

**CITY OF WOBURN  
JANUARY 2, 2008 - 7:30 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Denaro	Gately
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Galvin	Raymond

Doherty

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

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Motion to suspend the rules for the purposes of taking the following matter out of order, all in favor, 9-0.

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A request was received from School Committee Member Denis Russell to address the City Council relative to activities of the school committee and school department. Motion made and 2<sup>nd</sup> to suspend the rules for the purposes of hearing from school committee member Denis Russell, all in favor, 9-0. Mr. Russell offered a document entitled "Communication and Curriculum Subcommittee Report to the City Council" to the city council. Motion made and 2<sup>nd</sup> that the matter be received and made part of the record, all in favor, 9-0. Mr. Russell read the contents of the report with topics including resources, personnel, building committee and finance, and stated that the school committee is concerned with school grounds maintenance, that the school department and parks department do not have sufficient resources to maintain the grounds, that the school committee is meeting with the Woburn Teachers Association concerning contract negotiations, and that the school committee is looking at the possibility of hiring private contractors to care for some of the grass areas at the high school although not the entire facility.

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

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**MAYOR'S COMMUNICATIONS:**

ORDERED That the sum of \$201,532.00 be and is hereby appropriated as so stated from Unreserved Fund Balance Acct #01-356000 \$201,532.00 to Inspections/Temporary Help Acct #0125151-512000 \$8,832.00, Veterans

Cash Aid Acct #0154357-577000 \$60,000.00, Property & Liability Acct #0198051-517540 \$45,000.00, Election & Registration Acct #0116251-512005 \$36,300.00, Election & Registration Acct #0116252-534305 \$3,400.00, DPW-Telephone Acct #0142952-534102 \$48,000.00, Total \$201,532.00.

I hereby approve the above: s/Thomas L. McLaughlin, Mayor  
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Doherty (per request)

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

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**PUBLIC HEARINGS:**

On the petition by Michael Tyminski, 14 Otis Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow earth removal or filling to level off yard at 14 Otis Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "That the City Engineer review the revised plan as discussed in committee with the petitioner and submit recommendations to the Committee on Special Permits as to whether the plan is acceptable and to advise the petitioner whether another formal plan must be submitted." Alderman Drapeau stated that this petition is being reviewed in committee. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON FEBRUARY 12, 2008 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

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Motion made and 2<sup>nd</sup> to hold the public hearings on the next two matters collectively, all in favor, 9-0.

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On the petition by A.L. Prime Energy, 319B Salem Street, Wakefield, Massachusetts 01880 for a special permit pursuant to Sections 5.1.46a, 5.1.46b and 5.1.22a of the 1985 Woburn Zoning Ordinances, as amended, to allow for a self service gasoline station and convenience store with hours in excess of 7:00 a.m. to 10:00 p.m. at 1 Hill Street. PUBLIC HEARING OPENED. A communication dated December 18, 2007 was received from John E. Corey, Jr., City Engineer as follows:

Subject: 1 Hill Street AL Prime Gas Station & Convenience Store Special Permit – Special Permit Application Dated September 24, 2007 – Plans Dated September 20, 2007 – Traffic Study September 2007 – Development Impact Statement Dated October 16, 2007 – Drainage Report Dated October 17, 2007 – Previous

Memo Dated October 22, 2007 – Previous Memo Dated November 19, 2007 – Site Improvement Plan Dated November 16, 2007 – Turning Radius Plan Not Dated

The applicant has addressed all issues noted in our prior memoranda.

We trust the foregoing information suffices for your needs. Should have any questions concerning this information, please do not hesitate to contact this office.

A communication dated December 21, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: A.L. Prime Energy – 1 Hill Street – To allow for a Self Service Gas Station and Convenience Store with hours in excess of 7:00 a.m. to 10 p.m. pursuant to Sections 5.1.46a, and 5.1.22a & Note 16

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on December 18, 2007, the Board voted to send a favorable recommendation to the City Council to allow for a Self Service Gas Station and Convenience Store with hours in excess of 7:00 a.m. to 10:00 p.m. pursuant to Sections 5.1.46a, and 5.1.22a & Note 16 at 1 Hill St. subject to the following conditions:

1. That the mitigation identified in the report dated October 1, 2007 and further updated by the memorandum dated November 20, 2007 both prepared by Greenman-Pederson, Inc. shall be required as part of the approval of this Special Permit.
2. That the petitioner shall evaluate the advance signal head visibility (vertical and horizontal) for vehicles on the Hill Street approach, with a commitment to fix if found deficient; and shall review the yellow and all-red clearance times to ensure that they are appropriate both as part of the upgrade of the Hill Street/Montvale Ave. signal, and
3. That the proposal shall be limited to a building of a ground floor with a convenience store not to exceed 1200 S.F. of Gross Floor Area and 1,000 S.F. of Net Floor Area and the remainder of the first floor shall be a two car garage; the building shall be limited to not more than 5 floors above the ground floor with the total square footage of the building excluding the convenience store shall be less than the 13,800 S.F. of Gross Floor Area and the office area shall not exceed 10,850 S.F. of Net Floor Area.

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

Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the property is located in the B-I zoning district, that the petitioner provides fuel and consulting services

in the energy area as well as the retail sale of gasoline, operation of convenience stores, sale of wholesale fuel and heating oil, that the locus is the former site of the Registry of Motor Vehicles, that there is a proposed office building with a gross floor area of 13,900 square feet, that there will be eighteen employees on site, that two employees in the security department will be on site 24 hours per day seven days per week, that the convenience store will be approximately 1,192 square feet in area with no fast food component, that there will be four pump islands, that the city's traffic consultant VHB reviewed the traffic impact report and access study prepared by Greenman-Pedersen Inc. and found no further traffic review required at this time, and that the Aberjona River passes between the McDonald's property and the Citizens Bank building. Attorney Tarby offered a document dated December 28, 2007 entitled "Petition of A.L. Prime Energy" with attachments to the city council for review. Motion made and 2<sup>nd</sup> that the document be received and made part of the record, all in favor, 9-0. Anthony Guba, Ayoub Engineering, Salem, New Hampshire stated that there were some minor changes to the plan based on comments of the city engineer and the traffic engineer peer review, that added to the plan was a fire hydrant, crosswalk and sight line plans, that this ensured no obstructions in the site line triangles, that a tree will be moved to avoid sight line issues, that the median island was made smaller, that a truck turning template was added, that the tie-in to the water and sewer service is shown on the plan, that modifications to the floor plan are shown on the plan, that there will be two parking areas, that there is a fourteen foot grade from the high to low end of the site, that there will be some grading of the site, that bollards will be erected across the front of the store to prevent vehicles from getting too close to the building, that there is more than sufficient snow storage area on site, that the signage has not been detailed out yet, that the pricing signs would likely only be visible from Hill Street and Montvale Avenue, that they do want signs that identify this site as Prime corporate office, that there will not be signs that exceed those allowed under the zoning ordinance, that they may benefit from service signs maintained on the state highways but these do not include pricing, that they can prepare an emergency response plan, and that the commuter lot may pose a greater risk to the Aberjona River than the service station due to the proximity to the river and the fact that vehicles remain in the lot all day. James Winn, Project Manager, Greenman-Pedersen Inc., stated that he is a registered traffic engineer, that peer review of their report was completed by VHB, that there were seven comments by VHB, that left and right hand turn lanes will be created which will improve queuing of vehicles, that MassHighway will have to review and approve the modifications at the intersection, that a turning plan for delivery trucks on site was prepared and found to be adequate, that delivery trucks will enter the locus at the southerly driveway and exit the site at the northerly driveway, that traffic island striping with stamped colored pavement will be provided, that there will be significantly less traffic in the morning at this site compared to a donut shop, that these are different types of uses and will have different impacts on the traffic, that they did do a comparison with the other Prime locations, that the project has to obtain approval from MassHighway, that an indirect access permit application must be submitted, that they did follow MassHighway guidelines of 25% pass-by traffic, and that this matter does not have to go through the MEPA process. Nasser Buisier, of A.L. Prime Energy stated that he owns the Prime gas station on Pleasant Street which is a much smaller lot, that the site plan on Pleasant Street was changed to meet the conditions set by the city council, and

that the average time for fuel customers is five minutes. Alderman Mercer-Bruen stated that this project will generate twice the amount of P.M. peak traffic than the previously proposed donut shop for the site, that she is concerned with the VHB report relative to pass-by trips, and that this location is close to the highway and the petitioner's low prices may impact traffic. Alderman Galvin stated that he would like to see the traffic count for this site compared to the traffic volume at the Prime station on Pleasant Street. Alderman Gonsalves stated that she is interested in the signage and pricing signs on the site. Alderman Raymond stated that he would like an emergency response plan in the event of a spill, that there has been an effort made to clean the Aberjona River, and that he wants to ensure that emergency response plans are in place. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office park stated that the petitioner did what he was asked to do at the Pleasant Street site, that the petitioner has submitted a bid and supplies the Woburn police department and department of public works with gasoline, that there was a small leak at the Pleasant Street site, that a bill was produced for damages suffered by the city, that an insurance company was available to pay the bill but no claim was made for it, and that the petitioner is a good businessman. OPPOSED: Kathy Bailey, 4 Utica Street stated that if vehicles are queued coming out of the gasoline station then vehicles cannot enter or exit the McDonald's restaurant, that the distance from Montvale Avenue to the McDonald's restaurant entrance is three car lengths, that an MBTA bus make twenty-one stops each day at the nearby bus shelter on Montvale Avenue, that vehicles making turns at the bus stop will back up behind the bus or have to go around the bus, that if the snow is not removed from the front of the bus shelter then the riders will have to stand on the street at the corner of Montvale Avenue and Hill Street, that the area cannot take any more high traffic businesses, and that she urges that the petition be denied. Ms. Bailey offered a plan document with notations to the city council for review. Motion made and 2<sup>nd</sup> that the document be received and made part of the record, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 22, 2008 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

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On the petition by Renaissance Development Corp., 35 Sockanosset Cross Road, P.O. Box 8819, Cranston, Rhode Island 02920-0819 for an Inflammable License to allow the storage of flammable fluids as follows: 1. 30 gallons of gasoline aboveground in two motor vehicles, and 2. 30,000 gallons underground in three (3) 10,000 gallon tanks, at 1 Hill Street. PUBLIC HEARING OPENED. See record notes from preceding public hearing. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 22, 2008 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

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On the petition by Superior Giclee/Charles Saccardo, 245 Salem Street, Suite 2, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57a of the 1985 Woburn Zoning Ordinances, as amended, to allow parking an enclosed 14 foot by 7 foot

by 7 foot cargo trailer beside building at 245 Salem Street. PUBLIC HEARING OPENED. A communication dated December 21, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Superior Giclee (Charles Saccardo) – 245 Salem St. – To allow for parking of cargo trailer under Section 5.1.57a

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on December 18, 2007, the Board voted to send a favorable recommendation to the City Council to allow for parking of an additional cargo trailer under Section 5.1.57a at 245 Salem St.

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

Neither the petitioner nor its representative appeared at the meeting. Alderman Mercer-Bruen stated that the petitioner is asking for permission to put a storage trailer on this site when several storage trailers have already been approved for this site, that if some of the allowed items are not removed from the site she is not certain how this additional storage trailer would fit, that she was told that the intent of the trailer was for the storage of paintings, and that if this is for the sale of paintings the prior special permit for the property indicates that no retail sales will be allowed from the site. Alderman Denaro stated that the matter can be referred to committee to allow the petitioner the opportunity to present the matter. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON FEBRUARY 12, 2008 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

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On the petition by Lowe's Companies, Inc., 15 Commerce Way, Woburn, Massachusetts 01801 for special permits pursuant to Section 5.1.45, 5.1.57a and 5.1.57b to allow for the rental of moving trucks; accessory storage or parking of storage containers, storage trailers or commercial trailers; and the accessory storage or parking of commercial motor vehicles at 15 Commerce Way. PUBLIC HEARING OPENED. A copy of a communication dated December 11, 2007 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Woburn Engineering Department as follows:

Subject: 15 Commerce Way Accessory Storage, Commercial Motor Vehicle Parking and Storage Trailers Special Permit – Special Permit Application Dated December 3, 2007

This office has reviewed the special permit application for the above referenced location and offers the following comments.

The applicant is seeking a special permit to allow for the rental of moving trucks, accessory storage, and or parking of storage containers, storage trailers, parking of commercial motor vehicle and accessory storage. There is no site plan showing the location of the proposed storage trailers or containers. A plan should be submitted to this office for review.

This office will complete its review upon submission of the above mentioned plan.

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

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. A communication dated December 27, 2007 was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Petition of Lowe's Companies, Inc., 15 Commerce Way, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter be continued to the first City Council meeting in February 2008. The Planning Board will be reviewing this matter on January 29, 2008. If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON FEBRUARY 12, 2008 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

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On the petition by Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless and NSTAR Electric Company, 400 Friberg Parkway, Westborough, Massachusetts 01581 for a special permit pursuant to Section 5.1,80b, Section 11 and Section 5.6 of the 1985 Woburn Zoning Ordinances, as amended, to install three flushed mounted antennas at a center line of 73 feet on a 75 foot replacement of the existing 65 foot utility pole with 12 feet by 30 feet equipment shelter and diesel emergency back up generator inside a fenced telecommunications compound with the antennas relocated at a height of 63 feet on the replacement pole, and to install a single omni-directional whip antenna on the companion 65 foot utility pole on the H frame power stanchion at

Waltham Street Rear-Power Easement. PUBLIC HEARING OPENED. A communication dated December 18, 2007 with attachments was received from Attorney Daniel D. Klasnick, Duval & Associates LLC, 10 Cedar Street, Suite 17, Woburn, Massachusetts 01801 as follows:

Re: Application for Special Permit – Applicant: Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless

Dear Council Members:

Enclosed are materials that are supplementary to the Application that was filed on October 29, 2007 for a Special Permit (“Application”) to install and operate a wireless communications facility on a replacement utility pole within the Waltham Street power easement. The supplementary application materials are filed on behalf of Bell Atlantic Mobile of Massachusetts Corporation, Lt.s d/b/a Verizon Wireless the Operator and Tenant of the wireless communications facility (“Applicant”).

The supplemental filing includes an Environmental Noise Impact Evaluation and Environmental Sound Assessment. The sound study and assessment establish that the periodic testing of the emergency back up generator and operation of HVAC units will be below ambient levels at the nearest residences.

In accordance with the filing requirements, I am enclosing one (1) original and nineteen (19) copies of the supplementary Application materials. The Applicant would be happy to provide any additional information that you may require and would appreciate notice of any additional information you require in time to provide such information for the continued City Council meeting.

The Applicant looks forward to meeting with you and presenting this Application to the City Council. If you require any additional information, please contact me directly at (781) 569-6555.

Very truly yours, Duval & Associates LLC by s/Daniel D. Klasnick, Attorney at Law

Alderman Drapeau stated that the are two petitioner before the city council, that these should be separated, that Verizon wants to install some equipment and NStar watns to install a whip antenna, and that the landowner has not been contacted by NStar concerning the matter. Appearing for the petitioner was Attorney Daniel D. Klasnick and he stated that there is no relationship between the two matters operationally, that the proposal is a small change to the existing property which already houses two facilities, that Verizon will replace a 65 foot wooden pole with a 75 foot pole, that this will accommodate the co-location of wireless services, that there are no substantial changes to the locus, that it will be a higher pole but will be visually difficult to see the poles, that a casual observer would not be able to notice the change in the pole, that the documents provided demonstrate the need for the facility, that coverage maps were included in the filing, that the application materials establishes the need for the facility, that this is a good

location for the project, that Verizon takes an aggressive and responsible approach to provide a back-up generator, that this provides the ability to continue to use the facility when there is an emergency situation and where the main power source is interrupted, that there will likely be a mandate for back-up generators in all of these facilities in the future, that the generator will only operate during an emergency and during a weekly daytime test which is contacted remotely, that the nearest residence is 300 feet from the location, and that the petitioner will comply with the conditions in a report dated December 6, 2007 by Modeling Specialties entitled "Environmental Sound Assessment – Wireless Communication Facility" as follows: 1. Support electronics will be installed in an equipment shelter with high mass walls that will provide acoustic shielding for noise sources insider the shelter, 2. Wall mounted HVAC units will be directed to the East, away from nearby existing residences, 3. The proposed Generac SD060 generator will be installed inside a room of the shelter, 4. The combustion exhaust vent will be fitted with a critical grade silencer, 5. The radiator cooling air exhaust vent will be fitted with a heavy gauge cowling to direct the air and exhaust toward the ground, 6. The engine room return air louvers will also be fitted with down-turned cowling, 7. The engine room will be designed to operate with all other doors and vents closed, 8. The engine room will be operated for maintenance or routine weekly tests only during daytime periods, 9. Other than the tests, the engine will only operate during the loss of utility power. Motion made and 2<sup>nd</sup> to receive and make part of the record a report dated December 6, 2007 by Modeling Specialties entitled "Environmental Sound Assessment – Wireless Communication Facility", all in favor, 9-0. Alderman Drapeau stated that there was concern that there would be a back-up generator which is presently not located on the site, that he visited the site, that there has been some mitigation provided to reduce any sound from the generator, that there are other issues on this site including interests of the abutters and an access road, that there will be difficulty addressing the Verizon petition with the NStar issues also outstanding, and that he understands that the attorney of record represents Verizon but not NStar. Alderman Gately stated that there may need to be a gravel road constructed to the site. Alderman Gonsalves stated that recent petitions granted for wireless facilities have included a condition for a \$5,000.00 contribution to a wireless services study. Motion made and 2<sup>nd</sup> to receive and make part of the record a report dated December 6, 2007 by Modeling Specialties entitled "Environmental Sound Assessment – Wireless Communication Facility", all in favor, 9-0. IN FAVOR: Roger Wheaton, 17 Woburn Parkway stated that he owns the property on which the easement sits, and that he is in support of the Verizon wireless petition. OPPOSED: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON FEBRUARY 12, 2008 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

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Motion made and 2<sup>nd</sup> to hold the public hearings on the next two matters collectively, all in favor, 9-0.

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On the petition by Draper Realty LLC, 201 Chadwick Drive, Bradford, Massachusetts 01835 for a special permit pursuant to Section 5.1.57a of the 1985 Woburn Zoning Ordinances, as amended, to allow for the accessory storage or parking of two storage/commercial trailers on the property located at 27 Draper Street. PUBLIC HEARING OPENED. A copy of a communication dated December 10, 2007 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Woburn Engineering Department as follows:

Subject: 27 Draper Street Accessory Storage or Parking of two Storage Trailers Special Permit – Special Permit Application Dated December 3, 2007 – As-Built Plan Dated June 8, 2004

This office has reviewed the special permit application for the above referenced location and offers the following comments.

The applicant is seeking a special permit to allow accessory storage, or parking of two storage containers, on site. The submitted as-built plan shows the subject property with all the physical features but does not show the location where the storage containers will be located.

The applicant will need to show the location of the containers on the site plan and submit it to this office. This office will complete its review when the supplemental information is submitted.

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

A copy of a communication dated December 11, 2007 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Woburn Engineering Department as follows:

Subject: 27 Draper Street Accessory Storage or Parking of two Storage Trailers Special Permit – Special Permit Application Dated December 3, 2007 – As-Built Plan Dated June 8, 2004

This office has reviewed the special permit application for the above referenced location and offers the following comments.

The applicant is seeking a special permit to allow accessory storage, or parking of two storage containers on site. The submitted as-built plan shows the subject property with all the physical features but does not show the location where the storage containers will be located. The applicant's attorney noted that the containers will be situated where the loading docks are located and the type of container is a UPS style which will be parked at the loading dock and when it is loaded would be removed and replaced with another.

This office takes no exception to the special permit application as submitted.

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

A communication dated December 21, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on December 18, 2007, the Board voted to send a favorable recommendation to the City Council to allow for the parking of not more than two storage/commercial trailers in not more than two of the five loading spaces shown on the As Built Plan dated June 8, 2004 at 27 Draper St.

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

Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner's tenant who will use this special permit is called Shoebuy.com, one petition is for 27 Draper Street, that in September 2002 site plan approval was granted for the locus, that the petitioner has access to the three loading bays, that the petitioner intends to link two UPS trailers at the loading docks, that the petitioner receives an order, places it on the truck and every day or two UPS takes the trailer from the site, that the second petition is for 31 Draper Street, that on December 22, 2004 site plan approval was granted for the locus, that the petitioner is looking to use two of the five loading docks at 27 Draper Street and two of the three loading docks at 31 Draper Street, that they will use specific docks but no more than two at each location depending upon the work within the building, that the petitioner does not use their own trailer but uses UPS trailers instead, that these storage trailers are active as opposed to one that is parked on the locus for extended periods for storage therefore not subject to one year limitation, that these trucks are on wheels and loaded at the loading dock and then moved out when the shipment is made, that the zoning amendment has to be looked at with respect to commercial vehicles, that even having a commercial van for an office business requires a special permit, and that there is not a clear process with a one year limitation. Attorney Tarby offered a document entitled "Proposed Conditions Draper Realty LLC, 27 and 31 Draper Street, January 2, 2008" that read: 1. The petitioner shall post signs within its customer pick up area and loading area requesting both its customers and delivery companies to obey the rules of the road while traveling on city of Woburn streets and to use caution while traveling on Nashua Street to and from Draper Street, 2. The petitioner's commercial vehicles shall not use the section of Nashua Street between Draper Street and Holton Street when traveling to and from the Site, 3. The petitioner shall instruct its employees not to use the section of Nashua Street between Draper Street and Holton Street when traveling to and from the Site." Motion made and 2<sup>nd</sup> that the communication

be received and made part of the record, all in favor, 9-0. Zack Zaslov, Vice President of Operations for Shoebuy.com stated that the trucks are an essential part of the business operations, and that at approximately 5:00 p.m. the vehicles are picked up by UPS and another trailer is left in its place. Alderman Denaro stated that there are multiple businesses in the city where trailer trucks come and go to a facility, that this is part of commerce, that this is different than the veterinarian which had a permanent trailer that was required to do business parked on their site, that this use is commerce which generate revenue to keep the community affordable, that this is not a permanent structure, and that there are multiple businesses in the city with trucks that arrive at their site, remain on site and leave each day. Alderman Mercer-Bruen stated that she received complaints about the vehicles coming and going from the site and that is what brought this to the attention of the building department and city council, that she wants the one year restriction to apply to the storage trailer as required by the zoning code and as imposed on other petitioners, that this does not sound like light manufacturing but rather warehouse and development, that the one year limitation on the use ensures that the use stays on course, that this matter does not need to go into committee, that the petitions can be granted with the planning board conditions and with Note 17 of Table 5.1 of the zoning ordinances attached, that this issue matters as this is a tough area where businesses and residents abut one another, and that this is before the city council because no special permit was obtained for the storage trailers. Alderman Galvin stated that if this is a permanent fixture the special permit is limited to a one year requirement but the more mobile it becomes the less clear this is, and that the veterinarian was required to reapply each year for their trailer permit. Alderman Drapeau stated that the petitioner loading the vehicle, taking the trailer away and dropping a new trailer in its place is a permanent fixture, that there will always be a trailer on site and therefore the use is subject to the one year limitation, that this is not about a tractor trailer coming and going and which takes place all over the city, that this is a trailer without a cab attached, that the trailer is dropped, that one trailer is picked up and another trailer is dropped in its place, that it is a permanent fixture on the site, and that this allows the matter to be reviewed once a year to ensure that it has not caused issues to the neighborhood. Alderman Gately stated that all over the city trailers come and go, that he does not want to have the petitioner have to come back to the city council every year for a special permit, that this will be a growing issue all over the city, that the matter can be reviewed in one year to make sure this is working, and that there are businesses with trailer on site for three or four years. Motion made and 2<sup>nd</sup> that the following conditions be added to the special permit: 1. That the recommendations of the planning board be adopted as conditions of the special permit, 2. That Note 17 of Section 5.1 Table of Use Regulations of the 1985 Woburn Zoning Ordinances, as amended, and 3. That the three conditions offered by the petitioners be adopted, ROLL CALL: Denaro – No, Drapeau – Yes, Dwyer – No, Galvin – No, Gately – No, Gonsalves – Yes, Mercer-Bruen – Yes, Raymond – No, Doherty – Yes, Amendment Fails. Motion made and 2<sup>nd</sup> that the following condition be added to the special permit: 1. That the recommendations of the planning board be adopted as conditions of the special permit and that the petitioner's proposed conditions be adopted as conditions of the special permit, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the following condition be added to the special permit: 2. That the special permit be reviewed one year after the date of issue, 6 in favor,

3 opposed (Denaro, Dwyer, Raymond opposed). Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED, all in favor, 9-0.

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On the petition by Draper Realty LLC, 201 Chadwick Drive, Bradford, Massachusetts 01835 for a special permit pursuant to Section 5.1.57a of the 1985 Woburn Zoning Ordinances, as amended, to allow for the accessory storage or parking of two storage/commercial trailers on the property located at 31 Draper Street. PUBLIC HEARING OPENED.

A copy of a communication dated December 10, 2007 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Woburn Engineering Department as follows:

Subject: 31 Draper Street Accessory Storage or Parking of two Storage Trailers Special Permit – Special Permit Application Dated December 3, 2007 – As-Built Plan Dated November 10, 2005

This office has reviewed the special permit application for the above referenced location and offers the following comments.

The applicant is seeking a special permit to allow accessory storage, or parking of two storage containers, on site. The submitted as-built plan shows the subject property with all the physical features but does not show the location where the storage containers will be located.

The applicant will need to show the location of the containers on the site plan and submit it to this office. This office will complete its review when the supplemental information is submitted.

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

A copy of a communication dated December 11, 2007 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Woburn Engineering Department as follows:

Subject: 31 Draper Street Accessory Storage or Parking of two Storage Trailers Special Permit – Special Permit Application Dated December 3, 2007 – As-Built Plan Dated November 10, 2005

This office has reviewed the special permit application for the above referenced location and offers the following comments.

The applicant is seeking a special permit to allow accessory storage, or parking or two storage containers on site. The submitted as-built plan shows the subject property with all

the physical features but does not show the location where the storage containers will be located. The applicant's attorney noted that the containers will be situated where the loading docks are located and the type of container is a UPS style which will be parked at the loading dock and when it is loaded would be removed and replaced with another.

This office takes no exception to the special permit application as submitted.

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

A communication dated December 21, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on December 18, 2007, the Board voted to send a favorable recommendation to the City Council to allow for the parking of not more than two storage/commercial trailers in not more than two of the three loading spaces shown on the As Built Plan revised Nov. 10 2005 at 31 Draper St.

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

See record notes from preceding public hearing. Motion made and 2<sup>nd</sup> that the following conditions be added to the special permit: 1. That the recommendations of the planning board be adopted as conditions of the special permit, 2. That Note 17 of Section 5.1 Table of Use Regulations of the 1985 Woburn Zoning Ordinances, as amended, and 3. That the three conditions offered by the petitioners be adopted, ROLL CALL: Denaro – No, Drapeau – Yes, Dwyer – No, Galvin – No, Gately – No, Gonsalves – Yes, Mercer-Bruen – Yes, Raymond – No, Doherty – Yes, Amendment Fails. Motion made and 2<sup>nd</sup> that the following condition be added to the special permit: 1. That the recommendations of the planning board be adopted as conditions of the special permit and that the petitioner's proposed conditions be adopted as conditions of the special permit, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the following condition be added to the special permit: 2. That the special permit be reviewed one year after the date of issue, 6 in favor, 3 opposed (Denaro, Dwyer, Raymond opposed). Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED, all in favor, 9-0.

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:** None.

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**NEW PETITIONS:**

Petition by City of Woburn, Engineering Department, 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 to construction of public restrooms at Library Field. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by Pecks, Inc., 238 Bedford Street, #3, Lexington, Massachusetts 02420 for a special permit pursuant to Section 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a fast food establishment at 891 Main Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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**COMMUNICATIONS AND REPORTS:**

A communication dated December 31, 2007 was received from City Clerk William C. Campbell on behalf of the Woburn Traffic Commission as follows:

Re: Woburn Traffic Commission – Rules and Regulations

The Traffic Commission was established by Chapter 103 of the Acts of 2005, a copy of which is attached hereto for your reference. Section 6 of the Act provides as follows:

“SECTION 6. All rules and regulations of the traffic commission will be established by the traffic commission, subject to approval, change, or amendment by the city council.”

A request for a legal opinion was recently submitted to the city solicitor relative to the interpretation of Section 6. A copy of the request for an opinion, as well as a copy of the city solicitor’s opinion, is also enclosed for your reference.

Based on the opinion of the city solicitor, it appears that all rules and regulations adopted by the traffic commission must be approved or confirmed by the city council before the rules or regulations become effective. Further, due to provisions in the city charter, the city solicitor has also advised that the mayor must approve the action of the city council.

Therefore, attached you will find a compilation of the rules and regulations of the traffic commission that have been adopted since the inception of the body. In the future, any new or amended rules or regulations will be provided to the city council upon adoption by the traffic commission.

If you have any questions concerning the above, I am available at your convenience.

s/William C. Campbell, City Clerk

## Regulations of the Traffic Commission

BRENTWOOD ROAD - Restriction permitting local traffic only on Brentwood Road from main Street to Forest Park Road in both directions from 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 6:00 p.m.

CUMMINGS AVENUE - Restriction permitting local traffic only on Cummings Avenue from Kilby Street to Winn Street from 7:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:00 p.m. with signs posted accordingly.

EASTERN AVENUE – A handicapped restricted parking space shall be established in front of 62 Eastern Avenue.

FOWLE STREET – No parking on Fowle Street odd side only from Highland Street to Conn Street from March 30 to November 15.

FOWLE STREET – One way of travel on Fowle Street in a westerly direction from the intersection with Fulton Street to the intersection with Eastern Avenue.

HAWTHORNE STREET – No parking on Hawthorne Street both sides from the intersection with Washington Street to a distance of 225 feet west of Washington Street between the hours of 6:00 a.m. to 10:00 a.m. on Monday through Friday.

HILLTOP PARKWAY – No parking southerly side Hilltop Parkway beginning at a point twenty-five (25) feet from the intersection with Bow Street to the point one hundred seventy-five (175) feet from the intersection of Bow Street at the intersection with Hilltop Circle between the hours of 7:00 a.m. and 4:00 p.m.

HILLTOP PARKWAY – No parking both sides of Hilltop Parkway twenty-five (25) feet back from the intersection with Bow Street.

INTERVALE STREET - Restriction permitting local traffic only on Intervale Street from main Street to Brentwood Road in both directions from 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 6:00 p.m.

MAIN STREET - Two hour parking on Main Street easterly side between the sidewalk bump-outs at 375 Main Street, 379 Main Street and 381 Main Street twenty-four hours per day for sixty (60) days from April 19, 2007 at which time the Order shall expire.

MAIN STREET - One hour parking on Main Street both sides from 667 Main Street to Eaton Avenue.

ORANGE STREET – Stop sign on Orange Street in an easterly direction at the intersection with Central Street.

ORANGE STREET – Stop sign on Orange Street in a northerly direction at 35 Orange Street.

ORANGE STREET – Stop sign on Orange Street in a southerly direction at 35 Orange Street.

PARK STREET – A handicapped restricted parking space shall be established in front of 41 Park Street.

PINE GROVE ROAD - Restriction permitting local traffic only on Pine Grove Road at the intersection of Mishawum Road 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 6:00 p.m.

RUMFORD PARK DRIVE - Restriction permitting local traffic only on Rumford Park Drive from Mishawum Road to Forest Park Road from 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 6:00 p.m.

TORRICE DRIVE – No parking on Torrice Drive both sides from the intersection with Fourth Road northerly for a distance of two hundred eighty (280) feet.

WARREN AVENUE – No parking on Warren Avenue westerly side from the intersection with Porter Street to a point ending at 300 feet from the intersection with Porter Street .

WASHINGTON CIRCLE - “Residents Only Do Not Enter” from 7:00 a.m. to 9:00 am. And 2:00 p.m. to 6:00 p.m. and that signs be erected at the entrance to Washington Circle at the intersection with Mill Street and at the entrance to Washington Circle at the intersection with Pine Street.

WASHINGTON STREET – No parking westerly of Washington Street from the intersection with D Street to the intersection with Erie Street.

WEST STREET – One way of travel on West Street in a westerly direction from the intersection with Elm Street to the intersection with Pearl Street.

WOOD STREET – No parking on Wood Street westerly side from a point beginning at 150 feet from the intersection with Montvale Avenue to a point ending at 350 feet from the intersection with Montvale Avenue except Sundays and holidays.

Rules of the Traffic Commission

Rules and Orders of the Traffic Commission

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### Rules and Orders of the Traffic Commission

#### Meetings, Quorums, Proceeding, Etc.

##### Rule 1. Meeting dates and time

Regular meetings of the Woburn Traffic Commission shall be held on the third Thursday of each month at 3:00 p.m. Special Meetings are at the call of the Chair or by any three members. Notice of meetings shall be sent to the members and posted in the City Clerk's office at least 48 hours before the meeting.

##### Rule 2. Quorum

At all meetings of the Commission a majority shall constitute a quorum for the transaction of business.

##### Rule 3. Calling meeting to order; Absence of Chair; Duties of Chair

The Chair shall open the meeting at the hour to which the Commission has adjourned or has been called together and shall call the members to order. The Clerk shall call the roll and on the establishment of a quorum, the Commission shall proceed to business. In the absence of the Chair, the Clerk shall call the Commission to order and preside until the Chair pro tempore has been chosen by roll call, and a plurality of votes shall elect.

The Chair shall preserve order; may speak on points of order in preference to other members; and shall decide all questions of order, subject to an appeal to the Commission, by a motion regularly seconded, and no other business shall be in order until the question on the appeal shall have been decided.

The Chair shall declare all votes; but if any member doubts a vote the Chair, without further debate, shall require the members voting in the affirmative and in the negative, respectively, to raise their hands until they are counted.

#### Rule 4. Chair relinquishing the Chair

The Chair may call any member to the chair, but such substitution shall not continue longer than one meeting.

When a subject is under debate, the Chair may state facts, give his opinion on questions of order or wisdom of procedure, and participate in any debate or discussion without leaving his place; if the Chair elects to vacate the Chair to take part in any debate or discussion or for any other reason, he shall leave the chair, appointing some other member to preside until he resumes the chair.

#### Rule 5. Roll call votes

A vote shall be taken by a call of the roll, when any one member requests.

#### Rule 6. Order of motions

The Chair shall put all questions in the order in which they are moved unless the subsequent motion shall be previous in its nature; except that in naming sums and fixing time, the smallest sum and the longest time shall be put first.

#### Rule 7. Motions; Withdrawal

After a motion is stated or read by the Chair, it shall be in the possession of the Commission and may be disposed of by vote; but the mover may withdraw it at any time before a decision or amendment.

A question containing two or more items capable of division shall be divided whenever any member so requests.

#### Rule 8. Motion and procedure during debate

The Chair shall consider a motion to adjourn as always in order, except upon an immediate repetition. When a question is under debate he shall receive no motion but to adjourn; to postpone indefinitely; to lay on the table, the previous question; to postpone to a day certain; to commit; or to amend; which several motions shall have precedence in the order in which they stand arranged, and the first three shall be decided without debate.

No motion or proposition on a subject different from that under consideration shall be admitted under color of an amendment.

The Chair shall put the previous question in the following form: "Shall the Main Question Be Now Put?" and all debate upon the main question shall be suspended until the previous question shall be decided. The effect of a negative decision upon the previous question shall be to leave the main question under debate.

On the previous questions, not exceeding five minutes shall be allowed for debate and that only to give reason why the main question should not be put; and no member shall speak more than two minutes.

### Rights and Duties of Members

#### Rule 9. Addressing the Chair

Every member when about to speak shall address the Chair; shall confine himself to the questions under debate, and avoid personalities.

#### Rule 10. Speaking decorum

No member shall be interrupted while speaking, but by a call to order, or for the correction of a mistake; nor shall any conversation be allowed among the members while a question is being stated, while a member is speaking or a paper is being read.

#### Rule 11. Reconsideration

When a vote has passed it shall be in order for any member of the prevailing side to move for reconsideration at the same meeting, or by giving written notice to the Clerk no later than 4:30 P.M. on the second business day after adjournment, of the member's intention to move reconsideration at the next regular meeting; in which latter case the Clerk shall retain possession of the papers until said meeting; and when a vote for reconsideration is decided that vote shall not be reconsidered.

#### Rule 12. Reconsideration of certain motions not permitted

No vote on either of the following motions shall be reconsidered, viz: to adjourn, to lay on the table; to take from the table; the previous question.

No motion shall be twice reconsidered.

### Order of the Day

#### Rule 13. Order of business at regular meeting

At every meeting of the Traffic Commission the order of business shall be as follows:

1. Roll Call of Members.
2. Minutes of the previous meeting.
3. Old Business.
4. Resolutions received from City Council.
5. Requests received from citizens.
6. Commissioners' Items.
7. Public Hearings (No public hearing shall be scheduled prior to 5:00 p.m. without a 2/3 vote of the full Traffic Commission).
8. Adjournment.

And the above order shall not be departed from, except by vote of the majority of all the members present; and all questions relating thereto shall be decided without debate.

#### Rule 14. Preparation of Order of the Day

The Clerk shall prepare for use of the Traffic Commission at each meeting a docket of all items including those filed by the Commissioners, which are filed in the Office of the City Clerk by at least 1:00 p.m. the Monday before the Traffic Commission Meeting. The same shall be termed the "Agenda of the Traffic Commission". No other matters shall be taken up at the Meeting. This shall not prohibit the filing of new matter at the Traffic Commission meeting provided that it is only for the purposes of initial consideration, however no final action shall be permitted on such matter and such matter may be referred to the next regular meeting of the Traffic Commission or may be referred to a subcommittee made up of members of the Traffic Commission appointed by the chair for the purposes of reviewing the matter and reporting to the full Traffic Commission at its next regular meeting.

#### Rule 15. Form of items filed with the Traffic Commission

All reports and other matters submitted to the Traffic Commission shall be written or printed, and no endorsement of any kind shall be made on them excepting by the City Clerk or the Chair. The Clerk may promulgate a form or forms of petition to be used for requesting action by the Traffic Commission on a matter of interest to the petitioner. Any cost of advertising for action by the Traffic Commission shall be borne by the petitioner.

#### Rule 16. Parliamentary Procedure

The rules of Parliamentary Practice comprised in Roberts Rules and the Principles of Parliamentary Law set forth therein shall be authorities on all questions of debate under parliamentary usage, whenever the same does not conflict with the rules of the Traffic Commission.

Rule 17. Alterations, Repeal or Suspension of Rules and Orders.

None of the foregoing Rules shall be suspended, altered or repealed, unless by a vote of two-thirds of all the members of the Traffic Commission.

Rule 18. Anonymous Communications

Unsigned communications shall not be introduced in the Traffic Commission.

Rule 19. Matters Requiring Two Meetings Prior to Adoption

All matters presented to the Traffic Commission shall be considered at the next regular or special meeting of the Traffic Commission, unless the notice of the special meeting specifically limits the purpose for which the meeting is being called in which case the matter shall be held to the next regular meeting of the Traffic Commission. No matter which alters or amends the Traffic Regulations of the City of Woburn then and there in effect shall be passed in one meeting and there shall be at least seven days before the first meeting and the second meeting.

Rule 20. Public Hearings

Whenever a petitioner has requested or the Traffic Commission has determined the necessity for a public hearing notice shall be made as follows: 1.) By posting on the official bulletin board of the city of Woburn at least seven (7) days prior to the public hearing, 2.) by publication one time at least seven (7) days and no greater than thirty (30) days prior to the public hearing in a newspaper of general circulation in the city, and 3.) By first class mail postage prepaid to residences abutting along the street to be affected or along the particular streets named by majority vote of the Traffic Commission as determined by the census data on the Central Voter Registry maintained in the office of the City Clerk so long as such system is active and available; or 4. By such other manner as the Traffic Commission shall be determine by majority vote to be suitable publication in a particular matter.

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

\*\*\*\*\*

A communication dated December 20, 2007 with attachment was received from Donald J. Borchelt, Executive Director, Woburn Redevelopment Authority as follows:

Re: WRA Monthly Meeting Package for December 18, 2007

Dear Alderman Doherty:

Please find attached the Information Packages for the December monthly meeting of the Woburn Redevelopment Authority. Our next meeting is tentatively scheduled for January 29, 2007, at 5:00 pm. Please let me know if you have any questions or would like any further information.

Sincerely, s/Donald J. Borchelt, Executive Director

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

\*\*\*\*\*

A communication dated December 19, 2007 was received from Jonathan M. Silverstein, Kopelman and Paige, P.C., relative to the matter of Gibbs Oil Co. Ltd. v. Woburn City Council pending in the Appeals Court No. 2006-P-1420. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO THE COMMITTEE ON SPECIAL PERMITS REVIEW, all in favor, 9-0.

\*\*\*\*\*

A communication dated December 28, 2007 was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Minor Modification to Special Permit Granted to Avalon Bay Communities Inc. for Lot 2, Inwood Drive, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent Avalon Bay Communities, Inc. As you know, on April 7, 2005 the City Council granted a Special Permit to Howland Development Inc/Avalon Bay Communities Inc. for the development of 446 apartment units on Lot 2, Inwood Drive which special permit was further amended by the City Council on April 13, 2006, November 9, 2006, March 19, 2007 and July 13, 2007. Enclosed please find ten (10) copies of plans showing the following proposed minor site revisions required as a result of field conditions on the site encountered during the construction process.

Sheet C 16

- Six parking spaces were converted to compact spaces near the garage at building #4 to improve driveway width due to wetlands.
- Six parking spaces near building #2 were converted to compact spaces to improve driveway width.
- Spaces remain 9 feet wide but were cut back to 16 feet long.

Sheet C 17

- Nine parking spaces near building #6 were converted to compact spaces to provide proper clearance.
- Three compact spaces were added at the end of the parking lot between building #7 and #8.
- Three parking spaces were converted to compact spaces near the maintenance building generator.
- Two parallel spaces were converted to compact spaces near the maintenance building.

Sheet C 18

- One island was removed near the westerly side of building #8.
- Thirty parking spaces near the westerly side of building #8 were converted to compact spaces.
- Ten parking spaces near the garage at Building #11 were converted to compact spaces to improve driveway width.
- Fifteen parking spaces were converted to compact spaces and two islands were removed near building #11 to allow improved space setbacks from the steep slope area.
- Nine parking spaces were converted to compact spaces near building #13 to improve the driveway width.
- Fourteen parking spaces were converted to compact spaces near building #12 to improve the driveway width.

I respectfully request approval by the City Council of the above improvements as a minor modification to the Special Permit by substituting Plan C16, Sheet 16 of 27 dated November 9, 2007 in place of Plan C16, Sheet 16 of 27 dated December 1, 2004; by substituting Plan C17, Sheet 17 of 27 dated November 9, 2007 in place of Plan C17, Sheet 17 of 27 dated December 1, 2004; by substituting Plan C18, Sheet 18 of 27 dated November 9, 2007 in place of Plan C18, Sheet 18 of 27 dated December 1, 2004. If you have any questions please feel free to contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

Motion made and 2<sup>nd</sup> that the REQUEST be GRANTED, all in favor, 9-0.

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**UNFINISHED BUSINESS OF PRECEDING MEETING:** None.

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**APPOINTMENTS AND ELECTIONS:**

Motion made and 2<sup>nd</sup> to waive Rule 34, all in favor, 9-0.

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A communication dated December 26, 2007 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Donald Manzelli, 142 Place Lane as a Member of the Redevelopment Authority. Please be advised that the term will expire on November 12, 2012. The effective date of this appointment will be the date of confirmation by the City Council.

If you have any questions, please feel free to contact me.

Sincerely, s/Thomas L. McLaughlin, Mayor

Motion made and 2<sup>nd</sup> that the APPOINTMENT be CONFIRMED, all in favor, 9-0.  
**Presented to the Mayor: Jan. 7, 2008      s/Charles E. Doherty, Acting Mayor**  
**January 16, 2008**

\*\*\*\*\*

A communication dated December 26, 2007 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Arthur Duffy, 38 Alfred Street as a Member of the Redevelopment Authority. Arthur will be replacing Jack Marlowe. Please be advised that the term will expire on December 31, 2012. The effective date of this appointment will be the date of confirmation by the City Council.

If you have any questions, please feel free to contact me.

Sincerely, s/Thomas L. McLaughlin, Mayor

Motion made and 2<sup>nd</sup> that the APPOINTMENT be CONFIRMED, all in favor, 9-0.  
**Presented to the Mayor: Jan. 7, 2008      s/Charles E. Doherty, Acting Mayor**  
**January 16, 2008**

\*\*\*\*\*

A communication dated December 26, 2007 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby re-appoint Timothy Donovan of 30 Vernon Street as a Member of the Handicapped & Disabled Citizens Commission. Please be advised that the term will expire on December 31, 2010. Mr.

Donovan, which term has expired will be reappointed. The effective date of this appointment will be the date of confirmation by the City Council.

If you have any questions, please feel free to contact me.

Sincerely, s/Thomas L. McLaughlin, Mayor

Motion made and 2<sup>nd</sup> that the APPOINTMENT be CONFIRMED, all in favor, 9-0.  
**Presented to the Mayor: Jan. 7, 2008**      **s/Charles E. Doherty, Acting Mayor**  
**January 16, 2008**

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Motion made and 2<sup>nd</sup> to restore Rule 34, all in favor, 9-0.

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**MOTIONS, ORDERS AND RESOLUTIONS:**

ORDERED    That the City Council Regular Meeting scheduled for February 5, 2008 be canceled due to the State Presidential Primary Election.

s/President Doherty

Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, AS AMENDED with the amendment as follows: "That the Regular Meeting scheduled for February 5, 2008 shall be rescheduled to February 12, 2008", all in favor, 9-0.

\*\*\*\*\*

RESOLVED    That the City Engineer include Morningside Drive, Morningside Circle, Highview Road and New Village Road in the next submittal to the City Council for streets recommended to be accepted as public ways.

s/Alderman Drapeau

Motion made and 2<sup>nd</sup> that the RESOLVE be ADOPTED, all in favor, 9-0.  
**Presented to the Mayor: Jan. 7, 2008**      **s/Charles E. Doherty, Acting Mayor**  
**January 16, 2008**

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Motion made and 2<sup>nd</sup> to suspend the rules for the purpose of adding the following late filed matters to the Order of the Day, all in favor, 9-0.

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ORDERED    That in accordance with Massachusetts General Laws Chapter 54, as amended, the City Clerk is hereby authorized and directed to notify and to warn such of the inhabitants of the City of Woburn as are qualified to vote in Primaries to assemble at the polling places in their respective wards as

designated herein, on TUESDAY, the FIFTH DAY OF FEBRUARY, 2008 from 7:00 a.m. to 8:00 p.m., then and their to cast their votes in the Presidential Primary for the candidates of political parties for the following offices:

PRESIDENTIAL PREFERENCE ...FOR THIS COMMONWEALTH  
 STATE COMMITTEE MAN .....4<sup>TH</sup> MIDDLESEX SENATORIAL  
 DISTRICT (Wards 1, 3, 4, 5, 6, 7)  
 STATE COMMITTEE WOMAN .....4<sup>TH</sup> MIDDLESEX SENATORIAL  
 DISTRICT (Wards 1, 3, 4, 5, 6, 7)  
 STATE COMMITTEE MAN .....2<sup>ND</sup> MIDDLESEX SENATORIAL  
 DISTRICT (Ward 2)  
 STATE COMMITTEE WOMAN .....2<sup>ND</sup> MIDDLESEX SENATORIAL  
 DISTRICT (Ward 2)  
 WARD COMMITTEE.....WARD 1, 2, 3, 4, 5, 6, 7 WOBURN

<u>Ward-Precinct</u>	<u>Polling Place Location</u>
1-1	Joyce Middle School Library 55 Locust Street
1-2	Clapp Elementary School Cafeteria Hudson Street and Arlington Road
2-1	Shamrock Elementary School Gymnasium 60 Green Street
2-2	Shamrock Elementary School Gymnasium 60 Green Street
3-1	Hurld Elementary School Gymnasium 75 Bedford Road
3-2	Hurld Elementary School Gymnasium 75 Bedford Road
4-1	Wyman Elementary School Auditorium Main Street and Eaton Avenue
4-2	White Elementary School Gymnasium 36 Bow Street
5-1	Goodyear Elementary School Gymnasium 41 Orange Street
5-2	Goodyear Elementary School Gymnasium

41 Orange Street

6-1 Altavesta Elementary School Gymnasium  
990 Main Street

6-2 Altavesta Elementary School Gymnasium  
990 Main Street

7-1 Reeves Elementary School Gymnasium  
240 Lexington Street

7-2 Reeves Elementary School Gymnasium  
240 Lexington Street

s/President Doherty

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

**Presented to the Mayor: Jan. 7, 2008 s/Charles E. Doherty, Acting Mayor  
January 16, 2008**

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ORDERED That the sum of \$35,000.00 be and is hereby appropriated from Cemetery Interest Fund to New Equipment Account for the purchase of a new dump truck.

I hereby approve the above. s/Edmund McGrath, Chairperson  
I hereby recommend the above. s/Thomas L. McLaughlin, Mayor  
I have reviewed the above. s/Gerald W. Surette, Auditor

s/President Doherty

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

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Motion made and 2<sup>nd</sup> to return to the regular order of business.

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Motion made and 2<sup>nd</sup> to ADJOURN, all in favor, 9-0. Meeting adjourned at 10:04 p.m.

A TRUE RECORD ATTEST:

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