulations). The application references the required special permit but does not specifically request site plan review/approval.
- Unless authorized by a subsequent Special Permit, the hours of operation of this establishment must be 6:00 a.m. to 11:00 p.m. in accordance with Note 16 to Section 5.1, Table of Use Regulations.
- Section 8.3 allows, by right, commercial enterprises to rely on municipal off-street parking lots to meet the parking requirements of the zoning ordinance (e.g. no special permit is needed). Although the application is silent on the issue of parking, it is presumed that the business will rely on the Walnut Hill parking lot to provide parking for employees and customers. (Note the site will also be within 500' of the planned parking lot at Campbell and Union Streets when it is constructed.)

Planning staff recommends the applicant submit a site plan as part of the application that includes a locus plan as an inset that notes the off-street lot locations. The site plan can serve as documentation that the property is in fact within 500' of one (or two) municipal off-street lot(s) and the purpose of the following paragraph.

- The issue of trash storage and its regular pickup seems particularly important given that food will compose a significant portion of the business's trash. The application indicates there is a small Dumpster in the rear of the store that will be used by the restaurant to safely store the refuse and prevent health issues. It is not clear whether the Dumpster is adequately sized for the task, especially if it will be shared by other businesses on the property. A site plan should be submitted which identifies the location of the Dumpster that will be used by this business and the plan could be referred to the Fire Department for review and comment, since the Fire Department is the entity charged with regulating Dumpsters in accordance with Title 8, Article VII, Section 8-17 of the Woburn Municipal Code (general regulations for Dumpsters).
- This establishment appears to have access to an area at the rear of the building (via a driveway from Main Street) that is currently a combination of open space and parking. Will the proposed fast-food restaurant have any use of this parking area at the back of the building, either for employees of this business or (though unlikely) its customers?

- The application indicates that there is a rear access door that will be used by employees and deliverymen to load and unload stock and foodstuffs. Will delivery trucks drive to the rear of the building via the driveway, or will delivery trucks park on Main Street and goods walked to the rear access door by employees? If goods will be offloaded on Main Street because the narrow driveway precludes truck access, the Council should include a condition in any approval prohibiting delivery-related activities from interfering with use of the sidewalk by pedestrians (i.e. blocking the sidewalk with boxes or dolly ramps). There should also be a condition prohibiting stock and foodstuffs from being delivered through the front door, in order to further lessen the possibility/extent of sidewalk conflict. The Council should also consider restricting/limiting the hours of deliveries to those that are outside of peak pedestrian times, if in fact deliveries will be made via a truck parked on the street.

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

Respectfully, s/Tina P. Cassidy, Planning Director

A communication dated September 4, 2017 was received from Attorney Thomas W. Lawton, Lawton & Lawton, LLC, 4 Bennett Street, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Application, Luis Cortorreal, 809 Tipico

Dear Special Permit Committee Members:

Please accept this letter in regards to the aforementioned pending special permit application. I respectfully request this committee grant a two week extension to allow the applicant to address certain issues that have arisen during the initial stages. It is my belief that this extended time period will assist both the applicant as well as the Committee.

Should you have any questions or concerns please do not hesitate to contact this office. I remain.

Very truly yours, s/Thomas W. Lawton

Motion made and 2nd that the two communications be received and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON SEPTEMBER 19, 2017, all in favor, 9-0.

On the petition by E.G. Barker Lumber Company Inc., 10 Jefferson Avenue, Woburn, Massachusetts 01801 for a special permit to amend a special permit issued February 10, 2005 by amending Condition 8 to read “8. That the use shall be limited to Barker Lumber Company or their successors provided the use remains a lumber company” at 10

Jefferson Avenue. PUBLIC HEARING OPENED. A communication dated August 24, 2017 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on special permit modification for 10 Jefferson Avenue/E.G. Barker Lumber Company, Inc.

Dear Council:

The Planning Department has reviewed the above-referenced Special Permit petition, filed pursuant to Section 11.3.12, to modify a previous special permit condition of approval. Specifically, the applicant seeks to amend Condition #8 of the City Council's Decision, dated February 10, 2005, by adding language to allow for a transfer of ownership contingent upon the property's use remaining as a lumber company.

Planning staff takes no exception to this request and offers the following for consideration as conditions of approval:

- That the modified condition indicates that any entity to which the special permit is transferred must be classified by the Building Commissioner as a lumber company (in accordance with Section 5.1 [line 43 and Note 6] and Section 5.5; and
- That all other conditions specified in the February 10, 2015 Decision letter remain in full force and effect to the extent still applicable, or unless otherwise modified by the Council.

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

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

Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that the petitioner desires to sell the business, that the business will remain a lumber company, and that the current special permit states that the use is limited to Barker Lumber Company. Alderman Gately stated that he met with the petitioner, that the name of the business will change, that the previous owner will stay with the business for a couple of years, that Jackson Lumber is a good business and has a good business reputation, that there have been some issues but these can be worked out, that there will be improvements such as a fire suppression system which will make the property safer, and that the business will be a good addition to the city. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, 8 in favor, 0 opposed, 1 abstained (Higgins abstained). PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the condition as follows: 1. That Condition 8 be amended to read as follows: 8. That the use shall be limited to Jackson Lumber and Millwork Company, Inc.

and shall not be transferable, and 2. All other conditions of the special permit shall remain in effect, 8 in favor, 0 opposed, 1 abstained (Higgins abstained).

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$1,100,000.00 from Stabilization Fund Acct to Montvale Ave Infrastructure Acct, committee report was received “To give the matter leave to withdraw.” Motion made and 2nd that the MATTER be GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE, all in favor, 9-0.

On the Order to transfer the sum of \$255,243.40 from Various Mitigation Accounts to Montvale Ave Infrastructure Acct, committee report was received “To give the matter leave to withdraw.” Motion made and 2nd that the MATTER be GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE, all in favor, 9-0.

On the communication relative to the City of Woburn Financial Policies and Objectives, committee report was received “ought to pass, as amended with the amendment as follows: That Section A-1 Annual Audit, Policy be amended by adding ‘4. The Finance Committee shall review the audit plan with the independent auditor(s) prior to interim testing and year-end fieldwork. Upon completion of the audit, the City Council shall meet with the independent auditor(s) to discuss the results of the audit and the annual financial reports.’” Motion made and 2nd that a communication be sent to the Treasurer/Collector with a copy to the Mayor for a report as to the best practices regarding the creation, management and disposition of mitigation account funds, all in favor, 9-0. Motion made and 2nd that a communication be sent to the City Auditor for a report with the breakdown of the mitigation accounts being held and the derivation of the funds in the accounts, all in favor, 9-0. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: September 7, 2017 s/Scott D. Galvin September 7, 2017

ORDINANCES:

On the Order to amend the 1989 Woburn Municipal Code, as amended, by adding a new Article XVIII – Marijuana Establishments, Section 5-89 Forbidden, 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 7, 2017 s/Scott D. Galvin September 7, 2017

NEW PETITIONS:

Petition by Checker Cab of Woburn Inc., 289R Salem Street for a new Livery License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petition by Sams Liv Express, LLC, 22 N. Warren Street for a new Livery License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petition by KPS Bhatti Inc., 28 Campbell Street, #1 for a new Livery License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petition by NStar Electric Company dba Eversource Energy for grant of right in a way to install one guy pole in Lake Terrace southwesterly side approximately 496 feet southeast of Lake Avenue approximately 24 feet southeast of pole 475/4 and to install one pole 475/4-S. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by National Grid for grant of right in a way to replace 400 feet of 2 inch low pressure bare steel with 6 inch plastic in Woburn Parkway from Pleasant Street to 9 Woburn Parkway. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Verizon New England Inc. for a grant of right in a way in Salem Street as follows: 1. Place approximately 73 feet of underground conduit from manhole no. 35/142 to jointly-owned pole no. 191/64, 2. Place one (1) new manhole no. 35/141 on southerly side to replace exiting manhole that must be removed due to bridge construction over MBTA tracks, 3. Place approximately 205 feet of underground conduit from manhole no. 35/141 in a southerly direction across MBTA bridge to existing underground conduit on southerly side of bridge, 4. Place one (1) hand-hole at jointly-owned pole no. 191/52 on northerly side, 5. Place approximately 216 feet of underground conduit from manhole no. 35/140 on southerly side at intersection with Wood St. to jointly-owned pole no. 191/47 on northerly side at intersection with Wildwood Drive, and in Pine Street place approximately 20 feet of underground conduit from old jointly-owned pole no. 175/3 to new relocated pole no. 175/3. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Rogers Radiator, 936 Main Street, Woburn, Massachusetts 01801 for a special permit to amend a special permit issued October 25, 2007 by deleting Condition 2 requiring a stockade fence, and to modify conditions of Second Class Motor Vehicle Sales License by deleting Condition 1 relative to a fence, Condition 2 relative to seal coating and striping parking lot and Condition 3 relative to removal of signs at 936 Main Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Tocci Building Corporation, 660 Main Street, Woburn, Massachusetts 01801 pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57a for a special permit to allow three storage containers at 660 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 25, 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. 2017 to July 2017: Number of violations issued 427, Numbers of violations paid 223, Number of violations outstanding 206, Amount collected and submitted to Collectors Office \$43,449.49, Parking fines referred to the Handicap Commission \$10,200.00.

There is a backlog of 1,594 unpaid tickets dating from January 2004 to June 2017. 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 August 10, 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 July 2017. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated August 11, 2017 with attachments was received from Michael L. Raymond, Chairman, Aberjona Study Coalition, Inc., 10 North Maple Street, Woburn, Massachusetts 01801 relative to proposed cleanup plan for the South West Properties, Wells G&H Superfund Site. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

APPOINTMENTS AND ELECTIONS:

A communication dated August 17, 2017 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Paul Medeiros, 9 Marietta Street, as Sealer of Weights and Measures for a two-year term, set to expire on July 1, 2018.

Respectfully, s/Scott D. Galvin, Mayor

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

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That the City Council Regular Meeting scheduled for November 7, 2017 is hereby canceled due to the municipal general election

s/President Haggerty

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

ORDERED That pursuant to Chapter 172 of the Acts of 1897, as amended by Section 42G of Chapter 263 of the Acts of 1946, the City Clerk shall have printed on the official ballot for the general city election to be held on November 7, 2017 for a vote of the registered voters of the City the following question:

Shall the City of Woburn petition the General Court of the Commonwealth of Massachusetts to adopt the following special act?

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

An Act providing for term limits for elected officials in the city known as the city of Woburn.

SECTION 1. Notwithstanding any provision of Chapter 172 of the Acts of 1897 or any amendments thereto to the contrary, no person shall be eligible for election as mayor, alderman at large, ward alderman or school committee member if at the time of election such person was elected to and is currently serving terms equal to twelve consecutive years in the same office.

SECTION 2. This Act shall be effective for the election to be held on November 5, 2019.

SECTION 3. This act shall take effect upon its passage.

s/Alderman Concannon

Alderman Concannon stated that the issue presented is whether the City Council should put on the ballot a question seeking the public's opinion relative to term limits, that the intent is to hear the view of the citizens on the issue, that he has been approached by residents relative to the length of the terms of office and term limits, that the question will allow the City Council to hear from the voters and take action as a result of the vote, that this is an important issue, that the matter deals with the rights of voters, that he would not take action on this matter without hearing from the voters, that he wants the matter put on the ballot to hear the views of the voters, that there will be additional steps by the city and the Legislature to adopt such a change, that he does not want to debate the issue of term limits but whether the City Council should hear from the public on this issue, that this matter is not intended to reflect on any city officials, that he appreciates the efforts of those who step forward to serve, that he believes turnover in office is beneficial, that he does not want anyone currently holding office to be offended by this proposal, and that his only intention is to hear from the voters on the issue. Alderman Campbell stated that she out of respect for the concerns expressed by the sponsor she would like discussion on the matter, and that whether and Alderman is in favor of or opposed to the Order there should be discussion. Alderman Gately stated that he does take offense to the Order, that this Order singles out two members of the City Council and the Mayor, that every two years the voters take a vote and elect their representatives, that he does not want to see the question on the ballot, that he does his job as Alderman, that if he did not do his job the voters would not re-elect him, that the city was built by the residents and mayors who did not have term limits, that the elected officials stayed as long as they wanted to serve or until the voters turned them out of office for not doing their job, that there is experience and dedication on this City Council, that the City Council has been busy the last several years, and that if the taxpayers do not want these elected officials in office they can vote them out. Alderman Anderson stated that the ultimate term limit is elections every two years, that he has not had anyone talk to him about this issue, that the City Council could go to the people on a number of issues but this is a representative

government, that the City Council could ask the voters if no pensions should be paid until a city employee reaches social security retirement age, whether an individual should not be allowed to serve if they have a relative who works for the city or whether there should be a limit for all professional bureaucrats working for the city to twelve years, that if there was a political machine in the city who could see the benefit of the proposal, that there could be a proposal to eliminate campaign accounts, that there are only three races on the municipal ballot this year, that there are no challengers running for School Committee, that if someone wants to run for office then they should run but not because they have a chance with an open seat, that there is a little risk putting yourself out to run for office, that looking at the history of the city most mayors served two years, that this issue does not need to be addressed now, that the issue is being discussed at this meeting and there is no need for the matter to go to committee, that there is value to the city in being a member of the City Council, that there is a learning curve for new aldermen, that constituent services is beneficial which also improves over time, that if this question should be on the ballot then the City Council should vote for the proposal, and that it is the job of the City Council to move on this issue as opposed to bringing the matter to the voters. Alderman Higgins stated that the language of the question needs work, and that these issues need to be worked out before the question can be put in the ballot. Alderman Mercer-Bruen stated that the term limit is every two years, that the voters decide whether they want the elected officials to continue to serve or not, that two years is a short amount of time to get the job done right and the face the voters, that candidates can run if they desire, and that there is a long list of issues but this is not one being raised by her constituents. Alderman Gaffney stated that he walks the ward every day, and that he has never has anyone tell him there should be term limits. Alderman Concannon stated that the purpose of the Order is to hear from the voters, that if what other Aldermen are hearing is different from what he is hearing then the vote will show that, that he is willing to hear from the voters and abide by the opinion of the voters, that he is not asking to change the City Charter or take a vote on term limits at this meeting other than to hear from the voters, and that a vote to defeat this Order is a vote saying that an Alderman does not want to or need to hear from the voters. Alderman Mercer-Bruen stated that a number of Aldermen have said they are not hearing this issue being raised by their constituents, that she asks whether the sponsor of the Order does not trust those comments, that the constituents have told her what is important, and that this is not an issue raised by the constituents. Alderman Gately stated that he has already placed out signs for re-election, that he knows his constituents like the work he does, and that the voters have already told him they like his work by re-electing him. Alderman Tedesco stated that the city may get to a point where people will wait to run until time runs out for the incumbent, that there is a risk in running for office, and that people are putting themselves out in the community running for office. Motion made and 2nd that the ORDER NOT be ADOPTED, 8 in favor, 1 opposed (Concannon opposed).

ORDERED Be it Ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinances, as amended, be further amended by amending Section 11.11.1 by deleting from the first sentence the word

“and” after the words “Section 5.1.3(a) through 3(d)”, and inserting after the words “Section 5.1.4” the words “, and Section 5.1.5”.

s/Alderman Campbell

Alderman Campbell stated that these are three related zoning ordinances which will bring back local control to the city and eliminate the burden of Ch. 40B projects. Motion made and 2nd that MATTER be REFERRED TO PUBLIC HEARING, 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 by amending Section 11.11.1 by deleting from the first sentence the words “the City Council shall require as a condition of any such special permit, the provision on site and within the development of affordable housing units equal to ten (10%) percent of the development's total number of dwelling units” and inserting in its place the words “a condition of any such special permit shall be at least twenty-five percent (25%) of the units on site and within the development are to be occupied by Income Eligible Households earning 80% or less than the Area Median Income as such terms are defined in 760 CMR 56.02, as may be amended from time to time.”

s/Alderman Campbell

Motion made and 2nd that MATTER be REFERRED TO PUBLIC HEARING, 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 deleting Section 11.11.3 in its entirety;
2. By renumbering Section 11.11.4 as Section 11.11.3;
3. By deleting Section 11.11.5 in its entirety and inserting it in its place the following: “11.11.4 In determining the number of units to be provided pursuant to Section 11.11.1, fractional numbers shall be rounded up to the nearest whole number.”

s/Alderman Campbell

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

ORDERED That the sum of \$100,000.00 be and is hereby appropriated as so stated from Stabilization Fund Acct #704059-596100 \$100,000.00 to 455 Main Street Parking Lot Acct #628158-580000 \$100,00.00 – Purpose: construction of municipal parking lot

I hereby recommend the above: s/Scott D. Galvin, Mayor
I have reviewed the above: s/Charles E. Doherty, City Auditor

s/President Haggerty

Motion made and 2nd to suspend the rules for the purpose of adding the following late filed matter to the Order of the Day and that the MATTER be REFERRED TO COMMITTEE ON FINANCE, 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 to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:06 p.m.

A TRUE RECORD ATTEST:

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