

**CITY OF WOBURN
FEBRUARY 4, 2014 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gaffney
Concannon	Gately
DiTucci	Mercer-Bruen
Drapeau	Raymond
Haggerty	

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

MAYOR'S COMMUNICATIONS:

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

A communication dated January 29, 2014 with attachments was received from His Honor the Mayor Scott D. Galvin as follows:

Dear President Haggerty and Members of the City Council:

I am submitting for your consideration an Order to accept the M.G.L. C. 32B, Sec. 21-23 – acceptance of the local option that will allow the City to make changes to the health insurance plan design including co-pays, deductibles and tiering without the need to engage in collective bargaining. This is the same way that plan design changes are implemented for every employee that works for the Commonwealth of Massachusetts. Acceptance of the Municipal Health Care Reform law will not affect the employee contribution rate. Any changes to employee contributions would still be subject to traditional bargaining.

Signed into law in July 2011, Municipal Health Care Reform is one of the most beneficial tools afforded to cities and towns in decades, and has achieved substantial savings for communities and has helped preserve essential government jobs and services. According to the latest figures released by Governor Patrick “over 260 communities and school districts across the state have collectively saved more than \$237 million to date in health insurance premiums as a result of the Municipal Health Care Reform Law. This reform has the potential to produce as much as \$2.8 billion in savings over 10 years if implemented by all cities, towns and school districts in Massachusetts.”

Based on conservative estimates, the City of Woburn could save more than \$1.5 million in the first year alone if the City Council approves the Order to accept M.G.L. C. 32B, Sec. 21-23 (Municipal Health Care Reform Law).

I would like to make a presentation to the City Council at the beginning of your February 4, 2014 meeting regarding the Municipal Health Care Reform Law. In addition, I have invited Michael Widmer of the Massachusetts Taxpayers Foundation to attend this meeting and take part in the presentation.

No vote on this matter can be taken on February 4, 2014, other than referral to Committee. I look forward to seeing you on the 4th.

Sincerely, s/Scott D. Galvin

Attached thereto was the following Order:

ORDERED Be it ordained by the City Council of the City of Woburn that the provisions of M.G.L. c.32B, §§21-23 are hereby accepted, and that the City of Woburn elects to engage in the process to change health insurance benefits under M.G.L. c.32B, §§21-23.

s/Alderman Anderson (per request from the Mayor and pursuant to the Rule of Necessity in accordance with the opinion of Deidre Rooney of State Ethics Commission and the City Solicitor)

Appearing was His Honor the Mayor Scott D. Galvin and he stated that Chapter 69 of the Acts of 2011 allows the Mayor unilateral authority to implement cost-saving measures with respect to health insurance benefits, that health insurance costs are growing at a rate faster than revenues, that statewide savings have been \$237,000,000.00 to date, that health costs have increased 108% in ten years and general fund expenditures have increased by 40% at the same time, that for FY2014 the city spent \$16,000,000.00 for health insurance, that there are a number of pressures on the budget, that a three person panel would be formed with one member appointed by the unions, one appointed by the local government and one appointed by the Secretary of Administration and Finance, that the process cannot be used to change contribution rates, that the City Council has no authority to approve the specific plan design offered including the co-payments and deductibles, that the City Council only has authority to approve the process, that plan design features can change, that a mitigation plan will be put in place funding up to 25% of savings incurred during the first twelve months of implementation, that savings to subscribers as a result of premium reductions could be offset by additional costs of co-payments or deductibles, that if the process is approved the city could also join the GIC which would be a decision under the Mayor's authority, and that savings in reduced premiums could save the city and employees more than \$1,700,000.00 in the first year. Larry Tereso, Sr. Account Executive, Massachusetts Interlocal Insurance Agency (MIIA) stated that two plans are available for retired seniors, that there are no changes of doctors,

network providers, deductibles or premiums on the medical portion, that there will be co-pay changes for prescriptions, for active employees there is an alternative plan with tiering, that the plan design does not change access to doctors or hospitals but there is a higher deductible for different facilities, that Winchester Hospital and Lahey Clinic are lower tier enhanced providers, and that Massachusetts General Hospital is a basic tier facility. Michael Widmer, Massachusetts Taxpayers Foundation (MTF) stated that Massachusetts Taxpayers Foundation is a nonpartisan public policy research organization focusing on government finance issues, that in 2005 MTF began to look at the issue of health insurance costs, that there have been double digit increases in health insurance costs year after year, that businesses, municipalities and unions supported this new law, that the law preserves a good benefit for employees and retirees, that the city is required to maintain benefits at least as generous as the best plan on the State level, that 260 communities have made these modest changes in plan design either by approval of the law or through collective bargaining, that one community out of those 260 communities had to resort to the review panel, that municipalities preserve services, public employee jobs are protected, the reduction in premiums benefits the employees and this generous benefit is preserved for employees, that the rate of growth of health care premiums will slow down with these changes, and that the process will also reduce the city's OPEB liability by approximately 15%. Motion made by Alderman Anderson and 2nd to invoke the Rule of Necessity to consider the Order due to the fact that the City Council lacks a quorum as a result of the fact that eight members of the City Council subscribe to health care benefits from the City of Woburn and that it is necessary to invoke the Rule of Necessity to allow the City Council to properly consider and vote on the Order, all in favor, 9-0. Each Alderman with the exception of Alderman Concannon stated that he or she invoked the Rule of Necessity due to their subscribing to the health insurance policy. Mayor Galvin stated that changes establish a tiering system which is consumer driven, and that the system will motivate people to be better consumers of medical care. Alderman Mercer-Bruen stated that insurance companies are in the business to make money, that these seem like minor changes with savings in the millions of dollars, and that these savings are coming from somewhere. Mayor Galvin stated that the deductible is capped, that he is asking the City Council to approve the process to allow the Mayor to design the plan or go into the GIC but the City Council is not involved in plan design, that this is not traditional bargaining, that there will be a three member panel with representatives from the city, the unions and the Massachusetts office of Administration and Finance, and that if the plan design is within the limits of the GIC then the plan has to be approved. Alderman Drapeau stated that similar changes implemented in the town of Lexington were not favorable, that he is eligible for the Lexington and Woburn plans and chose Woburn due to these factors, that he is concerned about the costs of catastrophic illness, that he cannot understand why Massachusetts General Hospital is being considered a basic facility while Lahey Clinic is an enhanced facility as this sounds opposite of the facts, the he will not support the city joining the GIC, and that once this authority is granted to the Mayor the City Council has no role. Alderman Anderson stated that the co-payments, deductibles, prescriptions and tiering appear to be the only difference. Mayor Galvin stated that the City Council cannot vote on the matter at this meeting, that the unions have to be given a two day notice, that it is not his intention to have the city go into the GIC, and that the main point is that this is a real tool for the city

for sustainability purposes. Alderman DiTucci stated that some of the changes will have an impact, that the sickest employees and those most in need of services can be devastated, that those with minor illnesses are not going to go to Massachusetts General Hospital but those employees with serious illnesses may do so, that this process puts all the authority to make health care changes in the hands of one person who is the Mayor, that if this proposal is not adopted she wants to see the Mayor and unions sit down and discuss the issue as this does need attention, and that if there is a minority of employees causing problems with the health insurance costs then there should be an effort to educate these employees. Mayor Galvin stated that the deductible is capped, and that there is a mitigation component that will benefit employees. Alderman DiTucci stated that the mitigation account is only in effect for one year. Alderman Raymond stated that he would like to hear from audience members in attendance on the issue as they will be most affected by the plan. Alderman Concannon asked why this issue cannot be resolved by traditional collective bargaining, that perhaps in the upcoming negotiations with the unions there can be a discussion for modest changes with significant savings, and that this proposal submitted by the Mayor may encourage these changes. Alderman Gately stated that the last thing anyone who is ill wants to worry about is paying the bill, that a sick employee cannot work and therefore cannot pay the bills, that the city offers the best care for its employees, that the employees work for the benefit and pay for the benefit, and that the benefit should not be taken away at this time. President Haggerty stated that the health care cost trajectory is not sustainable, that the health care insurance costs are eating away at other services provided by the city, and that having this conversation about health insurance costs is critical. Alderman Anderson stated that 260 communities have adopted this process, that the city's OPEB liabilities can be reduced by \$35,000,000.00, that there will be \$1,700,000.00 in savings, and that the matter should be referred to committee to continue the conversation. Alderman Mercer-Bruen stated that she wants to research other communities to see if this proposal is worth the conversation, and that she supports referring the matter to committee but is not certain how she would vote on the proposal. President Haggerty stated that he supports forwarding the matter to committee. Motion made and 2nd that the communication from His Honor the Mayor be accepted and made part of the record, all in favor, 9-0. Motion made and 2nd that the ORDER be DENIED, ROLL CALL: Anderson - No, Concannon – No, DiTucci – Yes, Drapeau – Yes, Gaffney – Yes, Gately – Yes, Mercer-Bruen – No, Raymond – Yes, Haggerty – No, ORDER DENIED.

Motion made and 2nd to return to the regular order of business and for a five minute recess, 8 in favor, 1 opposed (Anderson opposed).

President Haggerty called the meeting back to order.

A communication dated January 29, 2014 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear President Haggerty and Members of the City Council:

I have submitted an Order respectfully requesting your Honorable Board accept the provisions of M.G.L. c. 32B, Sec. 20, allowing the city to establish a Trust Fund for OPEB to continue with the monumental task of complying with Governmental Accounting Standards Board (GASB) Statements 43 and 45.

GASB 43 and 45 were designed to shed light on costs and financial obligations related to post-employment benefits other than pensions (OPEB). Rather than incurring costs after employees retire, GASB standards require cities to report obligations as they are incurred. This additional information can better position the City of Woburn to prepare for, and address, future costs being incurred right now.

In addition, cities and towns have begun to set aside assets for future OPEB liabilities because failure to pre-fund benefits will result in new balance sheet liabilities that could adversely affect bond ratings. The Trust Fund that will be established by your acceptance on M.G.L. c. 32B, Sect. 20, is the accounting entity that will receive funds in reserve for the payment of these liabilities.

I look forward to discussing this matter in Committee.

Sincerely, s/Scott D. Galvin, Mayor

ORDERED Be it ordained that the City Council of the City of Woburn hereby accepts and adopts the provisions of M.G.L. c.32B, §20, authorizing the City to establish a Trust Fund for Other Post Employment Benefit liabilities.

s/President Haggerty

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

ORDERED That the amount of \$1,356,906.62 be and is hereby appropriated from Reserve for Medicare Subsidy – Part D Acct #01-357500 \$1,356,906.62 to Other Post Employment Benefits Liability (OPEB) Trust Fund (MGL Chap. 32B, Sec. 20) Fund #7100 \$1,356.906.62

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

s/President Haggerty

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

ORDERED That the amount of \$100,000.00 be and is hereby appropriated from
BLS/Ambulance Receipts Acct #31359-590000 \$100,000.00 to
Fire/Overtime Acct #0122051-513100 \$100,000.00

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 Haggerty

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

PUBLIC HEARINGS:

On the petition by Lytron Realty Corp. and Lytron Incorporated to amend the Woburn Zoning Map for the parcels of land known as 73 Dragon Court containing approximately 5.3 acres of land; 41 Dragon Court containing approximately .52 acres of land; 39 Dragon Court containing approximately 1.31 acres of land; Dragon Court, Lot 1 containing approximately .28 acres of land and Dragon Court, Lot 2 containing approximately .28 acres of land, as shown on Assessors Map 16 Block 02 Lot 02, Map 16 Block 02 Lot 04, Map 16 Block 02 Lot 05, Map 16 Block 02 Lot 06 and Map 16 Block 02 Lot 07 from the R-2/I-P zoning district to the I-P zoning district. PUBLIC HEARING OPENED. A communication dated January 28, 2014 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: (1) Lytron Realty Corp./Lytron Incorporated Petition to Amend Zoning Map and
(2) Lytron Incorporated Petition to Amend Zoning Ordinance

Dear Mr. Campbell:

At the request of the Committee on Ordinances, Charter and Rules at its meeting on January 27, 2014, I respectfully request that the City Council public hearings on the above matters presently scheduled for February 4, 2014 be continued to the City Council meeting on March 4, 2014. If you need any further information, please contact me. Thank you.

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

Motion made and 2nd that the communication be accepted, all in favor, 9-0. IN FAVOR:
None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be
CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MARCH

4, 2014 AND THAT THE MATTER BE REFERRED TO COMMITTEE ON ORDINANCES, 8 in favor, 0 opposed, 1 abstained (Concannon abstained).

On the petition by Lytron Incorporated to amend the 1985 Woburn Zoning Ordinances, as amended, as follows:

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

- Section 5.1, line 72, Table of Use Regulations shall be amended by replacing the “_” with “P” in the R-2 Zoning District and inserting: Note 26 under the heading: “Notes; Other Sections”
- Amend Section 5 Notes to 5.1 Table of Use Regulations by adding the following note:

26. Accessory parking facilities in an R-2 Zoning District for use in an IP Zoning District shall be subject to the following conditions:

- a) No portion of the parking facility may be located within 100 feet of an immediate abutting property used for residential purposes;
- b) Except for the following, the Buffer Requirements set forth in Section 5.7 are not applicable:
 - i. The buffer zone may be used to calculate the Minimum Useable Open Space percentages required in Section 6.1;
 - ii. The buffer zone may be used for driveways, useable open space, walkways and landscaped areas; and
 - iii. The perimeter of the parking facility shall contain a screen of evergreen plantings at least ten (10) feet from the edge of a road except for entrances and exits and any portion of the parking facility abutting a highway. Such evergreen plantings shall not be less than three (3) feet in width and six (6) feet in height at the time of occupancy of the parking facility and shall thereafter be maintained by the owner so as to maintain a dense screen year round. Other alternative screening devices may be permitted by Special Permit where topography, soils or other conditions make the planting or maintenance of such a hedge impractical.
- c) The parking facility shall comply with the requirements of Section 8.4, 8.5 and 8.6; and

d) The City Council shall also impose such additional conditions of those specified in this Ordinance as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of this Ordinance, including but not limited to the following: Screening, buffers, or planting strip, fences, or walls, as specified by the Council; modification of the exterior appearance of the structure; method and time of operation, or extent of facilities; regulation of number and location of drives, accessways, or other traffic features, and off-street parking or loading, or other special features beyond the minimum required in the Ordinance.

- Section 8.3 shall be amended by adding a new paragraph as follows:

3. Within any R2 district, the City Council by Special Permit pursuant to the requirements of Section may allow accessory parking facilities for a use in the IP Zoning District on a lot separate from the use to be served provided such facilities immediately abut the use to be served in the IP Zoning District and are owned by the user of the parking facilities.

A communication dated January 28, 2014 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: (1) Lytron Realty Corp./Lytron Incorporated Petition to Amend Zoning Map and
(2) Lytron Incorporated Petition to Amend Zoning Ordinance

Dear Mr. Campbell:

At the request of the Committee on Ordinances, Charter and Rules at its meeting on January 27, 2014, I respectfully request that the City Council public hearings on the above matters presently scheduled for February 4, 2014 be continued to the City Council meeting on March 4, 2014. If you need any further information, please contact me. Thank you.

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

Motion made and 2nd that the communication be accepted, all in favor, 9-0. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MARCH 4, 2014 AND THAT THE MATTER BE REFERRED TO COMMITTEE ON ORDINANCES, 8 in favor, 0 opposed, 1 abstained (Concannon abstained).

On the petition by National Grid for a grant of right in a way to install approximately 85 feet of 2 inch plastic main to supply house number 3 Hobson Avenue. PUBLIC HEARING OPENED. No one appeared for the petitioner. PUBLIC COMMENTS: Catherine Shaughnessy, 31 Scott Street stated that Scott Street was dug up by the utility company three years ago, that she was never notified that the work was going to be done,

that there was no public hearing, that she has issues with the quality of the work, that she spoke to one of the utility workers on the job site but not to anyone in authority. President Haggerty stated that the Superintendent of Public Works or the Ward Alderman could address those questions. Alderman Gately stated that the roadway will have to be reground and inlaid by National Grid. Alderman Gaffney stated that he will contact the Superintendent of Public Works. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MARCH 18, 2014 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON INFRASTRUCTURE AND PUBLIC LANDS, all in favor 9-0.

On the 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. PUBLIC HEARING OPENED. A communication dated January 30, 2014 was received from Superintendent of Public Works John Duran as follows:

Subject: NStar Petition-Wyman Street

Pursuant to the request from NStar Electric for the Grant of Way for the installation of underground conduit and pole relocation to service the proposed 23 lot subdivision for Melanson Development to allow for the installation of underground power.

The plan depicts relocation of a pole on Wyman Street and associated overhead lines from the adjacent pole on Jericho Road. This pole relocation is necessitated by the proposed entrance into the subdivision and to install underground power per the Planning Board Decision. The pole appears to be positioned properly as long as the overhead wires do not sag lower than the existing wires.

The location of the proposed underground conduit from the easterly end does not clearly identify whether the conduit would be located within the shoulder of the road or within the roadway itself. The Decision dictates that a sidewalk be added for a portion of this area. I recommend that the conduit be installed under this sidewalk or in the shoulder area based upon the proximity of the adjacent water main and other utilities. This roadway is presently in the 5 year moratorium. If this work is undertaken prior to the expiration date, this work or any other openings of the paved roadway will require that the pavement be milled and inlaid with new bituminous concrete. I recommend that the proposed conduit be accurately marked in the field for site review. After an agreed upon location is determined, the proposed conduit should be added to the record plan and discussed at a preconstruction meeting prior to excavation. NStar should also add to the plan a proposed typical trench section with depths, manhole cut sheets and specifications, as well as a proposed restoration plan for disturbance of the proposed roadway.

In my professional opinion, it should be a condition of this permit and all others, that NStar be required to remove 20 double poles from various ways within the City of

Woburn as designated by the Superintendent of Public Works. This work should be completed within one year from the issuance of this permit. Please feel free to contact me with any questions, concerns or recommendations on this matter.

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Renee Banks Clark of NStar. Alderman Gately stated that he is concerned that work is being done after the road was recently repaved, that many times utility poles cannot be removed because Verizon wires are still attached to the utility pole, and that Verizon wires are often the last wires on the poles. Alderman Drapeau stated that there are State laws that govern the removal of double utility poles, that those remedies should be used rather than add this condition to a particular permit, that double utility poles is a statewide issue, that the condition should not be directed at a particular petitioner, that the condition is a sign of desperation, that there are cable and other providers that have wires on the poles as well, and that the impact of the condition is that the underlying project will be held up until the double poles are removed. Alderman Mercer-Bruen stated that the petitioner is NStar, that the issue of double poles is a problem in the city, that she wants to see the State laws that will help with the double pole issue, and that the suggested condition is the most creative idea that she has seen as a member of the City Council. Alderman Concannon stated that he is an abutter to the subdivision, and that he is concerned about a double pole at 2 Hart Street as it is creating a safety issue. Aldermen Raymond stated that the suggested condition is something that should be done to get action. PUBLIC COMMENTS: Bryan Melanson, 5 Robertson Way stated that he understands that the roadways may have to be repaved, and he requests that the condition to remove twenty utility poles not be attached to the petition. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON FEBRUARY 18, 2014 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON INFRASTRUCTURE AND PUBLIC LANDS, all in favor 9-0.

On the 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. PUBLIC HEARING OPENED. A communication dated January 30, 2014 was received from Superintendent of Public Works John Duran as follows:

Subject: NStar Petition-Woburn Parkway

Pursuant to the request from NStar Electric for the Grant of Way for the installation of underground conduit and conduit in the Woburn Parkway and Water Street, I recommend the following based upon the my review of the submitted plan dated 9-24-14. The work has been proposed by NStar for system improvement and reliability. I support this plan based upon the intent of the project. However, I have the following concerns:

- The plan states that it is not the result of an on ground survey;
- The plan does not accurately show the location of utilities (i.e. water mains going through houses etc.).

My recommendation is for NStar to provide a surveyed plan with more accurate information including utility locations and elevations for proper evaluation of the impacts upon the City of Woburn infrastructure. This would also minimize the possibility of disturbance to residents.

I recommend that the proposed conduit be accurately marked in the field for site review. The trench appears to meander through the roadway. I recommend that the trench be uniformly positioned within the roadway if possible. After an agreed upon location, the proposed conduit should be added to the record plan and discussed at a preconstruction meeting prior to excavation. NStar should also add to the plan a proposed typical trench section with depths, manhole cut sheets and specifications, as well as a proposed restoration plan for disturbance of the proposed roadway. This should be a uniform trench which has been restored to DPW specifications.

In my professional opinion, it should be a condition of this permit and all others, that NStar be required to remove 20 double poles from various ways within the City of Woburn as designated by the Superintendent of Public Works. This work should be completed within one year from the issuance of this permit. Please feel free to contact me with any questions, concerns or recommendations on this matter.

Appearing for the petitioner was Renee Banks Clark of NStar and she stated that the petitioner wants to install conduit which provides a more reliable system. Alderman DiTucci asks that the issues raised by the Superintendent of Public Works be addressed by the petitioner. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON FEBRUARY 18, 2014 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON INFRASTRUCTURE AND PUBLIC LANDS, all in favor 9-0.

On the petition by 10 Presidential Way Associates, LLC, 10 Presidential Way, Woburn, Massachusetts 01801 for a special permit with any dimensional relief as may be required pursuant to Sections 5.1.80a, 5.6, 6 and 11 of the 1989 Woburn Zoning Ordinances, as amended, to establish a telecommunications facility to be used for education, training and transmission of secure data at 10 Presidential Way. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: “ought to pass, as amended, with the conditions as follows:

1. That the Plans of Record shall be the plans Z-1 – Z-8 with a Title Sheet T-1 revised through 11/22/13 by Dewberry Engineers Inc., 280 Summer Street, 10th Floor, Boston, MA 02210 entitled “Model Tower: An Educational Training Facility” except as modified by this decision;

2. The Carrier Equipment Shelter Interior Isometric on Sheet Z-8 shall be unmanned and not be used as an educational classroom and only as an equipment shelter;
3. The Future Carrier Equipment Shelter shall not be allowed;
4. That prior to building permit a license for secure data link shall be issued for the proposed facility by the FCC;
5. That 16' wide paved access road as shown on the plan shall be provided for access and the elimination of the two parking spaces to be utilized for access shall be eliminated to provide for fire access and general access the compound area;
6. That the proposed height of the Tower shall not exceed 160';
7. That the Planning Board shall retain jurisdiction over the landscaping;
8. That effective when the monopole is no longer in use for the purpose intended in the special permit, American Tower agrees to remove it within 90 days;
9. That there shall be no advertising on said monopole of any kind, including the use of company logos and other kinds of signage;
10. That this Special Permit shall be non-transferrable, but shall include American Tower Corporation, its affiliates and subsidiaries;
11. That the monopole shall be capable of accommodating future carrier colocations. While the mount height and equipment configurations of future carrier colocations may vary, such equipment shall not exceed 160' AGL. Additionally, notwithstanding any provisions in the Woburn Zoning Ordinance, future carrier colocations and the construction of additional ground shelters, including the Future Carrier Equipment Shelter, shall require a Special Permit from the City of Woburn. The Woburn City Council, together with the Special Permits Committee, shall retain jurisdiction over the review and issuance of such future carrier colocations Special Permits;
12. Unless otherwise required by the Federal Aviation Administration (the "FAA"), or a comparable government agency, the monopole shall not be painted or lit.
13. That mandatory government signage, such as that required by the FAA and FCC (the "Federal Communications Commission), and site level emergency signage, as required by the Carriers and the Petitioner, be permitted."

Appearing for the petitioner was Attorney Brandon Ruotolo, American Tower Corporation, 10 Presidential Way, Woburn, Massachusetts 01801 and he stated that the matter was reviewed in committee and that the recommended conditions are acceptable to the petitioner. PUBLIC COMMENTS: Michael Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park stated that he is in favor of the petition. Arthur Canabis stated that he wants to know how the tower will be attached to the ground, that he wants to know if the tower is personal property chattel or part of the real estate and how the tower will be taxed, that he wants to know if there will be a tax break for the petitioner to allow the city to use the tower without a fee, and he wants to know how many carriers the tower can support. Attorney Ruotolo stated that the tower is attached via a concrete foundation to be approved by the Building Commissioner and designed by a certified engineer, that the petitioner is a real estate investment trust, that the tower is considered a fixture of real estate but not personal property, that the telecommunication panels on the tower are considered personal property, that there is no tax break for the petitioner in return for offering free space on the tower to public officials, and that the number of carriers which can be accommodated on the tower is

impossible to define. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, AS AMENDED with the amendments as follows: 1. That the thirteen conditions be adopted as further amended, and 2. That Condition 8 be amended to read “8. That effective when the monopole is no longer in use for the purpose intended in the special permit, American Tower agrees to remove the monopole within 90 days and that the petitioner will provide a removal bond that is 10% greater than cost of removal and the cost of removal will be determined simultaneously with the issuance of the building permit, all in favor, 9-0.

On the petition by Rosematwo, LLC, 10 Dorrance Street, Boston, Massachusetts 01219 for a special permit pursuant to Sections 8.7.2.10, 5.1.42, 8, 6.1 Note 8, and 12 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the construction of a 10,000 square foot building addition to an existing warehouse facility, including loading docks and parking at 7 State Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: “ought to pass, as amended, with the conditions as follows:

1. That the Plan of Record shall be “Rosematwo, LLC, Building Expansion, 7 State Street, Woburn, Massachusetts” Sheets C-1.0, C-2.0, C-3.0, C-4.0 and C-4.1 dated 04/08/2013, revised 10/07/2013 and further revised 11/07/2013, prepared by Level Design Group, 249 South Street, Unit 1, Plainville, MA 02762” except as modified by this decision;
2. That a minimum of 32 parking spaces be required for the facility and complies with Section 8 of the Woburn Zoning Ordinance;
3. That any proposed water services require approval from the Department of Public Works;
4. That the petitioner shall comply with any requirements of the Plumbing Inspector with regards to the oil/water separator prior to occupancy;
5. That the applicant’s engineer verify that drainage runoff as a result of the proposed work will not impact the abutting properties to the satisfaction of the Engineering Department prior to issuance of the building permit;
6. That the petitioner show sizes and location of the existing site utilities and utilities on State Street including inverts and rims as appropriate to the satisfaction of the Engineering Department prior to issuance of the building permit;
7. That the Engineering Department shall review and approve the mitigation cost submitted by the developer prior to the issuance of a building permit;
8. That the petitioner provide a snow plow plan;
9. That the fire hydrant at the front of the property be replaced and that the breakable flange will be 6” above grade;
10. That this Special Permit shall be not be transferrable; and
11. That any conditions of the Conservation Commission be included herewith.”

Appearing for the petitioner was Daniel Campbell, PE, Principal, Level Design Group, 249 South Street, Unit 1, Plainville, Massachusetts 02762 and he stated that he requests that the number of parking spaces referenced in Condition 2 from 32 parking spaces to 21

parking spaces. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, 8 in favor, 0 opposed, 1 abstained (Concannon abstained). Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, AS AMENDED with the amendment as follows: 1. That Condition 2 be amended to read “That a minimum of 21 parking spaces be required for the facility and complies with Section 8 of the Woburn Zoning Ordinance,” 8 in favor, 0 opposed, 1 absent (Concannon abstained).

On the 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. PUBLIC HEARING OPENED. A communication dated January 31, 2014 was received from Erin E. Wortman, City Planner/Grant Writer as follows:

Re: Herb Chambers 128 Inc. – 400 Unicorn Park Drive – To allow for a commercial parking lot pursuant to Section 5.1.71

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on January 28, 2014, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Herb Chambers 128 Inc., regarding the property at 400 Unicorn Park Drive to allow for a commercial parking lot subject to the following condition:

1. That the site be limited to 139 cars and utilize the spaces on the top level of the one story parking garage as shown on the Allen & Major plan dated 12/11/1996 provided that there are sufficient parking spaces under Section 8 of the Woburn Zoning Ordinance.

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

Sincerely, s/Erin E. Wortman, City Planner/Grant Writer

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 property is located in the OP-93 zoning district, that the special permit will allow for a commercial parking lot, that the locus is 5.14 acres, that there is a four-story building on the locus, that the office building has a two story parking garage, that there are 139 parking spaces on the upper level of the parking deck, that there are extra parking spaces over what is required for the office building use, that the vehicles were parked at the New England Executive Park in Burlington for two years, that no special permit was required at the Burlington location, that National Development acquired the Burlington property and needed the parking spaces, that a suggestion was made to move the vehicles to the proposed locus, that the Planning Board gave a favorable recommendation, that the

building is 97% occupied, that in the late 1990s Verizon occupied a couple of floors in the building and operated a call center, this the use caused an adverse impact on parking, that the parking deck was constructed in 2002, that within a year or two after the parking deck was constructed Verizon moved from the location to New Hampshire, that vehicles are currently parked in the garage, that when the petitioner was made aware that a special permit was required for the use they applied for the special permit, and that the vehicles are brought to the locus by a car carrier. Gerry Salois, General Manager, Herb Chambers 128, Inc. stated that vehicles are driven one at a time to the dealership. IN FAVOR: Michael Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park stated that the vehicles would likely be moved from the locus to the dealership in Burlington by I-93 and then by I-95/128, that there is no impact on residents, and that he supports the petition. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the recommendation of the Planning Board be adopted as a condition of the special permit, and 2. That the special permit is granted to Herb Chambers 128, Inc. only and is not transferable, all in favor, 9-0.

On the petition by Joseph Zink, Atlantic Management Corporation, 205 Newbury Street, Framingham, Massachusetts 01701 for special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended as follows: 1. Section 5.1.44 to allow operation of a garage, automobile and truck repair, 2. Section 5.1.57b to allow accessory storage or parking of commercial motor vehicles other than as provided for in Section 5.1.58, trucks, buses or contractor's equipment, and 3. Section 7.3 findings for extension or alteration of non-conforming uses/structures for the following: a. minimum landscaped usable open space requirement under Section 6.1 and footnote 7 (30%), and b. retaining loading bays facing Wildwood Avenue under Section 8.7.10, at 205 Wildwood Avenue. PUBLIC HEARING OPENED. A communication dated January 31, 2014 was received from Erin E. Wortman, City Planner/Grant Writer as follows:

Re: Joseph Zink, Atlantic Management Corporation – 205 Wildwood Avenue – To allow for the alteration of an existing non-conforming structure to allow for: 1. The operation of a garage, automobile and truck repair, pursuant to Section 5.1.44; 2. Accessory storage or parking of commercial motor vehicles other than as provided for in Section 5.1.58, trucks, buses or contractor's equipment pursuant to Section 5.1.57b; and 3. Minimum landscaped usable open space requirement under Section 6.1 and footnote 7 (30%), and b. retaining loading bays facing Wildwood Avenue under Section 8.7.10 pursuant to Section 7.3

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on January 28, 2014, the Planning Board voted to continue the above referenced special permit until the February 11, 2014 Planning Board meeting at the request of the petitioner.

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

Sincerely, s/Erin E. Wortman, City Planner/Grant Writer

Appearing for the petitioner was Attorney Robert C. Buckley, Riemer and Braunstein, Seven New England Executive Park, Burlington, Massachusetts 01803 and he stated that National Express is the proposed tenant and Atlantic Management owns the property, that Atlantic Management has forty years of property management and development experience, that National Express Transit is the finalist for the operation of The Ride, that the company currently serves the south region, that the company is looking for a site to serve Boston and western suburbs, that the building has twelve loading docks, that the property is currently a warehouse, that the proposal would eliminate truck traffic, that the proposed use complements current uses, that the locus has 6.2 acres of land, that the property is located in the I-P zoning district, and that the nonconformities will be brought more into conformity. Mike Rushin, Chief Operating Officer, National Express Transit stated that the company operates buses worldwide, that the company contracts with the MBTA, municipalities and transit authorities, that the locus would serve Boston and western suburbs, that the south of Boston service is operated out of Dedham under the name Joint Venture, that the vehicles will be parked inside the building, that a similar arrangement is operated out of Lynn for the north region by another company, that there will be a one-way entrance into the building, that the employee will park his or her personal vehicle in the parking space from which his or her assigned vehicle is taken, and that the facility has a car wash which uses reclaimed water. Robert Gemma, MetroWest Engineering, Inc., 75 Franklin Street, Framingham, Massachusetts stated that the exterior site changes are minor, that the curb cut will be reduced from 38 feet to 28 feet, that landscape islands will be added, that 2,500 square feet of landscaping will be added, that an aboveground fuel station to fuel the vehicles on site is being reviewed by the Fire Department, that stormwater improvements will be added to improve discharged water, that the parking spaces in the parking lot will be restriped, that there will be 240 parking spaces in the building, that there will be 156 parking spaces outside the building, that there are presently 152 parking spaces on site, that the current thirteen loading docks for tractor trailers will be eliminated, and that the proposal will eliminate truck traffic. Robert Michaud, P.E., MDM Transportation Consultants, Inc., 28 Lord Road, Marlborough, Massachusetts stated that he is the traffic engineer for the project, that Olympia Avenue and Salem Street are gateways to the locus, that they documented existing conditions in those areas as well as on Wildwood Avenue, that there is 134,000 square feet of industrial space generating 97 total trips per morning peak hour and 72 trips per evening peak hour, that the proposed use will generate 137 trips per morning peak hour and 143 trips per evening peak hour, that there will be approximately 40 new trips per morning peak hour and 71 new trips per evening peak hour but not new truck traffic, that the distribution of the vehicle trips will include southerly to Wood Street then to Montvale Avenue then to I-93, that these are small changes and are less than 2% of traffic volume on the streets, that there is adequate maneuvering space for emergency vehicles on site and for tractor trailer trucks delivering fuel to the locus for fuel storage, and that there will be no detrimental impact to the area streets. Attorney Buckley stated that the propose

use is a more compatible use of the site than the previous use, that the proposal will be beneficial to the community, that a number of vehicles will be registered in Woburn with tax benefits for the city, that many vehicles leave early in the morning and return in the late afternoon, and that the vehicles will be stored inside. Alderman Mercer-Bruen stated that she is familiar with the former warehouse site and the impact on neighboring residences, that she is pleased to see the warehouse use go but is concerned about the amount of traffic to be generated from the proposed use, that Salem Street and Wildwood Avenue is a difficult intersection, and that the city has tried to install traffic control signals at the intersection but a neighbor has not been willing to negotiate to allow the improvements. Mr. Rushin stated that 55% of the vehicles will be vans and 45% of the vehicles will be cars, that there will be approximately 240 vehicles at the site, that the vehicles generally leave the site between 5:00 a.m. and 10:00 a.m. and return to the site between 2:00 p.m. and 7:00 p.m., and that the vehicle trips are spaced out during those time periods. Alderman Mercer-Bruen stated that she is concerned about the fuel storage and fuel deliveries given the location of nearby residences. Mr. Rushin stated that there will be an 8,000 gallon double walled fuel storage tank on site which will be filled approximately twice each week, that the company has not yet been awarded the contract, that there is usually a six month run up to a contract, that the company wants to be in position if the contract is awarded to the company, that some of the vehicles are owned by the MBTA and some of the vehicles will be owned by the company, and that approximately 46 vehicles in the first year will be registered in Woburn. Alderman Mercer-Bruen stated that she is concerned about the number of vehicle trips that will be generated. Attorney Buckley stated that the company can provide a graphic representation of the vehicles entering and exiting the property. Mr. Rushin stated that maintenance on site will include oil changes and fuel topping off but no auto body work, that there may be repairs to seats, that the maintenance area will have five separate stations in an area set off in a corner of the building, and that oil will be disposed of properly. Attorney Buckley stated that the company met with the Fire Department relative to fire suppression and ventilation in the building, and that the facility will meet State and Federal Standards. Mr. Rushin stated that there will be no painting or auto body work on site, that the vehicles will be sent out for tire changes when needed, that vehicles will be in operation from 5:00 a.m. to 1:00 a.m., that between 11:00 p.m. and 1:00 a.m. there will be few vehicles operating, that the facility will be open 24 hours per day except that they will be closed some hours during the weekend, that maintenance on the vehicles will continue after 1:00 a.m., that the companies will have close to 400 employees on site on any given day, that there will be 246 cars and 220 vehicles will leave the site with the remaining vehicles staying on site, that dispatch will be located inside the building with no more than six staff members, that there will be a maximum of eighteen staff members in the call center, that there will be six office staff members, and that there is sufficient exterior parking for support staff. Mr. Michaud stated that there may be 240 vehicles on site and 400 employees but day-to-day operations will have a demand for just over 200 vehicles per day with groupings leaving at 5:00 a.m., 6:00 a.m., 7:00 a.m., 8:00 a.m., 9:00 a.m. and 10:00 a.m. with the highest numbers of exiting vehicles at 5:00 a.m., 6:00 a.m. and 7:00 a.m., that the peak hour may be between 8:00 a.m. and 9:00 a.m. but more vehicles would have already left the site between 5:00 a.m. and 8:00 a.m. when there is less traffic, and that there will be a modest impact on traffic. Alderman Gately stated that

all the vehicles being in the building will create real maintenance issues from the exhaust, that the proposal is for a gasoline station, truck deliveries of gasoline, dumpsters, waste oil, fuels and supplies, that there will be a lot of traffic generated, and that if the vehicles are not leased and are parked in Woburn then the vehicles should be registered in Woburn. Attorney Buckley stated that a number of the vehicles will be owned by the Commonwealth of Massachusetts. Alderman Mercer-Bruen stated that having the large trucks off the site would be beneficial, and that the City Council should give the matter a good look. Mr. Michaud stated that the traffic statistics are based on industry standards for the type of building of that size and on their company experience. Alderman Concannon stated that most uses would not allow vehicles parked inside and therefore there are 240 more vehicles on the lot than would be allowed for another use of the building. Mr. Michaud stated that the service provided is usually in the morning to get the passengers to their places of employment. Mr. Rushin stated that the times of service requirements are fairly consistent, that the Dedham facility is located on Meadow Road, that there are 200 vehicles parked outside at that site, and that there is also an indoor maintenance facility and a gasoline tank. Alderman Anderson stated that the gasoline tank is an issue as the city is trying to eliminate hot spots rather than add them. Mr. Rushin stated that vehicles would not be transported between the Dedham and Woburn facility as these are different operations. Alderman Drapeau stated that there seems to be a lot of equipment and a difficult undertaking, that this is a necessary business, that the 8,000 gallon above ground gasoline tank is an issue, and that the locus is a tough location for a business of this size. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MARCH 4, 2014 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$22,000.00 from Cemetery Interest Fund to various Cemetery Accounts, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: February 7, 2014 **s/Scott D. Galvin February 7, 2014**

On the Order to appropriate the sum of \$30,374.19 from Unreserved Fund Balance Account to Planning/Sick Leave Buy Back 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: February 7, 2014 **s/Scott D. Galvin February 7, 2014**

ORDINANCES:

On the Ordinance to amend Title 7 of the 1989 Woburn Municipal Code, as amended, relative to authorizing the Conservation Commission to impose consultant fees, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 1 opposed (Gately opposed).
Presented to the Mayor: February 7, 2014 s/Scott D. Galvin February 7, 2014

PUBLIC SAFETY AND LICENSES:

On the petition by Robert McSheffrey dba Bob McSheffrey Auto Sales to amend a Second Class Motor Vehicle Sales License to allow a limit of two (2) vehicles on site at 880 Main Street, committee report was received “ought to pass allowing for two vehicles”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.
Presented to the Mayor: February 7, 2014 s/Scott D. Galvin February 7, 2014

PERSONNEL:

On the reappointment of Timothy A. Mooney, Michael J. Benenate and Robert F. Carley to the Woburn Agricultural Commission, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.
Presented to the Mayor: February 7, 2014 s/Scott D. Galvin February 7, 2014

NEW PETITIONS:

Petition by NSTAR Electric Company and Verizon New England Inc. for a grant of right in a way to relocate one pole (#242/34) on Wyman Street southerly side at the intersection of Jericho Road. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING AT THE MARCH 4, 2014 CITY COUNCIL REGULAR MEETING, all in favor, 9-0.

Petition by Boys & Girls Club of Woburn, Charles Gardner Lane, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.14 of the 1985 Woburn Zoning Ordinances, as amended, to allow a carnival from May 13, 2014 through May 18, 2014 at 25 Middlesex Canal Park. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING AT THE MARCH 18, 2014 CITY COUNCIL REGULAR MEETING, all in favor, 9-0, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated January 17, 2014 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 this report to you on the parking violations within the city of Woburn for the period ending December 2013: number of violations issued 771, number of violations paid 396, number of violations outstanding 273, amount collected and submitted to the Collector's Office \$41,688.40. There exists a backlog of 3,301 tickets from 1982 through 2013. Demand will be sent until all tickets have been paid. Parking fines referred to the Handicapped Commission \$9,300.00.

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 January 24, 2014 with attachment was received from Attorney Margaret K. LaMothe, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 as follows:

Re: Mentas Circle

Dear Mr. Campbell:

As you know, my office represents Heritage Builders, Inc. the builders of the homes no Mentas Circle off Poole Street in North Woburn. The project is now complete and my clients are anxious to have Mentas Circle considered a Public Way by the City of Woburn.

In order to accomplish this, I can have my clients execute and record a Deed to the City for the fee interest in Mentas Circle. I am attaching a draft deed for your review. If this is acceptable to you and the appropriate City Departments, I will proceed to record this Deed.

In the alternative, please let me know the appropriate procedure for the City to accept the street as a public way.

I thank you for your attention and anticipated cooperation in this matter. Please contact me directly to discuss our next steps.

Very truly yours, s/Margaret K. LaMothe, Esq.

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON INFRASTRUCTURE AND PUBLIC LANDS AND TO PLANNING BOARD FOR A RECOMMENDATION, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

From Traffic Commission:

ORDERED In accordance with M.G.L. c.90, §18, the following Special Speed Regulation is hereby adopted by the City Council of the City of Woburn:

That the following speed limits are established at which motor vehicles may be operated in the areas described:

CRANES COURT – Eastbound, beginning at the junction of Main Street (Route 38), thence easterly on Cranes Court, 0.08 miles at 20 miles per hour ending at the cul-de-sac; the total distance being 0.08 miles;

CRANES COURT – Westbound, beginning at the beginning of Cranes Court at the cul-de-sac, thence westerly on Cranes Court, 0.08 miles at 20 miles per hour ending at the junction of Main Street (Route 38); the total distance being 0.08 miles;

Operation of a motor vehicle at a rate of speed in excess of these limits shall be prima facie evidence that such speed is greater than is reasonable and proper. The provisions of this regulation shall not, however, abrogate M.G.L. c. 90, §14.

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

Presented to the Mayor February 7, 2014 and ten days having elapsed without same being approved, said Ordinance became effective without his signature on February 18, 2014.

ORDERED Pursuant to Title 3, Article II, Section 3-12(H) of the 1989 Woburn Municipal Code, as amended, the School Department is hereby authorized to solicit from and award to a regular school day bus transportation

company a contract for the regular school day bus transportation with a term of three years together with two one-year options, such options to be exercised at the discretion of the school department

s/President Haggerty

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

Presented to the Mayor: February 7, 2014 s/Scott D. Galvin February 7, 2014

ORDERED Pursuant to Title 3, Article II, Section 3-12(H) of the 1989 Woburn Municipal Code, as amended, the School Department is hereby authorized to solicit from and award to a food service management company a contract for the school cafeterias with a term of three years together with two one-year options, such options to be exercised at the discretion of the school department.

s/President Haggerty

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

Presented to the Mayor: February 7, 2014 s/Scott D. Galvin February 7, 2014

ORDERED Whereas, M.G.L. Chapter 40A, known as the Zoning Act, provides a uniform process for considering zoning petitions, including zoning code amendments, zoning map amendments, special permits and variances, throughout the Commonwealth and was enacted to establish standardized procedures for the administration of zoning laws; and

Whereas, the Zoning Act contemplates an orderly and efficient processing of petitions relating to land use; and

Whereas, one requirement of the Zoning Act with respect to zoning ordinances, special permits and variances is that the applicable board hold a public hearing with notice published, posted and mailed to parties in interest as defined in Section 11 of Chapter 40A; and

Whereas, the Zoning Act requires the applicable board to take final action within 90 days of the public hearing; and

Whereas, if the applicable board fails to take final action within 90 days following the public hearing on a zoning amendment then a new hearing must be held on the petition; and

Whereas, if the applicable board fails to take final action within 90 days following the public hearing on a petition for a special permit or variance

the special permit or variance may be deemed constructively granted without final action; and

Whereas, the Zoning Act provides the petitioner for a special permit or variance with authority to agree in writing to an extension beyond 90 days from the date of the public hearing for final action; and

Whereas, the Zoning Act does not provide to the applicable board authority to extend the time for final action in zoning petitions; and

Whereas, the Zoning Act does not provide the applicable board authority to extend the time for final action with respect to special permits and variances without the written agreement of the petitioner; and

Whereas, a practice has developed whereby various boards of the city continue public hearings on petitions for zoning amendments, special permits and variances without written agreement by the petitioner thereby preventing the time for calculating the 90 day period under the Zoning Act to begin accruing; and

Whereas, at times the petitioner desires to file additional documents or amended plans with the applicable boards as a result of comments received during the public hearing from board members or parties in interest; and

Whereas, it is the desire of the City Council to increase the efficiency of the various boards of the city and assist petitioners in the timely processing of petitions for zoning amendments, special permits and variances in compliance with the Zoning Act;

Now, therefore, the City Council hereby requests a written opinion from the City Solicitor on the following issues:

1. Whether the Zoning Act contemplates one meeting at which a public hearing is held and closed on a petition for a zoning amendment, special permit or variance and after which time the 90 day time period by which final action must be taken begins to accrue;
2. Whether the Zoning Act permits the applicable boards to continue a public hearing on a petition for a zoning amendment;
3. Whether the Zoning Act permits the applicable boards to continue a public hearing on a petition for a special permit or variance without written agreement of the petitioner;
4. Whether the applicable boards may receive additional documents or oral presentations from petitioners or parties in interest as defined in Section 11 of the Zoning Act after the meeting at which the public hearing is held and closed;

5. Whether the applicable boards may consider additional documents or oral presentations from petitioners or parties in interest as defined in Section 11 of the Zoning Act after the meeting at which a public hearing is held and closed; and
6. Whether the applicable boards may hold and close a public hearing prior to the night of the final vote on a petition for a zoning amendment, special permit or variance.

s/President Haggerty

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

Presented to the Mayor February 7, 2014 and ten days having elapsed without same being approved, said Ordinance became effective without his signature on February 18, 2014.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:42 p.m.

A TRUE RECORD ATTEST:

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