

**CITY OF WOBURN
DECEMBER 6, 2011 - 7:30 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.

Motion made and 2nd to suspend the rules for the purposes of taking the following matter out of order and to hear a presentation from His Honor the Mayor Scott D. Galvin, all in favor, 9-0. On the Order for a supplemental appropriation in the sum of \$316,861.97 for Union Salary Settlement, committee report was received "back for action pending receipt of a breakdown of the amount from the Mayor." Mayor Galvin stated that he is present to answer questions that will ensure passage of this Order. Alderman Gately stated that if a union negotiation has not been completed the money being appropriated may not be enough to cover the salaries. Mayor Galvin stated that this would not occur in this fiscal year nor does he expect that to be the case, and that the pool of money is sufficient in any event. Motion made and 2nd to return to the regular order of business, all, in favor, 9-0. Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.

Presented to the Mayor: December 8, 2011 s/Scott D. Galvin December 8, 2011

Pursuant to an Order of the President of the City Council, the following matter was placed as the first item on the agenda:

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 deleting the first sentence under Paragraph 3.3.2 under Section 23 Commerce Way Corridor Overly District and replacing same with the following:

A Concept Review Committee shall be established by the Woburn City Council and shall be comprised of three members of the City Council and two members of the Planning Board.

s/President Denaro

Motion made and 2nd to suspend the rules for the purposes of hearing a presentation from Planning Director Edmund Tarallo, all in favor, 9-0. Director Tarallo stated that the Commerce Way Corridor Overlay District provides for a review committee consisting of five Aldermen and four Planning Board Members, that the Planning Department has received inquiries regarding the review committee, that the membership number may be too large for a committee of this type, that the proposal will reduce the total membership on the committee to five, that there will be no changes to the ordinance except for the size of the review committee, and that the Planning Board can hold a public hearing on the matter its meeting of January 10, 2012. Alderman Mercer-Bruen stated that she was initially opposed to changing the composition of the review committee, that after debating the issue in committee the spirit of the review committee is still present, and that she will support the change. Alderman Raymond stated that he support reducing the size of the review committee. Alderman Gately stated that this proposal takes away all doubt for the committee. Motion made and 2nd that the Commerce Way Corridor Overlay District membership be reduced to consist of three City Council members and two Planning Board members, all in favor, 9-0. Motion made and 2nd that the ORDER be REFERRED TO PUBLIC HEARING AT THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 17, 2012, all in favor, 9-0.

MAYOR'S COMMUNICATIONS:

A communication dated December 1, 2011 with attachments was received from Mayor Scott D. Galvin as follows:

Dear Members of the City Council:

I am forwarding an ordinance to change the salary for Marie Lingblom, administrative assistant to the Mayor, from \$48,960.00 to \$57,000.00. As many of you know, Marie handles numerous duties. The salary increase recognizes these efforts, and is in line with the salary of mayoral assistants in prior administrations.

I am also forwarding for your consideration an Ordinance allowing nonunion department heads to receive the same salary increase and benefits as those negotiated by department heads in the Teamsters Union.

I would be happy to discuss each of these requested changes in further detail at an Ordinance Committee meeting.

Sincerely, s/Scott D. Galvin, Mayor

Attached thereto were the following two proposed Orders:

ORDERED Be It Ordained by the City Council of the City of Woburn that Title 2, Article XXVIII, Section 2-180 of the 1989 Woburn Municipal Code, as amended, be further amended by deleting the salary line for

Administrative Assistant to the Mayor in its entirety and replacing same with the following:

Administrative Assistant to the Mayor\$57,000.00

s/President Denaro (per request)

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

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

1. By striking from the first sentence of Section 2-189(C) the words “department heads”, by amending the words “union contract” in the first sentence to “the City Hall Workers Union Contract” and by adding a new second sentence as follows: “All non-union department heads shall be entitled to the same rate of increase as is negotiated by the Department Head Union Contract.”
2. By adding in the first paragraph of Section 2-190(A) after the words “non union employees” the words “, except department heads” and by adding a new second sentence to the first paragraph as follows: “All non-union department heads shall be entitled to the Vacation Leave, Bereavement Leave, Personal Days and Education Incentive Benefits as negotiated in the Department Head Union Contract.”
3. By striking from the first sentence of Section 2-190(B) the words “, except department heads,” and by adding a new second sentence as follows “All non-union department heads shall be entitled to the Sick Leave, Accumulation of Sick Leave and Buy Back of Sick Leave as negotiated in the Department Head Union Contract.”
4. The effective date of this ordinance shall be July 1, 2011.

s/President Denaro

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

ORDERED Supplemental Appropriation – That the sum of \$204,000.00 be and is hereby appropriated as so stated to Veteran’s Cash Aid Acct #0154357-577000 \$204,000.00

I hereby approve the above: s/Scott D. Galvin, Mayor
I hereby recommend the above: s/Lawrence Guisepe, Veteran's Agent
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Denaro

Alderman Gately stated that the time limit for this matter is January 1, 2012 and that the matter should be concluded by the December 20, 2011 meeting of the City Council. Motion made and 2nd that the MATTERS be REFERRED TO COMMITTEE ON FINANCE, all in favor, 9-0.

ORDERED That the sum of \$455,000.00 be and is hereby appropriated as so stated from Overlay Reserve Acct #01-322000 \$455,000.00 to OPM/Walnut Hill Parking Deck Acct #0112158-588111 \$105,000.00, Design/Walnut Hill Parking Deck Acct #0112158-588112 \$350,000.00, \$455,000.00

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

s/President Denaro (per request)

Alderman Gately stated that he wants to see the scope of this project before any money is appropriated. Motion made and 2nd that the MATTERS be REFERRED TO COMMITTEE ON FINANCE AND COMMITTEE ON MUNICIPAL LANDS, all in favor, 9-0.

PUBLIC HEARINGS:

On the petition by Alderman Gaffney relative to the structure or structures located at 602 Main Street, Woburn for the purposes of determining whether said building or buildings are a nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or buildings or other structure, as said terms are used in Mass. General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. PUBLIC HEARING OPENED. Alderman Gaffney stated that he did not request the property owner Ralph Saviano to appear at this meeting, that the owner has completed most of the work requested by the City Council, that the steps have been replaced, the wall repaired, the old vehicles removed and some windows will be replaced on the third floor, that work still must be completed on the dilapidated garage, and that the matter should be continued to spring for review. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 17, 2012, all in favor 9-0.

On the petition by Alderman Gately relative to the structure or structures located at 320 Main Street aka 286 Main Street, Woburn, Massachusetts commonly referred to as the Woburn Armory Building for the purposes of prescribing the disposition, alteration or regulation of said structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts, as said terms are used in Mass. General Laws Ch. 139, Sec. 1, and entering any enforcement Order or Orders as the City Council deems necessary to remedy the condition of the property, said property on October 19, 2010 having been declared a public nuisance, a nuisance to the neighborhood, and dilapidated or dangerous buildings or other structures after public hearing and ordered to be brought into decent standard by the and at the expense of the landowner, the condition of the property having not been improved. PUBLIC HEARING OPENED. A communication dated December 1, 2011 with attachments was received from Carol Seitz, Chair, Woburn Historical Commission as follows:

Ladies and Gentlemen,

The Woburn Historical Commission understands that the Council will be considering a declaration of public nuisance against the owner of the Woburn Armory at its December 6th meeting. We want to respectfully remind you that the Massachusetts Historical Commission holds a covenant on that property, which means that the agency must be consulted on any decision involving work other than routine maintenance. Please see the attached Covenant.

The Commission also notes that the provisions of the recently-passed Minimum Maintenance Ordinance could be invoked as an alternative to a declaration of public nuisance. This Ordinance allows the Woburn Historical Commission to issue an order requiring the owner of a deteriorated property to make repairs. A copy of the Ordinance is attached.

Provisions of the Ordinance, which include penalties for failure to comply, are triggered via a complaint to the Historical Commission. If the Council wishes, the Commission can consider this complaint to have been made and after formally finding the building to be both significant and deteriorated, issue an order to repair to the owners of the property with a copy to the Massachusetts Historical Commission. This would set the process in motion, and if the owner did not choose to respond, allow the City of Woburn to proceed with repairs at the owner's expense.

We look forward to hearing from you regarding how you wish to proceed. The Commission is ready to be of assistance in order to ensure that we both protect the citizens of Woburn and maintain the integrity of our city's architectural heritage.

Very truly yours, s/Carol Seitz, Chair, Woburn Historical Commission

A communication dated December 2, 2011 was received from Brona Simon, State Historic Preservation Officer, Executive Director, Massachusetts Historical Commission, 220 Morrissey Boulevard, Boston, Massachusetts 02125 as follows:

Re: Woburn Armory, 320 Main Street aka 286 Main Street, Woburn

Dear Council President Denaro:

This is regarding the Woburn Armory (Armory). The Massachusetts Historical Commission (MHC) received a notice that the Woburn City Council (City Council) will hold a public hearing regarding the Armory pursuant to G.L. c. 139, on December 6, 2011. Although the City Council did not present any questions directly to the MHC, Carol Seitz of the Woburn Historical Commission notified MHC that the City Council has questions regarding the historic covenant held by MHC on the Armory and inquired whether MHC would be able to attend the December 6, meeting. Unfortunately, MHC staff are unable to attend the City Council meeting. Due to limited staff and resources, MHC staff do not make it a practice of attending meetings of local government agencies. I hope this correspondence will address any questions that the City Council may have regarding the historic covenant held by MHC.

The armory is listed in the Inventory of Historic and Archaeological Assets of the Commonwealth and is individually eligible for listing in the National and State Registers of Historic Places. The Armory was transferred out of state ownership by the Division of Capital Asset Management (DCAM). As transfer of the property without adequate restrictions on the deed would adversely affect the Armory, the historic covenant was placed on the property. See G.L. c.9, §§26-27C; see also 950 CMR 71. MHC provided the Woburn City Clerk with a copy of the historic covenant, as well as other related documents, in October, 2010.

Pursuant to the historic covenant which runs with the land and is binding on all future owners, all proposed alterations to the property must be submitted to the MHC for review and approval. In 2006, the MHC reviewed a proposed project submitted by the owner of the Armory. That proposed project involved the renovation of the property for a new apartment or condominium building. At that time, the proposed project involved demolition of only the drill shed due to the conclusion that the retention of the shed was not feasible as a result of its compromised condition. However, the remainder of the proposed project design did not involve demolition and MHC determined that it was compatible with the historic qualities of the Armory. Unfortunately, the proposed project as approved by MHC was never completed by the property owner.

It recently came to MHC's attention that contact person for the property had changed. By letter dated October 27, 2011, MHC contacted Joseph J. D'Ovidio of the Woburn Armory LLC in order to arrange a site visit pursuant to the terms of the historic covenant which provides that MHC shall have the right to inspect the premises upon reasonable notice to determine whether the property owner is in compliance. As of today, MHC has not received a response from the property owner.

That Armory is a historically significant building and every effort should be made to preserve the site.

Sincerely, s/Brona Simon, State Preservation Officer, Executive Director
Massachusetts Historical Commission

Alderman Gately stated that he met with the Mayor and property owner's attorney, that the building cannot be marketed or repaired as is, that the meeting was productive that he believes progress can be completed with the building, that the City Council has no obligation under the covenant, that the City Council can order the property to be demolished, that the matter is at an impasse, that the building cannot remain in its current condition, that no amount of money can renovate the building and make it worthwhile, that there is split zoning and no parking, that if the building is ordered demolished it will be done at the owner's expense, that knocking down the building and putting in ten residential units is not economically feasible, that a decision has to be made as to what will happen with the parcel, that the minimum maintenance ordinance does not apply as the owner has performed minimum maintenance on the property, that the Massachusetts Historical Commission even granted permission to the landowner to tear down the rear of the building, that the Massachusetts Historical Commission has finally taken note of the issue, that there is a possibility that a proposal can be brought forward however this matter cannot be extended any later than February 2012 as there is a potential that someone could be hurt, and that the property owner has done what can be done on the outside but conditions are not safe to go inside. Alderman Drapeau stated that the abutters have to face the condition of this building every day, and that a meeting of the City Council, Woburn Historical Commission and the landowner should be brought together to decide what will be done with the parcel. Alderman DiTucci stated that the issue is balancing the preservation of a historically significant building with the needs of the abutters, that perhaps a zoning change might be considered that would encourage the property owner to put some use in the front portion of the building, that the sticking point is there is not an objective opinion as to whether the letter is structurally sound, that the letter of the property owner to the Massachusetts Historical Commission was not a warm welcoming invitation to inspect the property, and that she wants to know whether the goal is to knock down the building or to save the building. Alderman Mercer-Bruen stated that the Ward Alderman should arrange a meeting with the abutters, property owner and Mayor to determine what can be done and bring back a proposal to the City Council. Alderman Anderson stated that the building is not safe and can be ordered demolished if public safety is in jeopardy, that perhaps the Committee on Finance can determine the cost of obtaining a structural report concerning the building, that a prior structural report found that the rear of the building should be removed and this is a concern as it is still standing, and that the Committee on Ordinances can look at a possible zone change for the property. Alderman Raymond stated that there could be a condition to a zoning change that a structural report be prepared while the zoning amendment proceeds, and that as a condition of a zoning amendment a structural report should be presented. Appearing for the landowner was Attorney Joseph R. Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that

this has been a four year process, that a proposal put before the City Council relative to the property was denied four years ago, that the landowner attempted to market the property but the split zoning on the lot makes it difficult to do anything with the property, that the city needs to decide what direction in which it wants the property to go, that the letter from the landowner to the Massachusetts Historical Commission (MHC) on December 1, 2011 was intended to advised the MHC of issues with the report to avoid liability, that the MHC approved removal of the rear of the building, that there have been proposed uses of the property including an office, bank, retail use and housing but none can be pursued because of the split zoning on the lot, and that the landowner cannot obtain permission from the MHC to alter the building until a proposal comes forward. Attorney Tarby a Memorandum dated December 6, 2011 relative to Woburn Armory/Background Information and a copy of a letter from the landowner to the MHC for the City Council to review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. IN FAVOR: None. OPPOSED: Sue Ellen Holland, Vice Chair of the Woburn Historical Commission stated that there is a covenant on the building and the land, that the building cannot be razed or altered in any way without permission of the Massachusetts Historical Commission, and that the Woburn Historical Commission is in opposition to the demolition of the building. Elisa Roche, 5 Myrtle Street stated that she wants to see the front of the building maintained, and that she thought progress had been made at the meeting in September but has not had any updates since that time. Mark Sanborn, 12 Caulfield Road stated that he does not want to see the front of the property demolished, that the landowner purchased the property with the covenant and knew that the covenant existed, that the landowner will let the property deteriorate until the covenant is removed, that the building was not in as bad shape as it is now when the landowner purchased the property five years ago, that the landowner should not benefit from this action, and the landowner should be required to fix or forfeit the building. John O'Neil, 10 Myrtle Street stated that this process has been a mystery, and that the City Council should let the ax fall were it may. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON FEBRUARY 21, 2012, all in favor 9-0.

Alderman Haggerty recused himself from participating in the following matter and left the Council Chamber.

On the petition by 859 Main Development, LLC, 57 Russell Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 22 of the 1985 Woburn Zoning Ordinances, as amended for a proposed 98 unit condominium development at 859 Main Street. PUBLIC HEARING OPENED. A communication dated December 5, 2011 with attachment was received from City Engineer John Corey as follows:

Subject: 857 Main St. – 98 Condominium Units, Mitigation Proposal

Based on our review of the above referenced mitigation proposal, the developer has submitted a revised proposal that addresses the concerns that we had previously.

A copy of the revised proposal has been enclosed.

The engineering department believes that the revised proposal addresses the project impacts that have been identified during the review of the special permit for the project and we recommend acceptance by the City Council.

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

Attached thereto was a document from Melanson Development Group, Inc. and Seaver Construction as follows:

St. Anthony's Mitigation

Calculation

98 Units at 1000 sq. ft. average per unit	98,000 sq. ft.
Common Areas, 25%	24,500 sq. ft.
Total	122,500 sq. ft

122,500 sq. ft. x \$100 sq. ft.	12,250,000.00
Sitework	700,000.00
Club House	<u>300,000.00</u>
Hard Cost Total	\$13,250,000.00

\$13,250,000 x 3% + \$397,500.00

Project Specific Mitigation Work

Watermain work/Paving	145,000.00
Walking Path Construction	15,750.00
Land Value – Front Lane/Rear Path	60,840.00
Traffic	175,910.00

Total Mitigation	\$397,500.00
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A communication dated November 18, 2011 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: 859 Main Development, LLC – 859 Main Street – To construct a 98 unit condominium development pursuant to Section 22 and all other applicable sections of the zoning ordinance

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on November 15, 2011, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of 859 Main Development, LLC, regarding the property at 859 Main Street to allow for the construction of a new 98 unit condominium development pursuant to Section 22 and all other applicable sections of the zoning ordinance subject to the following conditions:

1. That the Plans of Record shall be the plans consisting of consist of Sheets 1 & 2, and 6, 7, & 8 dated January 27, 2011 and Sheets 3, 4, & 5 dated January 27, 2011 revised 5/23/11 entitled "Proposed 98 Unit Condominium Development, 859 Main Street, Woburn, Massachusetts" by Keenan Survey, 8 Winchester Place, Winchester, MA 01890("Plans");
2. That the affordable housing requirement of Section 11.11 shall be met;
3. That the height of the building shall be three stories and shall not be greater than 42' in height;
4. That compliance with the off-street parking space requirements of Section 22.G.1.e shall be complied with;
5. An electronic copy of the as-built plan shall be submitted to Engineering upon completion of the project;
6. That the fire hydrant shall be relocated after the proposed fire and domestic services;
7. That the sewer flow will require permitting through Mass DEP;
8. That provision shall be made to the satisfaction of the Engineering Department that the overflow pipes be provided from the infiltration chambers to the resource area for storm events in excess of 100 years;
9. That the applicant shall replace the existing 6" water main on Main Street with approximately 210' of 10" CLDI water main to the southerly property line of the property;
10. That the existing concrete sidewalk on Main St. at the southerly property line shall be continued as concrete through the frontage of the property to the satisfaction of the DPW Director;
11. That a new walking trail shall be constructed at the rear of the property along the wetland and Middlesex Canal and access easements shall be provided and approved prior to construction to the trail and for the trail;
12. That \$200,000 shall be set aside from the mitigation for this project to address the optimization of timing and sequencing of the new traffic volumes at the Main@Alfred/Elm Streets intersection near the Rte. 128 Rotary and to establishing a review process for traffic flows at the entrance/exits of the project six (6) months after occupancy including the determination of the Woburn Chief of Police in conjunction with the Woburn Traffic Commission the need for a police detail to control peak hour traffic to minimize delays and/or the installation of a fully-actuated traffic control signal installation if warranted; or any roadway/traffic improvements needed on Main St. between Alfred St. and School St.;
13. That the 15' wide easement shown on the Plan as the "Route 38 widening easement" running along the Main Street frontage of the property shall be provided to the City for the widening of Main Street;

14. That the one-way pair of driveways that designate the easternmost as one-way in and the westernmost as one-way out shall be a permanent condition of this approval and the signage shall be as shown on the Plan;
15. That all trash shall be stored in the trash area designated on the Plans and if a dumpster is required its location and screening shall be approved by the Planning Board;
16. That Planning Board approval for more than one residential structure on a lot shall be obtained in accordance with the subdivision regulations of the Woburn Planning Board;
17. That the Planning Board shall retain jurisdiction over the landscaping; and
18. That vertical granite curbing shall be required along the entrance driveway from Main Street up to the entrance to the garage for the first building on both sides of the entrance drive and along the exit driveway from Main Street to the 20' foot radius after the first building as shown on the Plan" on both sides of the exit drive.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

A report was received from the Committee on Special Permits as follows: "That the Special Permit be granted with the attached conditions pending mitigation package to be received by 12/6/2011 City Council Meeting -

CITY COUNCIL COMMITTEE ON SPECIAL PERMITS
IN THE MATTER OF 859 MAIN STREET DEVELOPMENT, LLC
(to construct 98 unit condominium development)

CONDITIONS PER MEETING OF 11/28/2011

1. That the Plans of Record shall be the plans consisting of consist of Sheets 1 & 2, and 6, 7, & 8 dated January 27, 2011 and Sheets 3, 4, & 5 dated January 27, 2011 revised 5/23/11 entitled "Proposed 98 Unit Condominium Development, 859 Main Street, Woburn, Massachusetts" by Keenan Survey, 8 Winchester Place, Winchester, MA 01890("Plans");
2. That the affordable housing requirement of Section 11.11 shall be met;
3. That the height of the building shall be three stories and shall not be greater than 42' in height;
4. That compliance with the off-street parking space requirements of Section 22.G.1.e shall be complied with;
5. An electronic copy of the as-built plan shall be submitted to Engineering upon completion of the project;
6. That the fire hydrant shall be relocated after the proposed fire and domestic services;
7. That the sewer flow will require permitting through Mass DEP;

8. That provision shall be made to the satisfaction of the Engineering Department that the overflow pipes be provided from the infiltration chambers to the resource area for storm events in excess of 100 years;
9. That the applicant shall replace the existing 6" water main on Main Street with approximately 210' of 10" CLDI water main to the southerly property line of the property;
10. That the existing concrete sidewalk on Main St. at the southerly property line shall be continued as concrete through the frontage of the property to the satisfaction of the DPW Director;
11. That a new walking trail shall be constructed at the rear of the property along the wetland and Middlesex Canal and access easements shall be provided and approved prior to construction to the trail and for the trail;
12. That monies shall be set aside from the mitigation as agreed upon by the City Engineer for this project to address the optimization of timing and sequencing of the new traffic volumes at the Main@Alfred/Elm Streets intersection near the Rte. 128 Rotary and to establishing a review process for traffic flows at the entrance/exits of the project six (6) months after occupancy;
13. That the 15' wide easement shown on the Plan as the "Route 38 widening easement" running along the Main Street frontage of the property shall be provided to the City for the widening of Main Street;
14. That the one-way pair of driveways that designate the easternmost as one-way in and the westernmost as one-way out shall be a permanent condition of this approval and the signage shall be as shown on the Plan;
15. That all trash shall be stored in the trash area designated on the Plans and if a dumpster is required its location and screening shall be approved by the Planning Board;
16. That Planning Board approval for more than one residential structure on a lot shall be obtained in accordance with the subdivision regulations of the Woburn Planning Board;
17. That the Planning Board shall retain jurisdiction over the landscaping; and
18. That vertical granite curbing shall be required along the entrance driveway from Main Street up to the entrance to the garage for the first building on both sides of the entrance drive and along the exit driveway from Main Street to the 20' foot radius after the first building as shown on the Plan" on both sides of the exit drive;
19. That a snow removal plan be filed with the Department of Public Works;
20. That the property shall be developed in a condominium form of ownership administered by a condominium unit owners' trust/association. The Condominium Trust / Association Instrument shall contain a provision that states: "*That the construction and operation of the condominium is governed by a Special Permit issued by the Woburn City Council on (insert date), a copy of which is available for review at the Office of the City Clerk.*"
21. That the Condominium Trust / Association Instrument shall contain a provision that states:
22. "*The terms and conditions of the Special Permit shall be enforced by the trustees of the condominium trust/association to the extent necessary to compel compliance including, if necessary, pursuing proceedings at law or in equity against any person*

or persons violating or attempting to violate any such condition or restriction, either to compel compliance, or to restrain the violation or to recover damages. If the Trustees fail to enforce said conditions and/or restrictions, any Unit Owner may bring a proceeding at law or in equity against any person or persons or Trust/Condominium Association in violation thereof to enforce compliance with said conditions or restrictions.

23. *This provision is in addition to, and not in lieu of, the City's right to pursue similar enforcement proceedings."*

A communication dated December 6, 2011 was received from Attorney Shaun W. Briere, Mawn and Mawn, 275 Mishawum Road, Woburn, Massachusetts 01801 as follows:

Re: 859 Main Development LLC – Special Permit Petition

Dear Mr. Campbell and Members of the City Council:

The Petitioner respectfully requests a continuance of the above referenced matter scheduled for public hearing by the City Council at its meeting this evening, December 6, 2011. The Petitioner requests said continuance in order to afford the Petitioner additional time to adequately review the conditions proposed by Alderman Anderson with the Petitioner's banking professionals. Therefore, the Petitioner requests a continuance to the meeting of the City Council on December 20, 2011.

Please feel free to contact the undersigned should you have any questions or require any additional information regarding the above. Again, I thank you for your consideration and respect in this matter.

Very truly yours, s/Shawn W. Briere

Motion made and 2nd to accept the communications and make them part of the record, 8 in favor, 0 opposed, 1 absent (Haggerty absent). IN FAVOR: None. OPPOSED: Jerry Scalley, 18 Dartmouth Street stated that it has been five years since the Parish began this process of selling property for the benefit of the church, that this current proposal is not in the best interest of the church, that the matter should be continued until the financial impact of the proposal as to the Parish is known, that he has been a member of the Parish for sixty years, and that he has been unable to obtain the financial information as it is confidential. Jim Callahan, 32 Van Norden Road stated that there is a regulation regarding the density of development, that there are other developments further up Main Street that will also have significant density, and that this has not been a clean process. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON DECEMBER 20, 2011, 8 in favor, 0 opposed, 1 absent (Haggerty absent).

Alderman Haggerty returned to the Council Chamber.

On the petition by Ava Donuts LLC, 293 Cambridge Road, Woburn, Massachusetts 01801 for a special permit to modify a special permit issued December 9, 2004, as modified by a special permit issued June 20, 2005, as modified by a special permit issued on August 10, 2006, pursuant to Sections 5.1.23, 5.1.29, 5.1.63a, 5.1.69, 7.3, 8.2.5, 8.6.3, 11, 13.5 and 15 of the 1985 Woburn Zoning Ordinances, as amended, to allow for modifications to the approved site plan as modified to include modifications to the existing landscaping, portions of the parking areas, alteration of the existing nonconforming pylon sign, a Drive-up Customer Service Facility, and to allow for 666 parking spaces, at 350 Cambridge Road. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "back for action pending modification of plan to reflect 674 parking spaces and conditioned upon signage as shown on plan." A communication dated December 5, 2011 with attachment was received from Attorney Joseph R. Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Ava Donuts LLC, 350 Cambridge Road, Woburn, MA

Dear Mr. Campbell:

Please be advised that I represent Ava Donuts LLC in connection with the above-referenced Special Permit Petition. On Monday, November 28, 2011, my client and I met with the Special Permits Committee. At the meeting, the Committee requested revised plans showing the revisions to the drive through lane that were discussed at the meeting as well as a revised Site Plan showing a total of 674 parking spaces.

Enclosed please find for filing eleven (11) copies of the following plans:

1. Conceptual Improvements Plan showing the removal of seven parking spaces and replacing same with landscaping;
2. Weekday Morning Peak Hour Queue Summary Plan;
3. Plan entitled "Special Permit Plan Drive Through Window Addition Horn Pond Plaza, 350 Cambridge Road, Woburn, Massachusetts" dated July 27, 2011, revised October 17, 2011, revised November 28, 2011 and revised December 1, 2011 prepared by Meridian Associates, 500 Cummings Center, Suite 5950, Beverly, Massachusetts 01915.

If you need anything else, please let me know. Thank you.

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

Appearing for the petitioner was Attorney Joseph R. Tarby, III and he stated that the revised plans are consistent with the requests made by the Committee on Special Permits, that the hours of operation are 6:00 a.m. to 10:00 p.m. seven days per week, that the dumpster is screened, that he asks that the petition be approved, and that a restriction on transferability of the special permit is acceptable to the petitioner. Alderman Haggerty

stated that the proposal does improve the traffic plan, that the proposal will work better, and that he supports the petition. Robert Michaud, P.E., Managing Principal, MDM Transportation Consultants, Inc., 28 Lord Road, Suite 280, Marlborough, Massachusetts 01752 and he stated that the plan with the revision date of December 1, 2011 reflects changes since the last meeting, that the drive thru aisle has been widened, that the plan provides adequate maneuverability for patrons of the plaza, that there are improved pedestrian facilities, that an extra crossing area has been provided, that the plan eliminates seven parking spaces which brings the proposal into compliance with zoning restrictions on parking adjacent to a drive thru queue, that a series of signs will be installed to enhance visibility for motorists regarding the pedestrian crossing, the one way aisle direction and the drive thru lane, that there will be additional pavement markings to redirect traffic from the Whole Foods aisle to the drive thru aisle, and that the plan reduces pedestrian conflicts and enhances vehicle flow. Alderman Drapeau stated that the plan is satisfactory and accommodates improvements for pedestrians and vehicle movement, and that competing businesses on the locus have peak hours of operation that are different than those of Dunkin Donuts which should reduce vehicle issues. Alderman Anderson stated that the proposal is better than the original plan but is still not adequate, and that he does not support the petition. IN FAVOR: Larry Guiseppe, 2 Minchin Drive stated that he is in favor of the petition, that the owner runs a clean operation, and the owner takes great care of the buildings he owns. OPPOSED: None. Motion made and 2nd that public hearing be closed, all in favor, 9-0. Motion made and 2nd that the following amendments be added to the Special Permit: 1. That the hours of operation shall be between 6:00 a.m. and 10:00 p.m. seven days a week, 2. That all signs shall be in conformance with the plan entitled "Special Permit Plan Drive-Thru Window Addition Horn Pond Plaza, 350 Cambridge Road, Woburn, Massachusetts" prepared by Meridian Associates amended as of 12/1/11, 3. That the dumpster shall be screened, 4. That the Special Permit is granted to Ava Donuts LLC only and shall not be transferable, and 5. That the plan of record shall be the plan entitled "Special Permit Plan Drive Through Window Addition Horn Pond Plaza, 350 Cambridge Road, Woburn, Massachusetts" dated July 27, 2011, revised October 17, 2011, revised November 28, 2011 and revised December 1, 2001 prepared by Meridian Associates, 500 Cummings Center, Suite 5950, Beverly, Massachusetts 01915, all in favor, 9-0. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED, 8 in favor, 1 opposed (Anderson opposed).

On the petition by Seaver Properties, LLC, a landowner affected by the change to amend the 1985 Woburn Zoning Ordinances, as amended, by further amending Section 5 Notes to 5.1 Table of Use Regulations by adding "25. Automobile and truck repair garages located in a S-1 Zoning District" and by amending Section 5.1, line 44, Table of Use Regulations by replacing the "-" with a "P" in the S-1 Zoning District and inserting: Note 25 under the heading: "Notes; Other Sections" [NOTE: For a full recitation of the proposed Ordinance see City Council Journal for September 20, 2011]. PUBLIC HEARING OPENED. A communication dated November 30, 2011 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Seaver Properties LLC – Zone Change – To Amend Section 5.1, line 44, Table of Use Regulations by replacing the “-“ with a “P” in the S-1 Zoning District and inserting: Note 25 under the heading: “Notes; Other Sections” and amending Section 5 Notes to 5.1 Table of Use Regulations by adding a note 25. Automobile and truck repair garages located in a S-1 Zoning District

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on November 29, 2011, the Board voted to forward an unfavorable recommendation to the City Council regarding the above captioned zone change because the Use of “automobile and truck repair garages” in an S-1 Zoning District is not compatible with the zoning district. However, if the Council was to approve the zone change because of the limiting impact of the change then the following amendments are recommended:

Note 25: c. should be “The repair facility shall have frontage on a state controlled roadway.”

d. should be “No portion of the structure shall be located within forty (40) feet of a residential dwelling.”

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

Sincerely, s/Edmund P. Tarallo, Planning Director

Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the proposal will limit repair to automobiles, that there will be no vehicles over 10,000 pounds at the locus, that the use must be located along a state controlled roadway, that the use must not be located within forty feet of a residence, that the use will require a special permit, that the applicant owns property at 300 Cambridge Road, that from 1961 to 1987 a gasoline station operated from the location, that in 1987 the station closed and the underground storage tanks removed, that the property has been vacant since 1987, that the property is located in the S-1 zoning district along with the Country Club Professional Building, Country Club Heights and the New England Rehabilitation Hospital, that the property will be sold to Fellsway Foreign Motors which is currently operating in Winchester, that the company specializes in the repair of Mercedes Benz vehicles, that there will be no body work or vehicle painting, that the company works by appointment only, that the company will upgrade the property including the landscaping, paving and other upgrades as required by the City Council, that there is an S-1 zoning district on Pleasant Street which includes multi-family, funeral homes and offices uses, that the right side of Cedar Street is in the S-1 zoning district and has the JPI apartment property, that along Main Street at St. Charles to the Woburn Housing Development up to Prospect Street and back is in the S-1 Zoning District, that from Franklin Street up to Jack’s Variety along Main Street is in the S-1 zoning district, that the only property on a state controlled roadway in the S-1 zoning district is the subject property, the Country Club Professional Building, Country Club Heights and the New England Rehabilitation Hospital, that the locus is

under 13,000 square feet, that if used for residences only one or two townhouses could be constructed, that the lot is small, and that the zoning district in this area has different restrictions such as height of buildings as noted in footnotes to the zoning code as at the time the property was being zoned the City Council was not sure what to do with that area of the city. Attorney Tarby offered a map of the City showing where the S-1 zoning districts are located, a document showing existing conditions at 300 Cambridge Road and a document showing proposed improvements at 300 Cambridge Road for the City Council to review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Peter Carbone, Jr., Carbone Commercial Real Estate, 5 Stone Edge Lane, Woburn and he stated that the property has been vacant since 1987, that he first listed the property for sale in 2001, that there was a remediation process at the property in 1987 when the storage tanks were removed, that there was an attempt to lease the property until 2001, that he advertised and showed the property for four years, that he received many inquiries and some offers but none were consummated, that Scott Seaver purchased the property in 2005 with the goal of demolishing the building and constructing condominiums, that due to economic conditions Mr. Seaver did not go forward with the project and put the property back on the market in 2006, that there were inquiries for twenty-eight different types of uses and only about five were allowed under the zoning code but none of those went forward, that there is a glut of office space which makes it less expensive for some businesses to rent rather than own, that the rent that would be charged for this use would be too high because of necessary repairs, that there have been financing issues, that there is some stigma on the property because of the past remediation issue, that the zoning is the most difficult obstacle, that 23 out of 28 of the businesses inquiring were not permitted due to zoning, that this is a retail site, that after 24 years another business has stepped forward, that the proposed use is a good fit for the location, that the company is willing to accept restrictions to make the proposal work, and that it is not prudent to rezone the property to allow the use as an automobile repair facility as it was previously approved and operated. Alderman DiTucci stated that she has heard from many potential users of the property, that the locus is adjacent to a commercial area but also to the Country Club, that the proposed user is willing to accept restrictions to make the proposal more favorable for the area, that the use will require a special permit, that she supports the petition, that she has received many complaints from neighbors concerning the condition of the property, that at this point the neighbors want something done with the property, and there are other issues besides zoning with this property. Alderman Anderson stated that this zoning request open's Pandora's Box, that the proposal is spot zoning by definition, that the zoning amendment should be equally applied to everyone, that the property was purchased for \$200,000.00 and is on the market for \$475,000.00, that the city does not need another automobile facility at this locus, that he could support a residential use as it is allowed in other locations in the city, that there may be limits because of the size of the lot for a condominium use but there could be an office with residential above, and that sometimes modifications of the zoning code are necessary but if the use is allowed in one area of the S-1 zoning district the use should be allowed in all S-1 zoning district areas. Alderman Gately stated that sometimes the zoning code has to be modified to accommodate a use that will make the locus better, that the City Council has to look at what is good for the city, and that the City Council should at least look at the proposal. Alderman Mercer-Bruen stated that sometimes it is

important to modify zoning but sometimes it is about money, that she was surprised that the petitioner could not develop condominiums at the site when he is developing condominiums in other parts of the city, and that she supports improvements but is concerned that this proposal; is about money and not about zoning. **IN FAVOR:** Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that the Master Zoning Plan in 1970 and 1971 created zoning in Woburn, that prior to this time there was not much zoning, that the S-1 zoning district was established in 1970 and 1971 as a collection so that properties did not become nonconforming, that in 1986 there was a revised Master Zoning Plan, that the new plan had more green spaces and parking restrictions, that the city was working on a new Master Zoning Plan about five years ago but that has not gone anywhere, that the Planning Board suggests way to make this use work without upsetting the other S-1 zoning districts, that the City Council should not be opposed to acting as planners in regard to these issues, that this request is a minor change, and that the property is an eyesore and has been for 25 years. **OPPOSED:** Anita Mason, 544 Main Street stated that she is an abutter of the old Anchor Glass building, that there are many uses that can go in the S-1 zoning district and many that cannot, that there are similarities between the Anchor Glass building and the locus at 300 Cambridge Road, that there can be unintended consequences that can lead to other changes on other parcels in the zoning district, and that she does not support the petition. Mildred Polcaro, 6 Manning Street stated that there are six areas in the city where automobile repairs are allowed, that the Horn Pond Plaza is in the B-N zoning district, and that if the neighbors do not mind the use then the zoning district for the locus can be changed to the B-H zoning district rather than changing the S-1 zoning district in the entire city. Motion made and 2nd that the **PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 17, 2011 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor 9-0.**

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$200,000.00 from BLS Ambulance Receipts Account to Ambulance Salaries Account, 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 8, 2011 s/Scott D. Galvin December 8, 2011

President Denaro stepped down from the chair and Alderman Drapeau assumed the chair.

On the Order to accept Clause 56 of G.L. c. 59, §5, the National Guard or Military Reservists Tax Relief Order, committee report was received "back for action pending receipt of information from the Veterans Agent after consultation with the Board of Assessors." A communication dated December 5, 2011 was received from Larry Guiseppe, Director of Veterans Service as follows:

Dear Mr. Haggerty and Mr. Drapeau,

Andrew Creen of the City of Woburn Assessor's office and I met on 12/2/2011 to discuss the impact of Mr. Haggerty's motion to allow the Assessor's office to give tax abatements to National Guardsman and Reservist serving overseas. We evaluated average tax bills (\$3,600.00) and what information we had on the number of individuals this would affect (6 per year), we agreed that at a 100% abatement for one year and an average of six person a year the maximum total dollars abated a year would be \$21,600.00.

Any further information necessary, please call Andy or I.

Sincerely, s/ Larry Guiseppe

Motion and 2nd to accept the communication, all in favor, 9-0. President Denaro stated that he is in support of the abatement but that this letter does nothing to inform the City Council about the impact of the abatement on the tax rate, that he will not support the proposal until the detailed information is received, that he is frustrated that tax classification is not before the City Council at this meeting, that further the Assessors are not providing the information on this matter as requested, and that he is fully in support of the concept but displeased with the departments that should have provided the information. Alderman Haggerty stated that the intent of the proposal is clear, that there is a small number of National Guardsmen and Reservists who are serving, that it is difficult to obtain hard numbers because the City does not know how many will apply for the abatement or how many are serving, that he understands the concern about the impact of the proposal but wants the matter to move, that these people have earned this and the matters deserves passage, that the assessors can determine that a partial abatement would be granted rather than a full abatement, and that he asks that the matter not be sent back to committee but be voted on at this meeting. Alderman Gately stated that an account could be established from which abatements can be taken but there has to be certainty about the impact, that the matter does not go into effect until 2013, and that there is time to do this right. Alderman Anderson stated that if this matter is passed then the Assessors would determine the amount of the abatement, and that he would support sending this back to committee to obtain more information. Alderman Mercer-Bruen stated that if the matter is just being sent back to committee because of unhappiness with the Assessors then she would prefer that the matter move forward at this meeting. Alderman DiTucci stated that the matter could move forward and that numbers be requested for the next meeting, and that the City Council should not hold up this important matter but should get the information requested. Motion made and 2nd that the MATTER be REFERRED TO THE COMMITTEE ON FINANCE and that information be obtained from the Board

of Assessors that if six people are eligible for the abatement and a full abatement is granted what the impact would be on each taxpayer, ROLL CALL: Anderson – Yes; DiTucci - Yes; Drapeau – No; Gaffney - Yes; Gately - Yes; Haggerty - No; Mercer-Bruen – No; Raymond - Yes; Denaro – Yes, MOTION PASSES.

Alderman Drapeau stepped down from the chair and President Denaro assumed the chair.

POLICE AND LICENSES:

On the Petition for renewal of First Class Motor Vehicle Sales License by Azure Dynamics, 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 8, 2011 s/Scott D. Galvin December 8, 2011

Petitions for renewal of Second Class Motor Vehicles Sales Licenses by Anchor Auto Sales, Inc.; Capelo’s Garage, Inc.; Enterprise Rent-a-Car Company of Boston, LLC; Francis Garbino dba Tom’s Auto Body; EC Inc. dba Xpress Fuel; Robert McSheffrey dba Bob McSheffrey Auto Sales; Kenneth L. O’Connor dba City Line Motors; Nicolas Saba dba Montvale Service; and Jeffrey Pollock dba Exclusive Automobiles, 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 8, 2011 s/Scott D. Galvin December 8, 2011

Petition for renewal of Third Class Motor Vehicle Sales License by Woburn Truck and Auto, 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 8, 2011 s/Scott D. Galvin December 8, 2011

Petition by Mourad Elbaciti dba Taxi Ride for a new Taxi Cab License for one (1) vehicle, 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 8, 2011 s/Scott D. Galvin December 8, 2011

NEW PETITIONS:

Petition for renewal of First Class Motor Vehicle Sales License by Lawless Chrysler Jeep, Inc., 196 Lexington Street. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

Petitions for renewal of Second Class Motor Vehicle Sales License by Joseph P. Mahoney Company, Inc., 293 Salem Street; McSheffrey Auto Sales, Inc., 878-880 Main Street; Tracy M. Batten dba Tracy's Auto, 62R Winn Street; and Wassim (Sam) Nicolas dba Woburn Square Mobil, 23 Pleasant Street. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

Petition to transfer Inflammable License at 400 Unicorn Park Drive from Acquiport Unicorn, Inc. to ND/CR Unicorn LLC, c/o National Development, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

Petition to transfer Inflammable License at 500 Unicorn Park Drive from Acquiport Unicorn, Inc. to ND/CR Unicorn LLC, c/o National Development, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

Petition for a special permit by 102 Main Street LLC, John Flaherty, Manager, 28 West Street, Woburn, Massachusetts 01801 pursuant to Sections 5.1.69 and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, for the alteration of a pre-existing nonconforming structure to allow a two-family residence as well as renovation of entire building façade at 102-104 Main Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING AT THE CITY COUNCIL REGULAR MEETING ON JANUARY 3, 2012, all in favor, 9-0.

Petition for a special permit by Shoebuy.com Inc., 101 Arch Street, Boston, Massachusetts 02110 for a special permit pursuant to Sections 5.1.57a and 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to allow for the overnight parking of commercial vehicles/commercial trailers at 36 Cabot Road. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING AT THE CITY COUNCIL REGULAR MEETING ON JANUARY 3, 2012, all in favor, 9-0.

Petition by Peterson Party Center Inc., 139 Swanton Street, Winchester, Massachusetts for a special permit pursuant to Sections 7.3 and 5.1.69 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the addition of eleven (11) loading docks to the front existing building and to modify the Special Permit dated August 11, 2011 by deleting the reference to the "Emergency Parking Plan" Sheet SK-1 dated 6/24/11" in Condition 2 and replacing with the plan filed with this petition entitled "Proposed Parking Layout" Sheet PK-1 dated November 15, 2011 as the plan of record, for the property located at 36 Cabot Road. Motion made and 2nd that the MATTER be

REFERRED TO PUBLIC HEARING AT THE CITY COUNCIL REGULAR MEETING ON JANUARY 3, 2012, all in favor, 9-0.

Petition by City of Woburn, Woburn City Hall, 10 Common Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.79 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the construction of a sixty (6) space municipal parking area at end of Mann's Court. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING AT THE CITY COUNCIL REGULAR MEETING ON JANUARY 3, 2012, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated November 28, 2011 was received from Charles L. O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 90, Section 20½, I am submitting a report to you on the parking violations in the City of Woburn for the period ending October 2011: number of parking violations issued 1,163, number of violations paid 551, number of violations outstanding 383, amount collected and submitted to the Office of the Collector \$42,357.60. There exists a backlog of 5,563 tickets for 1982 through 2010. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$9,000.00.

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

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

A communication dated December 1, 2011 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. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated November 9, 2011 with attachment was received from Gerald Bell, Manager, Community Services Unit, Department of Housing and Community Development, 100 Cambridge Street, Suite 300, Boston, Massachusetts 02114 relative to 2011-2012 Fuel Assistance and Cold Relief Brochure. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication was received from MaryAnn Chorlton, Chairman, Lions' Horn Pond Day advising that the three Lions Clubs of Woburn will hold the 2nd Annual Lions Horn

Pond Day on June 9, 2012. Motion made and 2nd that the MATTER be RECEIVED AND PLACE ON FILE with a communication to the petitioner advising to contact the Police Department, Fire Department and Conservation Commission about the planned activities as well, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING:

A communication from President Denaro was filed on November 16, 2011 at 12:19 p.m. as follows:

Re: Traffic Regulation – Central Street

Dear Mr. Campbell:

Pursuant to Rule 13 of the Rules and Orders of the City Council, please be advised that I will move for reconsideration of my vote made last night, namely November 15, 2011, in support of the motion to adopt, as amended, a no parking regulation on Central Street, at the next regular or special meeting of the City Council. This is my notice as a member of the prevailing party pursuant to that rule made within 24 hours of the adjournment of the said meeting.

Therefore, I request that you retain possession of the papers until the next regular or special meeting of the City Council pursuant to said rule.

Very truly yours, s/Paul J. Denaro, President, Woburn City Council

Motion made and 2nd that reconsideration of the matter be allowed, all in favor, 9-0. President Denaro stated that the City Council cannot amend a Traffic Commission matter, that the City Council can only approve, reject or return the matter to the Traffic Commission with comments, and that the matter should be returned to the Traffic Commission. Motion made and 2nd that the MATTER be RETURNED TO THE TRAFFIC COMMISSION TO AMEND AS REQUESTED BY THE WARD FIVE ALDERMAN, all in favor, 9-0.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED WHEREAS, there presently exists a vacant parcel of land located in the City of Woburn, Massachusetts on Green Street near the intersection with Main Street and the abandoned railroad bed further identified with Assessors' Map ID Number 59-04-04 containing approximately 5,800 square feet of land more or less; and

WHEREAS, said vacant parcel of land is in a blighted and poor condition of the property, including overgrown weeds, debris and junk;

NOW, THEREFORE, BE IT ORDERED be the City Council of the City of Woburn that the City Clerk and Clerk of the City Council schedule a public hearing pursuant to Mass. General Laws Ch. 139, Sec. 1, et. seq., and give notice thereof to the owner of said vacant parcel of land, said hearing to be conducted for the purposes of determining whether said vacant parcel of land is a nuisance or a nuisance to the neighborhood, as said terms are used in Mass. General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation.

s/Alderman Gately

Alderman Gately stated that the property is located at the railroad bed on Green Street behind the mini-market, that the lot is currently vacant, that the lot is blighted, that there is rubbish, garbage and dead trees on the lot, that the property owners have not responded to requests that the property be cleaned, and that he is looking to have the property cleaned of debris. Motion made and 2nd that the ORDER be ADOPTED AND SET UP FOR PUBLIC HEARING ON JANUARY 3, 2011, all in favor, 9-0.

Presented to the Mayor December 8, 2011 and ten days having elapsed without same being approved, said Order became effective without his signature on December 20, 2011.

From Traffic Commission:

ORDERED That Section 5.12.5 and Section 10.1.22 of the Woburn Traffic Regulations be amended by deleting the penalty for handicapped parking violations from "\$100.00" and replacing same with "\$300.00".

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

Presented to the Mayor: December 8, 2011 s/Scott D. Galvin December 8, 2011

RESOLVED Whereas, Joseph T. Crowley, Jr. was elected to the Woburn School Committee on November 2, 1971, subscribed the oath of office at Inaugural ceremonies on January 5, 1970 at Woburn High School, served three consecutive terms, and did not seek an additional term; and

Whereas, Joseph T. Crowley, Jr. was again elected to the Woburn School Committee on November 3, 1981, subscribed the oath of office at Inaugural ceremonies on January 4, 1982 at Woburn City Hall, and has

served continuously as Member of the Woburn School Committee since that time; and

Whereas, Joseph T. Crowley, Jr. was elected by his peers to serve as President of the Woburn School Committee and served as Chair and Member of all major sub-committees of the School Committee; and

Whereas, Joseph T. Crowley, Jr. as a Member of the Woburn School Committee was responsible for ensuring the continued improvement of the Woburn Public School system, including improved curriculum , providing essential resources and guiding a school building process; and

Whereas, Joseph T. Crowley, Jr. received special recognition and awards during his career for his contributions to the students, faculty and staff of the Woburn Public School system, including the Massachusetts Association of School Committees Life Achievement Award in 2006;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that the Woburn City Council recognizes the many achievements, accomplishments and contributions of Joseph T. Crowley, Jr. to the citizens of the City of Woburn during his tenure as a Member of the Woburn School Committee, thanks him for his service to the community, and extends the best wishes of the community for continued health, happiness and success upon his retirement.

s/President Denaro

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

Presented to the Mayor: December 8, 2011 **s/Scott D. Galvin December 8, 2011**

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:45 p.m.

A TRUE RECORD ATTEST:

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