

**CITY OF WOBURN
DECEMBER 17, 2013 - 6:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Gaffney	Raymond
Denaro	

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 December 12, 2013 with attachments was received from His Honor the Mayor Scott D. Galvin as follows:

Dear President Denaro and Members of the Woburn City Council:

I am forwarding a capital outlay appropriation request for FY2014 in the amount of \$2,684,500 to be funded through free cash.

In addition, I have included a five-year Capital Outlay Plan, which also includes various funding sources. The major outlays requiring bond authorizations include the construction of a new Wyman/Hurld Elementary School, the construction of a new Fire Station, the renovation/addition to the Woburn Public Library, the construction of a parking garage, and the site cleanup and upgrades to Leland Park.

I have provided the City Council with hypothetical debt service schedules for the five projects. The City will not see a meaningful decrease in our existing debt service schedules until FY2019, however, the principal and interest payments on those five projects are still significantly greater than our expected decrease in FY2019 debt payments.

I believe these projects are important for the continued growth of the City. However, like many of you I remain cautious about the debt service these projects will add to our budget, as well as budget increases due to continued escalation in our health insurance, pension, OPEB and Special Education costs.

I look forward to working with the City Council on solutions to complete the important projects.

Sincerely, s/Scott D. Galvin

Attached thereto was the following Order:

ORDERED That the amount of \$2,684,500.00 be and is hereby appropriated from Unreserved Fund Balance Acct #01-359600 \$2,684,500.00 to Various Capital Projects (see attached breakdown) \$2,684,500.00

I hereby recommend the above: s/Scott D. Galvin, Mayor
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Denaro

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

ORDERED That the amount of \$3,000,000.00 be and is transferred as follows: From Unreserved Fund Balance Acct #01-359000 \$3,000,000.00 to Stabilization Fund Acct 3704048-480000 \$3,000,000.00

I hereby recommend the above: s/Scott D. Galvin, Mayor
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Denaro

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

ORDERED That the amount of \$75,000.00 be and is transferred as follows: From BLS Receipts Acct #31359-595000 \$75,000.00 to Fiore Ambulance Salary Acct #0122051-511500 \$75,000.00

I hereby recommend the above: s/Scott D. Galvin, Mayor
I hereby approve the above: s/Timothy J. Ring, Chief, Fire Department
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Denaro

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

ORDERED That the Woburn City Council hereby authorizes the Historical Commission to utilize a Departmental Revolving Fund under M.G.L. Chap. 44, Sec. 53E1/2. The Historical Commission may spend funds received without further appropriation during Fiscal Year 2014 for the purpose of expending for Historical Plaques. The "Historical Commission Revolving Fund", is to be credited for all gifts, charges and donations not to exceed \$3,000.00 received during Fiscal Year 2014. Any remaining balance at June 30, 2014 is to revert to the General Fund, unless the fund is re-established. The limit on the total amount which may be expended from the Historical Commission shall not exceed \$3,000.00. The "Historical Commission Revolving Fund", under M.G.L. Chap. 44, Section 53E1/2 must be re-established on a year-to-year basis. The City Council, upon recommendation of the Mayor, must have an annual vote prior to the start of the Fiscal Year. This authorization makes the approved Revolving Fund effective for the ensuing Fiscal Year only.

I hereby recommend the above: s/Scott D. Galvin, Mayor

s/President Denaro

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

Presented to the Mayor: December 19, 2013 s/Scott D. Galvin December 19, 2013

PUBLIC HEARINGS:

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

On the petition by OL Fresh, LLC, 22 Noble Hill Road, Beverly, Massachusetts 01915 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.29 and 12 to allow for a fast food restaurant at 307 Main Street and 6 High Street within the Groundwater Protection District. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass, with the following nine conditions:

1. That all unneeded existing water or sewer services shall be capped as required by the Engineering Department;
2. The petitioners shall conduct a test pit and perc test where the infiltration system is to be installed to confirm the soil conditions and infiltration rates are adequate and to the satisfaction of the engineering department;

3. A detail of the infiltration system and downspout connections shall be shown on a plan and approved by the engineering department prior to issuance of a building permit;
4. That the parking shall be in accordance with the plan dated Oct. 29, 2013 by Millennium Engineering, Inc.
5. That all parking shall be in compliance with Section 8.4.2.4;
6. That the location of the dumpster shall not interfere with the access and egress to the parking spaces;
7. That the hours of operation shall be Sunday through Thursday from 8:00 am to 10:00 pm, and Fridays and Saturdays 8:00 am to 11:00 pm;
8. That dumpster(s) shall be screened; and
9. That this Special Permit shall be non-transferrable with respect to the fast food aspect of said permit.”

Appearing for the petitioner was Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the Committee on Special Permits recommended that the special permit be granted with nine conditions, and that he asks that Condition 7 and Condition 9 be stricken from the Ryeknoe Properties-Woburn LLC special permit as they relate to hours of operation and the transferability of a fast food special permit. IN FAVOR: None. OPPOSED: None. Motion made and 2nd to close the public hearing, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor 9-0.

On the petition by Ryeknot Properties – Woburn LLC, 278 High Street, Newburyport, Massachusetts 01950 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.5, 12 and 15 to allow for seven (7) residential dwelling units above the first story in a commercial structure at 307 Main Street and 6 High Street within the Groundwater Protection District. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: “ought to pass, with the following nine conditions:

1. That all unneeded existing water or sewer services shall be capped as required by the Engineering Department;
2. The petitioners shall conduct a test pit and perc test where the infiltration system is to be installed to confirm the soil conditions and infiltration rates are adequate and to the satisfaction of the engineering department;
3. A detail of the infiltration system and downspout connections shall be shown on a plan and approved by the engineering department prior to issuance of a building permit;
4. That the parking shall be in accordance with the plan dated Oct. 29, 2013 by Millennium Engineering, Inc.

5. That all parking shall be in compliance with Section 8.4.2.4;
6. That the location of the dumpster shall not interfere with the access and egress to the parking spaces;
7. That the hours of operation shall be Sunday through Thursday from 8:00 am to 10:00 pm, and Fridays and Saturdays 8:00 am to 11:00 pm;
8. That dumpster(s) shall be screened; and
9. That this Special Permit shall be non-transferrable with respect to the fast food aspect of said permit.”

SEE NOTES FROM PRECEDING MATTER. IN FAVOR: None. OPPOSED: None. Motion made and 2nd to close the public hearing, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, AS AMENDED as follows: 1. By striking Condition 7 and Condition 9 and renumbering the remaining conditions, and 2. By adding a new Condition 8 as follows: 8. That the petitioner shall provide \$3,300.00 for mitigation to be used for curbing and sidewalk in the immediate area of the project, all in favor 9-0.

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

On the petition by Benchmark Senior Living, 40 Williams Streets, Wellesley, Massachusetts 02481-3904, Petitioner, and Lindquist Realty Trust, 320 Salem Street, Woburn, Massachusetts 01801, Landowner, to amend the Zoning Map of the City of Woburn by amending the zoning district for the property identified on Assessors Map 32, Block 04, Lot 01 known as 320 Salem Street containing an approximately 4.43 acre parcel from the R-1 zoning district to the R-3 zoning district. PUBLIC HEARING OPENED. A report was received from the Committee on Ordinances as follows: “ought to pass with the following amendments:

1. Motion was made and seconded that the Declaration of Restrictive Covenant be finalized and recorded at the Registry of Deeds. The Vote was all in favor, 5-0.
2. Motion was made and seconded to amend the 1985 Woburn Zoning Ordinance by revising the definition of “Extended Care Facility contained in Section 2 as follows: the “period” after “rest homes” shall be deleted and the following language be added: “and Assisted Living residences”. The Vote was all in favor, 5-0.
3. Motion was made and seconded to amend the 1985 Woburn Zoning Ordinance to revise Section 6.1 (Table of Dimensional Regulations) by adding a new footnote #9 to read as follows: “9. Assisted Living residences located in the Residential-Three (R-3) zoning district boundary lines in the City of Woburn shall have a maximum height of 42 feet and/or 3 stories; Assisted Living residences located in the R-2, R-3, R-4, B-H, B-I, and S-1 zoning districts shall have a Minimum lot area of 1 acre; a Minimum Lot frontage of 125 feet; a Minimum side yard setback of 25 feet; a Minimum rear yard Setback of 30 feet; and that the maximum number of residential units shall be not more than 1 bedroom per 1,000 square feet of gross lot area not including the area

assigned to rivers or canals that may be on the lot and that an Alzheimer room/bed shall be construed to be a bedroom.” The Vote was all in favor, 5-0.

4. Motion was made and seconded to amend to revise Section 8.2.5 (Schedule of minimum numbers of Required Off Street Parking Stalls) for Extended Care Facility by adding the following language after “1.8 space per dwelling unit” as follows: “, provided that Assisted Living residences shall have 0.70 space per unit and 1 visitor space per 10 units.” The Vote was all in favor, 5-0.
5. Motion was made and seconded to send both petitions back Ought-To-Pass subject to the recording of the Declaration of Restrictive Covenant at the Registry of Deeds. The Vote was all in favor, 5-0.”

Appearing for the petitioner was Attorney Mark T. Vaughan, Riemer and Braunstein, Seven New England Executive Park, Burlington, Massachusetts 01803 and he stated that the petitioner continues to believe from a planning perspective that the proposal makes sense, that no other use will have less impact on traffic, that traffic generated will be during off-peak hours, that there will be no additional school age children residing at the property, that the project does not increase the burden on city services, that a restrictive covenant has been filed with the Registry of Deeds which restricts the use of the locus to assisted living and retains the single family homes on the locus, that the petitioner has designed a traffic improvement package which will make a difference in the traffic in the area, and that the petitioner is trying to improve existing traffic conditions even though their proposal will generate little traffic. PUBLIC COMMENTS: Stephen Spanos, 270 Washington Street stated that the potential widening of the roadway is a possibility and will not necessarily happen, that the question is whether the project will add to the traffic in the area or not, that if the “smart lights” are going to work to flush out traffic this may also result in vehicles taking the roadway which may congest the Salem Street traffic, that there are only fourteen homes on Carlena Terrace and the right turn lanes will not lessen congestion on the streets, that the traffic changes will make matters worse by making the conditions worse on Salem Street, that there is enough business and industrial zoned property in east Woburn, that enough tax revenue is already generated from those properties in east Woburn, that the city cannot be concerned about the threat of a Chapter 40B project, that the project is eroding into residential districts contrary to the Master Plan, that there are many other locations for this project other than this property, and that the city should not push business further into the residential zone. Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn stated that a traffic report provided for the Staples property indicates that the traffic in that area is at a “D” and close to an “F” level of service, and that any project will be detrimental to the traffic in the area. John Beauchamp, 224 School Street stated that the comments made relative to traffic improvements are inaccurate and incorrect, and that the project is a benefit to everyone in east Woburn. James Jewkes, 430 Salem Street stated that he is opposed to the project. Motion made and 2nd to close the public hearing, all in favor, 9-0. PUBLIC HEARING CLOSED. Alderman Mercer-Bruen stated that the property where the Cedar Street office is located was once zoned for single family use, that apartment buildings, Staples and BJs have all been built in this area, that a Chapter 40B project is not a threat but if pursued can result in large developments which generate traffic, that this is a four acre parcel flanked by property in the O-P zoning district and the R-3 zoning district, that the locus is

the dividing line between the commercial and residential uses, that this project will be beneficial and will not adversely impact traffic in the area, that keeping the single family home establishes a clear line for the residential district, that this matter has been reviewed for six months, and that there are opposing viewpoints but this is the process. Alderman Haggerty stated that this petition is the first step in the process, that fear of a Chapter 40B development does motivate this decision as it has been a reality in other areas of the city, that the proposal is a lower impact use and has a high mitigation amount, and that the project is good for the city and will improve traffic in the area. Alderman Anderson stated that the city needs this type of assisted living facility in view of changing demographics with an aging population, and that the use will have a lower impact than others. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: December 19, 2013 s/Scott D. Galvin December 19, 2013

On the petition by Benchmark Senior Living, 40 Williams Streets, Wellesley, Massachusetts 02481-3904, Petitioner, and Lindquist Realty Trust, 320 Salem Street, Woburn, Massachusetts 01801, Landowner, to amend the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. By revising the definition of “Extended Care Facility” contained in Section 2 as follows: the “period” after “rest homes” shall be deleted and the following language added: “and Assisted Living residences”, 2. By revising Section 6.1 (Table of Dimensional Regulations) by adding a new footnote #9 to read as follows: “9. Assisted Living residences located in the Residential-Three (R-3) zoning district boundary lines in the City of Woburn shall have a maximum height of 42 feet and/or 3 stories.”, and 3. By revising Section 8.2.5 (Schedule of minimum numbers of Required Off Street Parking Stalls) for Extended Care Facility by adding the following language after “1.8 space per dwelling unit” as follows: “, provided that Assisted Living residences shall have 0.50 space per unit and 1 visitor space per 10 units.” PUBLIC HEARING OPENED. A report was received from the Committee on Ordinances as follows: “ought to pass with the following amendments:

1. Motion was made and seconded that the Declaration of Restrictive Covenant be finalized and recorded at the Registry of Deeds. The Vote was all in favor, 5-0.
2. Motion was made and seconded to amend the 1985 Woburn Zoning Ordinance by revising the definition of “Extended Care Facility contained in Section 2 as follows: the “period” after “rest homes” shall be deleted and the following language be added: “and Assisted Living residences”. The Vote was all in favor, 5-0.
3. Motion was made and seconded to amend the 1985 Woburn Zoning Ordinance to revise Section 6.1 (Table of Dimensional Regulations) by adding a new footnote #9 to read as follows: “9. Assisted Living residences located in the Residential-Three (R-3) zoning district boundary lines in the City of Woburn shall have a maximum height of 42 feet and/or 3 stories; Assisted Living residences located in the R-2, R-3, R-4, B-H, B-I, and S-1 zoning districts shall have a Minimum lot area of 1 acre; a Minimum Lot frontage of 125 feet; a Minimum side yard setback of 25 feet; a Minimum rear yard Setback of 30 feet; and that the maximum number of residential units shall be not more than 1 bedroom per 1,000 square feet of gross lot area not including the area

assigned to rivers or canals that may be on the lot and that an Alzheimer room/bed shall be construed to be a bedroom.” The Vote was all in favor, 5-0.

4. Motion was made and seconded to amend to revise Section 8.2.5 (Schedule of minimum numbers of Required Off Street Parking Stalls) for Extended Care Facility by adding the following language after “1.8 space per dwelling unit” as follows: “, provided that Assisted Living residences shall have 0.70 space per unit and 1 visitor space per 10 units.” The Vote was all in favor, 5-0.
5. Motion was made and seconded to send both petitions back Ought-To-Pass subject to the recording of the Declaration of Restrictive Covenant at the Registry of Deeds. The Vote was all in favor, 5-0.”

SEE NOTES FROM PRECEDING MATTER. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: December 19, 2013 s/Scott D. Galvin December 19, 2013

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

President Denaro called the meeting back to order.

On the petition by 508 Main Street LLC, 508 Main Street, Woburn to amend the Zoning Map of the City of Woburn by amending the zoning district for the property identified on Assessors Map 43, Block 17, Lot 16 being the entire parcel of land known as 506 Main Street a/k/a 508 Main Street and 6-14 Hovey Street containing approximately 0.57 acres of land from the R-4/B-D zoning district to the B-D zoning district. PUBLIC HEARING OPENED. A report was received from the Committee on Ordinances as follows: “ought to pass subject to final review and recording of restrictive covenant.” Appearing for the petitioner was Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that a restrictive covenant was filed with the Registry of Deeds, and that he asks that the petition be approved. Attorney Tarby offered a copy of the restrictive covenant for the records of the City Council. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. IN FAVOR: None. OPPOSED: None. Motion made and 2nd to close the public hearing, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: December 19, 2013 s/Scott D. Galvin December 19, 2013

On the petition by Alderman Drapeau concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 4 Pheasant Lane, Woburn, Massachusetts, for the purposes of determining whether said structure or structures are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a

nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. PUBLIC HEARING OPENED. A communication dated December 9, 2013 was received from Thomas C. Quinn, Jr., Building Commissioner, Department of Inspection Services as follows:

Re: 4 Pheasant Lane, Woburn

With regard to the above referenced address that is currently the subject of a nuisance hearing with the City Council, I have conducted an additional site visit to the locus on December 3, 2013, the structure currently is inhabitable as utilities have been disconnected, this was required when the owner was issued a demolition permit in November 2012, discussions have been ongoing with current owner as to the status of obtaining a building permit to construct a new single family home and he has informed me that there is an issue that needs to be resolved between he and the Woburn Public Works Department.

As of this time I would advise that since this issue was brought to my attention by Alderman Drapeau periodic site visits have been conducted and communications with current owner have been ongoing.

As always if you need any additional information do not hesitate to contact me.

s/Thomas C. Quinn, Jr., Building Commissioner

A communication dated December 4, 2013 with attachment was received from John R. Fralick Health Agent, as follows:

Re: 4 Pheasant Lane

This inspection and list of violations is for city council's information for their upcoming hearing and was not done for enforcement of the State Sanitary Code.

As requested by the Woburn City Council, the property at 4 Pheasant Lane was inspected by the Board of Health. Please be advised that this inspection was done from off the property. No access to the property was requested. No attempt was made to enter the dwelling. This property is in an obvious state of disrepair and currently unfit for human habitation. There are numerous violations of the State Sanitary Code, 105 CMR 410. Attached please find a list of these violations.

Please be advised that this property has an open demolition permit and the dwelling is not occupied. The noted violations will not require repair if the demolition occurs.

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

s/John R. Fralick, Health Agent, Woburn Board of Health

A communication dated December 12, 2013 was received from City Solicitor Ellen Callahan Doucette as follows:

Re: 4 Pheasant Lane, Woburn – Nuisance Hearing/Drainage Requirements

This memorandum is in response to the City Council's request for a legal opinion regarding two questions that arose during a public hearing held to determine if the property at 4 Pheasant Lane (the "Property") constitutes a nuisance within the meaning of M.G.L. c.139, §1. A copy of the City Council's request is attached hereto for reference.

The first question is whether the hearing notice was properly served on the owner of record and if not, what action must the City Council take to remedy the situation. The second question, which appears unrelated to the nuisance issue, is whether the Superintendent of Public Works' ("Superintendent") requirement that the owner undertake appropriate drainage mitigation measures is "proper".

Hearing Notice

M.G.L. c.139, §1 provides that "[t]he aldermen . . . may, after written notice to the owner of a burnt, dilapidated or dangerous building or other structure, . . . and after a hearing, make and record an order adjudging it to be a nuisance . . ." Upon information and belief, the City Clerk mailed the requisite notice to Claire M. Tracey who is the owner of record per the Assessor's Office. However, according to the Middlesex South Registry of Deeds, Ms. Tracey conveyed the Property to James M. Calvey by a deed recorded on September 28, 2012. Pursuant to M.G.L. c.59, §11, cities and towns are required to assess real estate taxes to the owner of record as of January 1 according to the records of the county Registry of Deeds. It is not known why the Assessors' records were not revised to reflect the change of ownership in this case, but it is strongly recommended that when notice is required, the identity of the owner be determined by checking the records of the Registry of Deeds which are easily accessible online.

As notice was not given to the owner of record, due process considerations require that a new hearing be scheduled with notice sent to Mr. Calvey. Sending the owner a DVD of the November 19, 2013 meeting will not cure deficiencies in the notice.

Stormwater Management

I am well aware that Mr. Calvey has an ongoing disagreement with the Superintendent over the requirement that an on-site drainage infiltration system be installed, and that this disagreement is the likely reason for the delay in demolishing the dwelling on the Property. I am also aware that the Superintendent has consistently required the installation of on-site drainage systems in similar cases, and that property owners have complied with that requirement.

According to the minutes of the November 20, 2006 meeting of the City Council's Committee on Ordinance, when proposed revisions to Title 13 were being discussed, the

City Engineer informed the Committee that, “Title 13 is archaic, goes back to the 30’s, updated periodically for rates but never details for the types of construction we have today. We did the sewer portion of Title 13 two years ago, within the last four years we have done two other things, stormwater management to EPA requirements phase II [small municipal storm sewer systems or MS4s] . . . some of the measures required of the stormwater management were also put into Title 13 under the drain portion.” (emphasis supplied)

The Superintendent’s position is based upon what he perceives to be a proper exercise of his authority pursuant to Title 13, Section IV. Drainage System, of the Woburn Municipal Code specifically, Section 13.4.4, Regulations, which provides in pertinent that, “[t]he Superintendent of Public Works may promulgate rules and regulations to effectuate the purpose of this ordinance.” On January 1, 2012, the Superintendent adopted “Regulations for Plot Plans, Building Permits and Street Opening Permits for DPW Signature” (“Regulations”) which are available on the DPW’s webpage under “Permits and Policies”. Paragraph 5 of the Regulations establishes plan requirements to address drainage issues which must be presented to the Superintendent before he will sign off on a building permit. A copy of the above referenced Regulations is also attached hereto.

It is also the Superintendent’s position that on-site drainage mitigation requirements are necessary in order that the City maintain compliance with the DEP’s Order of Conditions requiring a Stormwater Management Plan, and for compliance with EPA guidelines for Stormwater Management. It is the Superintendent’s concern that non-compliance may leave the City vulnerable to situations that may result in additional Administrative Consent Orders (“ACO”).

I understand that Mr. Calvey takes the position that the Regulations do not apply because the Massachusetts Stormwater Management Handbook exempts single family homes from its application. However, the City Council did not provide for such an exemption when it adopted Title 13, Section IV. Drainage System.¹ Certainly the City Council may amend Section 13.4.4, or adopt a more specific stormwater management ordinance; to provide a specific exemption for single family homes should it choose to do so.

Further to this question, I can offer my legal opinion that the Superintendent properly exercised his authority in adopting the Regulations in furtherance of the purposes of the Section IV of Title 13. As I believe he has done so, then it was and is proper to require on-site drainage mitigation for this Property.

If you have additional questions or require further assistance regarding this matter, please don’t hesitate to contact me.

¹ The Massachusetts Stormwater Management Handbook and the DEP’s Stormwater Standards are automatically applicable on the local level only for projects requiring approval under M.G.L. c.131, the Wetlands Protection Act.

Very truly yours, s/Ellen Callahan Doucette

Appearing for the petitioner was Attorney Thomas W. Lawton, Lawton and Lawton, 4 Bennett Street, Woburn, Massachusetts 01801 and he stated that he represents the property owner James Calvey, that the owner is a local home builder, that Mr. Calvey wants to raze the building and construct a new building, that the issues has come to an impasse with the Superintendent of Public Works, that the requirements to obtain a demolition permit is much more extensive than in the neighboring community of Winchester, that the Planning Board regulations provide an appeal process to the Board of Appeals, that a similar appeal to the Board of Appeals is provided under the zoning code for a person aggrieved by the decision of the Building Commissioner and to the courts, that in this situation the Superintendent of Public Works has arbitrarily decided that anything that has to do with surface water or topography that a builder has to hire engineers earlier in the process at great expenses, that an opinion should be requested of the Law Department as to whether the Superintendent of Public Works has this authority, and that he accepts service of notice of this hearing on the record. James Calvey, 21 Heritage Drive, Woburn stated that he purchase the property on October 1, 2012, that the property has been cleaned since the purchase, that a construction trailer was located on the property as he believed construction was to begin, that he moved the construction trailer when asked to do so, that it took three months for the demolition permit to issue, that he was told to put drainage information on the demolition permit application as this would result in the building permit being issued quicker, that he obtained a demolition permit and a building permit for a project in Winchester in eleven days, that the Department of Public Works is requiring things that are not required under the law, that the Superintendent of Public Works wanted drainage information and the information was supplied, that the Superintendent of Public Works is now seeking a perc test which results in \$8,000.00 to \$9,000.00 in additional costs, that only one other community has this requirement which was approved by the community's governing body, that he is following the requirements of the building code, that the only thing dumped on the site was stone, that he also brought in wood piling to put under the equipment, that in November or December 2012 the demolition permit was obtained, that four times he filed a plot plan with additional costs of an engineer, and that he was then required to file additional amended plans for the building permit and he said no. Alderman Gately stated that the City Solicitor has agreed that the Superintendent of Public Works has the authority to require this work, that the city has a lot of work and a three month period for review should not be considered unusual, and that development in Woburn is much busier than in Winchester. Attorney Lawton stated that other boards have an appeal process but there is no avenue of appeal of a decision of the Superintendent of Public Works on a matter. Alderman Gately stated that a request can be made for an amendment of the ordinances for relief but that will take time. Alderman Drapeau stated that the City Solicitor said that the Superintendent of Public Works has the authority to establish the rules, that the stormwater management guide does provide an exemption for single family homes, that the Superintendent of Public Works has consistently imposed these requirements, that his issue is a neighborhood with a house in disrepair, that he wants a resolution of the issue, that he wants a solution to resolve the issue rather than a discussion of the stalemate, and that the petitioner, his attorney and the Superintendent of Public Works can meet and resolve the issue. Attorney Lawton stated that every day the project does not move forward costs the owner money. Alderman Drapeau stated that the

city does have to provide good service in issuing permits however that is not the issue here, that the owner can building according to local requirements or perhaps sell the property to someone who will build according to local requirements, that there has to be a reasonable solution, and that the matter can be continued to a later date and in the intervening time a meeting can be held with the owner, his attorney, the Superintendent of Public Works and himself as Ward Alderman. Alderman Anderson stated that the issue is a nuisance property which needs to be addressed. Alderman Haggerty stated that there could a legislative change to the issue if there is merit. Alderman Raymond stated that every time a builder or resident has a problem with the Superintendent of Public Works they would circumvent the Superintendent of Public Works by going to the City Council, and that if there is to be a change to the ordinances there should be careful thought as to why the requirement exists and why the requirement should be changed. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 21, 2014, all in favor 9-0.

Alderman Raymond recused himself from participating in the following matter and left the Council Chambers.

On the petition by Seaver Properties LLC, 215 Lexington Street, Woburn, Massachusetts 01801 for a special permit 1985 Woburn Zoning Ordinances, as amended, Sections 25E.(c) and (d) and E.3 UMS District to allow for fifty-seven (57) residential units (elevator apartments) with an accessory clubhouse at 1071R Main Street and Virginia Avenue. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "back for action". A copy of a communication dated December 2, 2013 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 1071 Main Street Special Permit
Materials: Revised Plans Dated October 21, 2013 – Development Impact Statement Dated August 26, 2013 – Construction Cost Estimate for mitigation, undated, received December 2, 2013

The applicant is seeking permission to construct a four story 57 unit condominium with a clubhouse at the above referenced location.

The engineering department submitted a technical review memorandum, dated October 29, 2013 in which we noted questions and concerns.

Since that time we have had a telephone conversation with the applicant's engineer indicating the an overflow for the drainage system would be included as part of the project and that revised plans would be submitted.

Additional, we have received a construction cost breakdown from the applicant with a description of the mitigation to be provided. The mitigation costs should be broken down by unit costs and quantities with a detailed description of what is being proposed. The costs are too general to comment on at this time.

A copy of a communication dated December 16, 2013 to Edmund Tarallo, Planning Director was received from John E. Corey, Jr., PE, City Engineer, Engineering Department as follows:

Subject: 1071 Main Street Special Permit

Materials: Revised Plans Dated October 21, 2013 - Development Impact Statement Dated August 26, 2013 - Construction Cost Estimate for mitigation, received December 2, 2013 - Revised Plans Dated December 14, 2013 - Revised mitigation fees received December 16, 2013

The applicant is seeking permission construct a four story 57 unit condominium with a clubhouse at the above referenced location. The engineering department submitted a technical review memorandum, dated October 29, 2013 in which we noted our questions and concerns.

Since that time we have met with the applicant's engineer to review our concern's and the applicant's engineer has submitted supplemental materials. On the basis of the foregoing we offer the following comments:.

Water: The proposed 8 inch water main connects Virginia Ave. and Mass Ave. thus providing a loop which is a benefit to the city and the cost of the main between those two points minus hydrants and other private connections is considered mitigation. The DPW has indicated that the water main will remain private through the development. In the event that the water loop is not required to serve the development, then the mitigation funds should be applied to the Main St water main replacement between Newbridge and School St.

The developer is responsible for furnishing and installing water meters per the DPW specifications.

A fire flow test performed on Breed Ave. indicates that there is sufficient volume at reasonable residuals to provide adequate fire protection for the development. This will be reviewed in greater detail at the building permit level.

Sewer: The applicant has indicated that the existing sewer main through the project will receive heavy cleaning and television inspection to determine whether remedial measures, including slip lining are required. If it is not necessary to slip line the main, any excess funds earmarked for that work should be designated for the water main

replacement between Newbridge St. and School St. This will be determined after review of the television inspection of the sewer main.

Drainage: The drain overflow from the project has been revised per our comments as shown on the latest plan. The computations indicate that the 100 year storm is contained within the system and the overflow would only function in the event of a problem in the system or a storm greater than the 100 year design.

There are twin 10 inch outlets to the Virginia Ave Drain and the applicant's engineer has indicated that the capacity of the twin 10 inch drains is equivalent to the upstream 15 inch pipe.

A formal drainage system is proposed for Virginia Ave. with a pavement overlay following drain installation.

Mitigation: Revised mitigation costs have been submitted as follows:

- 1) Sewer Improvements - \$50,000. Any excess funds are to be utilized for the Main Street water main replacement between Newbridge Ave. and School St.
- 2) Water Main looping Virginia Ave. to Mass Ave. - \$65,000
- 3) Virginia Ave. drain and overlay - \$54,750
- 4) Water Main from Newbridge Ave. to School St. - \$62,000

The total mitigation funds provided are equal to \$231,750 or 3% of the project capital cost of \$7,725,000.

Other: Roadway and utility restoration for Main St. is subject to a MassDOT permit. At such time as the permit is applied for, the surety amount will be established and the surety should be subject to the special permit rather than a separate agreement.

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

s/John E. Corey, City Engineer

A copy of a communication dated October 29, 2013 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 1071 Main Street Special Permit - Revised Plans Dated October 21, 2013 - Development Impact Statement Dated August 26, 2013

The applicant is seeking permission construct a four story 57 unit condominium with a clubhouse at the above referenced location.

Based on a review of the submitted materials, this office offers the following comments.

Water

The plans show that the site will be serviced by an 8" CLDI water main off of Massachusetts Ave and being looped to Virginia Ave eliminating two dead end water mains. The main building will have separate domestic and fire protection services and the clubhouse with a 1" water service.

Fire flow test data has not been submitted for review. Fire flow data is necessary to properly size the fire suppression system connection and determine domestic pressure.

A gate valve should be shown on the fire hydrant that is located behind the condominium building.

The existing water service must be cut and capped at the main pursuant to DPW requirements.

Sewer

The plans show that the building and clubhouse will have individual 6" PVC sewer service connections to an existing 10" AC sewer main that runs through the site. The DPW has requested that the existing line be inspected with television camera and that any cleaning of the line be performed by the applicant.

In areas that water and sewer connections cannot meet a 15" vertical separation, the sewer shall be encased in concrete for a distance of 5 feet on either side of the crossing.

Drainage

The proposed stormwater will be mitigated by a series of catch basins on the site which connect to several underground infiltration systems. The catch basins have 4 foot sumps and have hoods to improve stormwater quality prior to discharging into the infiltration system. Oil and water separator hoods are also being provided.

The submitted drainage calculations demonstrate that the post development conditions will be reduced from pre development conditions.

Although the drainage computations indicate that the system will handle stormwater runoff from the site, the system will be completely self contained with no overflow to the municipal system. Failure to properly maintain the system would result in flooding of the property due to the grading.

There are opportunities for the applicant to discharge drainage to the municipal drain on Virginia Ave., however the applicant does not desire to make this connection.

A drainage operations and maintenance plan should also be submitted for the project.

Traffic

The applicant has submitted a traffic report which outlines the traffic patterns associated with the proposed use. Site distances have been noted in the report as being adequate in both directions.

The report summarized that the traffic study was conducted in August 8, 2013 and has determined the peak AM and PM hours, however there does not appear to be any seasonal adjustment noted in the summary.

The proposed site will have 394 vehicle trips a day with the AM peak (7:00am-8:00am) having 33 trips and the PM peak (4:30pm-5:30pm) having 38 trips.

Miscellaneous

Sheet 3 notes handicap ramps to be located at the driveway entrance; however the ramps are not shown.

Any existing water and sewer services that are not being reused will need to be cut and capped at their respective mains.

Main St. along the frontage of the property is under MassDOT jurisdiction. On this basis, curb cuts and utility connections in Main St. will require a MassDOT permit.

Mitigation

This project is subject to the mitigation ordinance and as yet, no project cost data has been submitted for evaluation.

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

A communication dated December 11, 2013 with attachment was received from Frederick W. Russell, P.E., 154 Aldrich Road, Wilmington, Massachusetts 01887 as follows:

Subject: 1071 Main Street

The following is in response to your memorandum to the Woburn Planning Board dated November 27, 2013:

Water:

The proposed water loop from Massachusetts Avenue to Virginia Avenue is contained within a 20-foot wide easement, which can be clearly seen on the "Property Rights Plan", Sheet 1 of 8. In addition, it was my recollection at your meeting with you and the City Engineer, that that new water main loop would ultimately be owned and operated by the

City of Woburn, not the Homeowners Association, as it will be connecting two City-owned water mains. Fire flow and static pressure for Breed Avenue is attached herewith.

Sewer:

As noted, we unsuccessfully attempted to CCTV the existing cross-country sewer main through the property due to excessive grease build-up. However, we have included \$50,000.00 of mitigation money to heavy clean and slip-line (Insituform©) this sewer main; approximately 820 linear feet.

Drain:

Field survey information was obtained by Keenan Survey for Virginia Avenue and North Maple Street. As suggested, a 6" PVC overflow is not proposed to Virginia Avenue. The invert of the overflow pipe was set approximately two-inches above the 100-year flood elevation. In other words the HydroCAD model calculates a 100-year storm elevation of 84.65. The invert of the overflow pipe was set at 85.85 (two lengths above the 100-year flood elevation). Therefore, discharge from the system to Virginia Avenue drain system will not occur, unless we experience a storm event larger than the 100-year storm.

Curbs and grading:

MassDOT permit will be obtained as required.

Roadway Improvements and other utilities:

Will comply with local and MassDOT regulations.

Appearing for the petitioner was Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that a further revised plan was prepared, that proposed conditions have been prepared, that the total mitigation value is \$231,750.00, and that the petitioner is willing to accept a condition that demolition begin within 120 days of the issuance of the building permit but would be concerned from a lending perspective if the special permit will be revoked if action is not taken by that time due to circumstances beyond the control of the petitioner. Attorney Tarby offered a plan entitled "1071 Main Street in Woburn, Massachusetts, Proposed Residential Development" dated August 24, 2013, revised December 14, 2013 prepared by Keenan Survey for the record. Motion made and 2nd that the proposed plan be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Raymond absent). Attorney Tarby offered the following proposed conditions to the City Council for consideration:

PROPOSED CONDITIONS TO SPECIAL PERMIT PETITION
OF SEAVER PROPERTIES LLC
DECEMBER 17, 2013

1. The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit entitled: "1071 Main Street in Woburn, Massachusetts, Proposed Residential Development", dated August 24, 2013 and revised on December 14, 2013, Sheets 1-8 prepared by Keenan Survey, 8

Winchester Place, Winchester, MA 01890 (hereinafter the "Site Plan") although design adjustments and modifications generally associated with: (i) preparing so-called "working drawings" or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan.

2. All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting any abutting properties.
3. During construction, all vehicles must be parked on Site.
4. During construction, no vehicles shall be parked on Main Street.
5. During construction, all staging and deliveries will occur on Site.
6. Exterior construction activities on the Site shall not be permitted on Sundays.
7. During the Site redevelopment and construction phases, the Petitioner shall maintain all adjoining roadways free and clear of all debris.
8. The Petitioner shall provide the following mitigation:
 - (a) Sewer Improvements - \$50,000. Any excess funds are to be utilized for the Main Street water main replacement between Newbridge Avenue and School Street;
 - (b) Water Main looping Virginia Avenue to Massachusetts Avenue - \$65,000;
 - (c) Virginia Avenue drain and overlay - \$54,750;
 - (d) Water Main from Newbridge Avenue to School Street - \$62,000.

Motion made and 2nd that the proposed conditions be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Raymond absent). Civil Engineer Frederick Russell, 154 Aldrich Road, Wilmington, Massachusetts stated that two changes were made to the plan as requested by the City Engineer, that the revised plan of record is dated December 14, 2013, and that the plan was submitted to the City Engineer and approved. Alderman Gately stated that he wants a sidewalk constructed along the property line. IN FAVOR: None. OPPOSED: None. Motion made and 2nd to close the public hearing, 8 in favor, 0 opposed, 1 absent (Raymond absent). PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the eight proposed conditions of record be adopted as conditions of the special permit, as amended; 2. To add Condition 9 as follows: 9. Upon issuance of the building permit, the owner shall have one hundred twenty (120) days from that date to begin clean-up and demolition of the property; 3. To add Condition 10 as follows: 10. Subject to MassDOT approval, the petitioner shall construct a concrete sidewalk on the easterly side of Main Street from the new proposed entrance/egress of the locus to the property line for a distance of 210 feet and in the event that MassDOT does not approve construction of the sidewalk then the money for the construction shall be used for water main improvements from Newbridge Avenue to School Street; 4. That Condition 8 be amended as follows: 8. That the Petitioner shall provide the following mitigation: 1. Sewer Improvements - \$50,000.00 and any excess

funds are to be utilized for the Main Street water main replacement between Newbridge Avenue and School Street, 2. Water Main looping Virginia Avenue to Massachusetts Avenue - \$53,450.00, 3. Virginia Avenue drain and overlay - \$54,750.00, 4. Water Main from Newbridge Avenue to School Street - \$58,550.00, 5. Construction of sidewalks along Main Street \$15,000.00, and the total mitigation funds provided are equal to \$231,750.00 or 3% of the project capital cost of \$7,725,000.00; and 5. To add Condition 11 as follows: 11. That the occupancy permit shall not issue until the mitigation requirements are satisfied, 8 in favor, 0 opposed, 1 absent (Raymond absent).

Alderman Raymond returned to the Council Chambers.

On the petition by Alderman Michael Anderson to amend Section 5.8 Interim Regulations for Medical Marijuana Treatment Centers, of the 1985 Woburn Zoning Ordinances as amended, by deleting Section 5.8.5 and replacing same with the following: “6) Expiration This section shall be effective until December 31, 2014, or until such future time as when the Woburn City Council enacts superseding zoning ordinances that set forth the allowed zoning districts, dimensional, parking and other requirements applicable to medical marijuana treatment centers and their related uses.” PUBLIC HEARING OPENED. A communication dated December 9, 2013 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Alderman Michael Anderson – Zoning Ordinance Amendment – To Amend Section 5.8.5 Expiration, by deleting said Section and replacing with a new Section 5.8.6 Expiration

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on December 3, 2013, the Board voted to forward a favorable recommendation to the City Council regarding the zoning amendment to extend the expiration date of the zoning moratorium for Medical Marijuana Treatment Centers until December 31, 2014 by deleting Section 5.8.5 Expiration and replacing it with a new Section 5.8.6 Expiration.

If you have any questions or concerns regarding this matter, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

IN FAVOR: None. OPPOSED: Ed Walker, 26 Vernon Street stated that he opposes any rules, regulations or laws that restrict what 66% of the voters of the city approved relative to the use of medical marijuana, that the State will begin issuing permits to five stores in Middlesex County after the first of the year, and that the city should not have regulations that will extend the process further. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Alderman Anderson stated that

this ordinance extends the moratorium as the current moratorium expires on December 31, 2013 but at some point this issue has to be addressed. Alderman Haggerty stated that the voters of the community supported the facilities but not necessarily in the city. Alderman DiTucci stated that this proposal will give the city some time to determine how this use will be implemented in the city. Motion made and 2nd that the RECOMMENDATION OF THE PLANNING BOARD be ADOPTED, all in favor, 9-0. **Presented to the Mayor December 19, 2013 and ten days having elapsed without same being approved, said Ordinance became effective without his signature on December 31, 2013.**

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$1,452.72 from Ward 5 Infrastructure Acct, \$12,005.00 from Sewer Project Acct, \$2,950.00 from Install Scada Equip-Sewer Acct, \$5,033.00 from Sewer System Installation Acct and \$3,413.00 from Sturgis Street Sewer Acct and \$24,853.72 to Dewey Ave Sewer Improvements Acct, 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: December 19, 2013 s/Scott D. Galvin December 19, 2013

On the Order to transfer the sum of \$25,326.00 from Dewey Ave Acct to Cummings Property Mitigation Acct, 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: December 19, 2013 s/Scott D. Galvin December 19, 2013

On the Order to rescind the authorized and unissued bond authorizations for the Goodyear Elementary School, Joyce Middle School Roof and Kennedy Middle School, 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: December 19, 2013 s/Scott D. Galvin December 19, 2013

ORDINANCES, CHARTER AND RULES:

On the Order to amend 1989 Woburn Municipal Code, as amended, Title 7 Wetlands Protection and Conservation relative to consultant fees, committee report was received “back for action”. Alderman Gately stated that he wants to return this matter to committee for further review, that the proposal results in a \$5,000.00 to \$6,000.00

expense for peer review without the petitioner having the option of selecting the consultant, and that the city should not take away the privilege of the person paying for the costs of the consultant. Alderman Mercer-Bruen stated that there should be a distance between the petitioner and who will conduct the peer review. Alderman Gately stated that the Conservation Commission is going to have three or four consultants and decide who will review the petition, and that if there is no agreement among the Commissioners on the consult this also can slow down the process. Alderman Anderson stated that he is willing to return this matter to committee, that the ordinance would enact the process that is currently followed, and that the intent is to engage an independent consultant. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES, CHARTER AND RULES, all in favor, 9-0.

PUBLIC SAFETY AND LICENSES:

On the Petition for renewal of First Class Motor Vehicle Sales License by Northeast Tree, Inc., 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: December 19, 2013 s/Scott D. Galvin December 19, 2013

On the Petition for renewal of Second Class Motor Vehicle Sales Licenses by Anchor Auto Sales, Inc.; EC Inc. dba Xpress Fuel; Enterprise Rent-a-Car Company of Boston, LLC; Jeffrey Pollock dba Exclusive Automobiles; George J. Hamilton dba George’s Auto Body; Joseph P. Mahoney Company, Inc.; Robert Khouzami; Larade’s Collision Repair Center, Inc.; McSheffrey Auto Sales, Inc.; Nicolas Saba dba Montvale Service; Velozo Enterprises, Inc. dba Rogers Radiator; Francis Garbino dba Tom’s Auto Body; Tracy M. Batten dba Tracy’s Auto; Louis Jean Brunet dba Woburn Motors; and Wassim (Sam) Nicolas dba Woburn Square Mobil, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, AS AMENDED with the amendment as follows: That the Second Class Motor Vehicles Sales License of Jeffrey Pollock dba Exclusive Automobiles be referred to Committee on Public Safety and Licenses, all in favor, 9-0.

Presented to the Mayor: December 19, 2013 s/Scott D. Galvin December 19, 2013

NEW PETITIONS:

Petitions for renewal of Second Class Motor Vehicle Sales Licenses by Murray’s Enterprises, Inc. dba Murray’s Auto & Truck Sales, 88 Winn Street; and Woburn Auto Sales, LLC dba Woburn Auto Sales. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petition by Robert McSheffrey d/b/a Bob McSheffrey Auto Sales, 880 Main Street to amend the Second Class Motor Vehicle Sales License to allow two (2) vehicles on site. 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 for a grant of right in a way to install approximately 48 feet of conduit westerly on Jericho Road from pole #242/34 at the intersection of Wyman Street and to install approximately 212 feet of conduit easterly on Wyman Street from pole #242/32 approximately 230 feet east of Jericho Road. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by NStar Electric Company for a grant of right in a way to install approximately 55 feet of conduit south on Water Street northeasterly from pole #299/12 at the intersection of Woburn Parkway and install approximately 890 feet of conduit and also installing two (new) manholes (MH29735 and MH29736) in Woburn Parkway northerly at the intersection of Water Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Herb Chambers 128, Inc., c/o The Herb Chambers Companies, 47 Eastern Boulevard, Glastonbury, Connecticut 06033 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended Section 5.1.71 to allow for a commercial parking lot at 400 Unicorn Park Drive. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated November 25, 2013 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 for the month of November 2013. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated December 4, 2013 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 reappoint John J. Ryan III, 12 Myrtle Street, to the Woburn Board of Appeals, subject to approval by the City Council, with a term to expire May 31, 2016.

Respectfully, s/Scott D. Galvin, Mayor

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

A communication dated December 4, 2013 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 reappoint the following members of the Woburn Council on Aging to another three-year term, set to expire on December 31, 2016; subject to approval of the City Council: Angela Amato, 289 Washington Street; Eleanor Camillieri, 200 Bedford Road; Dorothy Capone, 7 Maura Drive; Francis Hancock, 13 Pearl Street; Jack Kelly, 20 Barbara Circle; Barbara Ridley, 129 Place Lane; and Doris Stanton, 18 Nichols Street Extension.

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:

From Woburn Traffic Commission:

ORDERED OLD MISHAWUM ROAD – No parking both side the entire length.

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

Presented to the Mayor: December 19, 2013 s/Scott D. Galvin December 19, 2013

From Woburn Traffic Commission:

ORDERED MISHAWUM ROAD – No parking both sides from the intersection with Ryan Road to the intersection with Industrial Parkway.

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

Presented to the Mayor: December 19, 2013 s/Scott D. Galvin December 19, 2013

RESOLVED That the Superintendent of the Department of Public Works design and execute a plan to fix the serious drainage problem at 43 Lowell Street.

s/Alderman Gately

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

Presented to the Mayor: December 19, 2013 s/Scott D. Galvin December 19, 2013

Prior to the commencement of the meeting, the Alderman presented President Denaro with a gavel plaque in recognition of his tenure as President of the City Council and his twenty years of service in elective office in the City of Woburn. Mayor Galvin made comments on the occasion and presented a Proclamation on behalf of the residents of the city. State Representative James Dwyer recalled his service with President Denaro and presented citations issued by the Massachusetts State Senate and the Massachusetts House of Representatives. Alderman Haggerty requested a moment of personal privilege and extended thanks to President Denaro for his years of service and his sentiments were echoed by the other Alderman. President Denaro thanked his colleagues, the community and his family for their support during his time of service.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 7:33 p.m.

A TRUE RECORD ATTEST:

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