

**CITY OF WOBURN
JANUARY 22, 2008 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Denaro	Gately
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Galvin	Raymond
Doherty	

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

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$125,000.00 be and is hereby appropriated as so stated from Unreserved Fund Balance Acct #01-359000 \$125,000.00 to DPW Overtime Acct #011151-513100 \$125,000.00

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

s/President Doherty

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

PUBLIC HEARINGS:

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

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 report was received from the Committee on Special Permits as follows: "back for action." 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-N zoning district, that an office building of less than 15,000 square feet is allowed by right, that the proposed office building is less than 15,000 square feet, that a convenience store less than 5,000 square feet is allowed by right, that the proposed convenience store is less than 1,200 square feet, that a gasoline station requires a special permit which is before the city council, that the petitioner provides fuel and consulting services, convenience stores, retail and wholesale fuel sales and energy consulting, that there is proposed a 13,790 square foot office building with corporate offices for the petitioner, that there will be eighteen employees at the site although they will not all be there at the same time, that there will be two security officers on site 24 hours per day, that there will be no fast food component in the convenience store, that there will be four pump islands, that the planning board voted unanimously to give a favorable recommendation with conditions, that the convenience store will be located on the first floor, that the city engineer reported that the petition addressed all issues raised by that office, that the city traffic consultant VHB stated that no further traffic review was required at this time, that pedestrian access issues to the bus stop was addressed, that the first public hearing was held on November 27, 2007, that the public hearing was continued to January 2, 2008 and further continued to this meeting, that numerous documents and reports were filed with the city council, that the petition has met all conditions under applicable statutes and zoning ordinances, that the proposed office use and convenience store is allowed by right and the gasoline station with extended hours requires a special permit, and that the special permit complies all requirements. Attorney Tarby offered a document entitled "Memorandum of Petitioner" dated January 22, 2008 to the city council for review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Anthony Guba, Ayoub Engineering stated that there were off-site improvements, that impressed asphalt crosswalks will be installed, that a handicapped accessible sidewalk ramp will be installed on Hill Street where none now exists, that a sidewalk will be installed on Hill Street to connect with the commuter bus stop, that this sidewalk will allow access from the commuter parking lot to the commuter bus stop without having to cross past the entrance to the McDonalds restaurant, that approximately 300 feet of sidewalk and relocated curbing will be installed, and that a right turn lane will be established by pushing the curb back at its greatest distance of six to eight feet. Attorney Tarby offered a document entitled "Description of Proposed Off Site Improvements" to the city council for review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Jim Winn, GPI stated that there was a statement in the report that state review was not needed and a pass-by rate of higher than 25% was used, that in fact the petition does require a MassHighway indirect access permit and a 25% by-pass rate was used, that a trip generation comparison was made between the previously proposed donut shop and the current proposed use of the property, that based on data the information in the prior use report was lower and while the proposed use does generate more traffic it is not as great a difference as previously believed, that they are providing additional mitigation measures to extend the sidewalk on the property side of Hill Street to ease access from the commuter parking lot to the commuter bus stop, that one to four buses stop at the bus stop on peak hour weekdays and no buses use the bus stop on weekends, that there are three lanes of eastbound traffic, that when a bus is at the bus stop the traffic must merge or wait for the bus to move, that this proposal does not increase this

condition, that the proposed mitigation will decrease delays and improve traffic conditions on Hill Street, that this is a good site for development with access to Route 93 and a signalized intersection, and that the project will mitigate its impact. Nasser Buisier stated that he is the petitioner, that he submitted everything that was asked for by the city council, that he paid for a peer review traffic engineer, that there is no reason to vote against the petitioner, that he has been in business in Woburn since 1991, that when he purchased the property in Pleasant Street it was in rough shape, that he sells discount gasoline but other stations in the city had to respond by discounting their gasoline, that Montvale Avenue does not have discounted gasoline but if this petition is approved the competitors will have to lower their prices, that the vehicle drivers in the area will suffer by not having lower prices, that this is a one acre site near the highway, that a restaurant will not locate at this property as the McDonalds owner will not allow it and will appeal such a decision tying the matter up for five years, and that he will appeal a negative decision of this petition. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that the petitioner provides service to the community including gasoline to the police department under bid, that the petitioner is looking at the property where Krispy Kreme was to locate, that the three immediate abutters were opposed to that proposed use, that the city's planning board has made a favorable recommendation on the petition, that this petition may receive a negative vote, that the city council has left the impression that it does not want to support this project rather than asking for areas it believes are adverse to be changed, that the city council has the right to look at a petitioner, that the city auditor indicated that the petitioner owes the city for the cost of cleanup of a leak at the gasoline station on Pleasant Street however there was an insurance company to which a claim could have been made and it was not pursued, that there is a reference to that area being a mess, that the congestion of traffic may be a mess, that the commuter parking lot on Hill Street used to be used by the Registry of Motor Vehicles for driving tests and not used as a parking lot, that the Registry of Motor Vehicles parking was at the front of the lot, that the lot must be state owned property, that there is questionable debris in the lot, that there were 74 cars parked in the parking lot at 2:00 p.m. today, that the cars were parked in the middle of the lot and blocking access, that vehicles were parked along the entrances, that nine of the cars were from New Hampshire, that the bus could leave Montvale Avenue and pick passengers up from the lot, that this eliminates pedestrian issues, gets the bus off Montvale Avenue and makes better use of the traffic signal, that the fence near the bus canopy is falling down and is a concern for public safety, that a bump-out could be constructed on both sides of Montvale Avenue for the bus stop to get the bus out of the travel lanes, that the bus also stops in the westerly direction although there is not an actual bus stop there, that this is a viable piece of property with access to a major interstate highway, that this project will not bother anybody, that this is not wholesale gasoline sales, that it is good to have competitive pricing in the city, that the petitioner is a good and decent businessman, and that the city council must be fair with the petitioner. OPPOSED: Kathy Bailey, 4 Utica Street stated that she is concerned about pedestrian traffic, the MBTA stop and environmental issues, that this area us a traffic mess at the intersection, that adding more traffic to the intersection will make this worse, that there is mitigation to help pedestrians but this is still a cause of concern, that 87 parking spaces are indicated in the MBTA parking lot, that this proposal does not improve the area and

although it may not worsen conditions it does not improve the area, and that she is opposed to the petition. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Alderman Mercer-Bruen stated that she read the reports filed with this petition, that no where in the report does it say that the petition will not cause a problem, that the report states that it appears that the project will not cause a problem, that the use will generate double traffic in the peak p.m. hours compared to the formerly proposed Krispy Kreme use, that a lot of time has gone into the review of the petition and reports, that the city council is a check and balance, that she is concerned that this is not the right development for the site, that the traffic on Montvale Avenue is a mess and it got this way one special permit at time, and that this special permit will not make it better. Alderman Gately stated that the site cannot be compared to the Pleasant Street property, that for many years the city had to plow the MBTA parking lot and the sidewalks at the commuter bus stop because the MBTA would not send plows out to service the area, that the property dilapidated and rundown, that traffic on the highway will not get off to use the gasoline station, that this is a good project, that there will be sidewalk and road improvements, that the tax revenue will be good for the city, and that the site being located near the General Foods plant will not encourage a greater type of use for the site. Alderman Gonsalves stated that the traffic problems on Montvale Avenue are cumulative, that she does not support the petition as she does not want to add more traffic to the street, and that she has voted against other petitions on the street for the same reason. Alderman Denaro stated that if the petition is denied he decision will be appealed and the city will lose after three or four years, and that the project will have little or no impact on the area. Alderman Galvin stated that this is a viable piece of property, that the petitioner is trying to do too much on the site with a gasoline station, convenience store and five-story office building, that the office building may be higher than the hotel next door, that a sign on the roof will likely draw traffic from the highway with the McDonalds, convenience store and cheap gas, that he will not support the petition, and that this is not the right project for the site. Alderman Raymond stated that he visited the area and spoke to neighbors after the last public hearing, that he stopped and walked along Montvale Avenue, that most of the neighbors were not opposed to the project but concerned with the generation of additional traffic, and that he is opposed to the petition for this reason. Motion made and 2nd that the SPECIAL PERMIT be DENIED, for the following reasons: 1. This project will generate an excessive amount of vehicle trips in and out of the site that will cause backups on Hill Street and even more concerning, on Montvale Avenue. The current infrastructure on Montvale Avenue is already beyond capacity. The trip generation for the proposed uses of individual sale of gas, convenience store and a five story corporate office building will worsen an already bad situation; 2. The petitioner does not comply with Section 11.5.3 of the 1985 Woburn Zoning Ordinances, as amended, as the multiple uses proposed on the property as a whole will constitute adverse impacts on traffic, noise, odor and safety; 3. The petition does not comply with Section 1 Purpose and Application of the 1985 Woburn Zoning Ordinances, as amended, Line 1.1 Purpose: Line 1 To lessen congestion in the street as there will be additional congestion between increased deliveries, customers and employees because of the nature of the uses will certainly cause increased back-ups on Hill Street and Montvale Avenue; 4. That the petition does not comply with Section 1 Purpose and Application of the 1985 Woburn Zoning Ordinances, as amended, Line 1.1 Purpose: Line 5 To prevent

overcrowding of land as there will be deliveries, vehicles coming and going and the roadway is already overburdened and cannot handle additional traffic; and 5. The petition does not comply with Section 11 Special Permits and Variances of the 1985 Woburn Zoning Ordinances, as amended, Line 11.5.1 Satisfactory ingress and egress as this proposal is located on a street that requires access to Montvale Avenue, which is already over capacity. Additional traffic to Hill Street and Montvale Avenue is unacceptable and felt to be unsafe by the City Council, 6 in favor, 3 opposed (Denaro, Dwyer, Gately opposed).

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. A report was received from the Committee on Special Permits as follows “back for action.” See record notes from preceding matter. 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 DENIED, for the following reasons: 1. This project will generate an excessive amount of vehicle trips in and out of the site that will cause backups on Hill Street and even more concerning, on Montvale Avenue. The current infrastructure on Montvale Avenue is already beyond capacity. The trip generation for the proposed uses of individual sale of gas, convenience store and a five story corporate office building will worsen an already bad situation; 2. The petitioner does not comply with Section 11.5.3 of the 1985 Woburn Zoning Ordinances, as amended, as the multiple uses proposed on the property as a whole will constitute adverse impacts on traffic, noise, odor and safety; 3. The petition does not comply with Section 1 Purpose and Application of the 1985 Woburn Zoning Ordinances, as amended, Line 1.1 Purpose: Line 1 To lessen congestion in the street as there will be additional congestion between increased deliveries, customers and employees because of the nature of the uses will certainly cause increased back-ups on Hill Street and Montvale Avenue; 4. That the petition does not comply with Section 1 Purpose and Application of the 1985 Woburn Zoning Ordinances, as amended, Line 1.1 Purpose: Line 5 To prevent overcrowding of land as there will be deliveries, vehicles coming and going and the roadway is already overburdened and cannot handle additional traffic; and 5. The petition does not comply with Section 11 Special Permits and Variances of the 1985 Woburn Zoning Ordinances, as amended, Line 11.5.1 Satisfactory ingress and egress as this proposal is located on a street that requires access to Montvale Avenue, which is already over capacity. Additional traffic to Hill Street and Montvale Avenue is unacceptable and felt to be unsafe by the City Council, 6 in favor, 3 opposed (Denaro, Dwyer, Gately opposed).

On the petition by Robert Adams and Greg Adams, c/o Attorney Mark J. Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to replace two multi-family buildings with one building containing five dwelling units at 239 Main Street.

PUBLIC HEARING OPENED. A report was received from the Committee on Special Permit as follows: "That the special permit be granted, as amended, with the conditions as follows: 1. That the recommendations of the Planning Board, as amended, be adopted as conditions of the special permit, 2. That Planning Board condition #5 be amended to read "That the units shall be no closer than 6' from the westerly property line and that the height shall not exceed 35'", and 3. That there shall be a condition reading "That snow removal is to be off-site." Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he offered a revised site plan entitled "Site Plan and Zoning, 239-241 Main Street, Woburn, MA" dated January 18, 2008 to the city council for review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. IN FAVOR: None. 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 COMMITTEE REPORT be ADOPTED, AS AMENDED, with the amendment as follows: That the revised plan dated January 18, 2008 be the plan of record, all in favor, 9-0.

On the petition by Sam Gandor, 290 Turnpike Road, Suite 354, Westborough, Massachusetts 01581 for a special permit pursuant to Section 7.1.3 of the 1985 Woburn Zoning Ordinances, as amended, for reconstruction or structural change to a pre-existing and non-conforming four family frame residential dwelling to allow the construction of a deck or porch structure at the rear elevation of principal dwelling at 11-13 Porter Street. PUBLIC HEARING OPENED. A petition was received from the Committee on Special Permits as follows: "that the matter remain in committee." President Doherty stated that the petitioner's engineering plan has not been completed, and that the matter should be further continued. 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, 2008 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

On the petition by Alderman Galvin and Alderman Gately to amend the 1985 Woburn Zoning Ordinances 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 as follows: 1. By adding to Section 2 Definitions in the appropriate alphabetical order a new definition for "Restaurant, Formula Fast Food" as follows: "Any building, room, space or portion thereof where food or beverage is sold for consumption on-site or off-premises within a short period of time, orders are made at either a walk-up window or counter, payment for food or beverage is made prior to consumption, and the packaging of food is done in disposable containers, or is not a "Restaurant, full-service". A fast food restaurant may provide "accessory" related retail sales items and delivery service. "Formula Fast Food Restaurant maintains either by contractual or other arrangement, established or recognized business practice or membership affiliation, any of the following: 1. Business name common to a similar business located elsewhere, 2. Standardized menus, ingredients, food preparation, uniforms, or other standardized features common to restaurant located elsewhere, 3. Interior and exterior décor and/or signage common to a

similar business located elsewhere, and 4. Use of trademark or logo common to a similar business located elsewhere.”; 2. By amending line 5.1.29 by striking all current designations and inserting in their place an “X” under the B-N, B-H, B-I, I-P, IP-2, I-G, O-P and OP-93 zoning districts meaning that the use is allowed by right, a “P” under the B-D zoning district meaning that a special permit is required and a “-“ under the R-1, R-2, R-3, R-4, S-1, S-2 and O-S zoning districts meaning that the use is not allowed, and by inserting a reference to “Note 16; Section 18.3.4” under the column “Notes; other sections” and inserting a reference to “Section 12” under the column “Site Plan Requirements”.; 3. By amending Note 16 of Section 5.1 by adding in the third sentence after the words “Restaurant, full-service” the words “, Restaurant, Formula Fast Food”.; 4. By amending Section 12.2.1 by striking the reference to “Restaurant, Fast Food” and inserting in its place “Restaurant, Formula Fast Food”.; 5. By amending Section 18.3.4 by striking it in its entirety and inserting in its place the following: “All uses permitted by special permit under line 5.1.29a of Section 5.1 Table of Uses ‘Restaurant, Formula Fast Food’.”; 6. By adding a new line 5.1.29a Restaurant, Formula Fast Food and inserting a “-“ under the R-1, R-2, R-3, R-4, S-1 and O-S zoning districts meaning that the use is not allowed and a “P” under the B-H, B-D, B-I, I-P, I-P2, I-G, S-2, O-P and OP-93 zoning districts meaning that a special permit is required, and by inserting a reference to “Note 16; Section 18.3.4” under the column “Notes; other sections” and inserting the reference to “Section 12” under the column “Site Plan Requirements.” PUBLIC HEARING OPENED. A communication dated January 18, 2008 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Alderman Galvin and Alderman Gately – to amend the Woburn Zoning Ordinances, as amended, regarding “Restaurant, Formula Fast Food” & “Restaurant, Fast Food”

Dear Mr. Campbell and Members of the City Council:

At the ZORC meeting of January 17, 2008, the Planning Board voted to forward the following recommendation to the City Council on the above cited zoning ordinance changes:

1. That amendment 1 not be approved;
2. That amendment 2 be approved as amended:
By amending line 5.1.29 by striking all current designations and inserting in their place a “P” under the B-N, B-H, B-D, B-I, I-P, IP-2, I-G, S-2, O-P, and OP-93 zoning district meaning that a special permit is required and a “-” under the R-1, R-2, R-3, R-4, S-1, and O-S zoning districts meaning that the use is not allowed, and by inserting a reference to “Note 16; Section 18.3.4” under the column “Notes; other sections” and inserting a reference to “Section 12” under the column “Site Plan Requirements”.
3. That amendment 3 not be approved;
4. That amendment 4 not be approved;
5. That amendment 5 not be approved ; and
6. That amendment 6 not be approved.

If you or the members of the City Council have any questions or concerns regarding the foregoing matter, please contact me.

Respectfully Submitted, Edmund P. Tarallo, Planning Director

Alderman Galvin stated that this ordinance was submitted as an attempt to bifurcate fast food into two subsection, that the matter was referred by the Planning Board to the Zoning Ordinance Review Committee (ZORC), that there was a preference to not create a new definition, that it was recommended to allow the use in the business zone and to decide each petition on its merits, that he suggests that the ZORC recommendation be adopted and that the fast food use be allowed in the business zone by special permit, that ZORC did not believe that there was an easy definition for fast food, that the ordinance does not change the drive-thru aspect of the fast food use, that if drive-thru is currently allowed then it would continue to be allowed and where it is not allowed it would still not be allowed, that each petition for a special permit would stand on its own, and that the fast food use would not be allowed in the residential or open space zones. Alderman Dwyer stated that he agrees that this change is beneficial. Alderman Gonsalves stated that she would like to look at the proposal with respect to a review of the zoning map and where it will have an impact, that the matter should be reviewed with a volume of business definition tied to the fast food use, that there seemed to be an attempt to distinguish between the mom and pop type business as opposed to a national type brand fast food restaurant, that she wants to be certain that the drive-thru component is not allowed in the B-N zoning district, and that it is her understanding that the fast drive-thru component is not allowed in the B-N zoning district. Alderman Gately stated that it is difficult to use volume as a determinant of the fast food use. President Doherty stated that the City Council will not lose its special permit granting authority. Alderman Mercer-Bruen stated that she support the effort but may desire to tighten the definition more, and that the use would not be allowed under a special permit if the proposed use was out of scope and character of the neighborhood. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that he is in favor of the petition. Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn stated that he is in favor of the petition. OPPOSED: Kathy Bailey, 4 Utica Street stated that she is not for or against the petition, that she resides next to the B-N zoning district, that she is concerned about the impact on her property, and that a special permit would be required for the use which would provide some protection. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the ORDER be ADOPTED, AS AMENDED, with the amendment as follows: That the recommendations of the Zoning Ordinance Review Committee adopted, all in favor, 9-0.

Presented to the Mayor: Jan. 25, 2008 s/Thomas L. McLaughlin Jan. 30, 2008

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to appropriate the sum of \$35,000.00 from Cemetery Interest Fund Account to New Equipment Account for the purchase of a new dump truck, 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: Jan. 25, 2008 s/Thomas L. McLaughlin Jan. 30, 2008

On the Order to transfer the sum of \$150,000.00 from Receipts Reserved for Appropriation Ambulance Account to Ambulance Salary Account and Ambulance Maintenance 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: Jan. 25, 2008 s/Thomas L. McLaughlin Jan. 30, 2008

On the Order to appropriate the sum of \$257,000.00 from Unreserved Fund Balance Account to Commercial Water Meter Installation Account, committee report was received “ought to pass.” Alderman Denaro stated that he is concerned that the money is not coming from the Water and Sewer Enterprise Fund (“WSEF”), that it is a direct cost, and that it should come from the WSEF. Alderman Doherty stated that this is a temporary loan that will be paid from the WSEF but currently there are not enough funds in the WSEF for this one time cost. Alderman Denaro stated that the city council should act to be certain hat the WSEF is brought out of deficit, that there will be cuts in services during the next budget season, and that he is reluctant to take money from the free cash account. Alderman Gonsalves stated that moving forward with the project now will result in better collections in the future, and that the funds in the free cash account now is sufficient. Alderman Galvin stated that he is in support of the project, that \$500,000.00 was appropriated from the overlay account in the past, that the municipal code indicates that all meter charges will be put in an escrow account for maintenance but nothing about being put into the free cash account, that using the free cash account is troubling, that the city will recoup money by better billing and identifying leaks, that the cost can be split over a couple of years, that the money put up will be seed money, that the businesses will pay for the meters and will be billed for service, that this is a lot of money, that there is a half million dollars sitting in an account that could be used, and that the money can be recouped by collections. Alderman Drapeau stated that the money will be recouped from the businesses when they are installed, that the meters will be more accurate, that they will generate more revenue and stabilize the appropriations, that he is not aware of the \$500,000.00 but that it was not handled well, that he does want to delay or piecemeal the project, and that based on accuracy, collections and added revenues makes this a great investment for the city. Alderman Gately stated that it was said four years ago that there would not be enough money until all of the meters were installed, that the bid was put out, that the project pays for itself likely in the first year, that it can determine leaks in the down from the chair. Alderman Galvin assumed the chair. President Doherty stated that there system, that they sooner the project is put on line the sooner the city gets its money back, and that this is the only way to ensure that the project is done and done right away.

Alderman Raymond stated that the monthly billing to larger users will be a real advantage as well as the loss prevention aspect. Alderman Galvin stated that he supports the comments, that the only issue is that there will be money moved from the city side to the WSEF, that the municipal code should be amended to be certain that funds are sent back from the WSEF to pay this amount, and that the municipal code could be amended to state that "cost of meters" will be put in an escrow account to be able to pay this money back. President Doherty stepped is no funding in the WSEF, that the city can use general funds at the end of the year to pay for the project this year, that this will not be a continuous cost but a one time cost that will be paid back, that he is opposed to increasing water and sewer rates as this will continue over time even after the funds have been paid back, and that the city council should amend the municipal code so that all money paid for meters goes back to the city and not be commingled in the WSEF. Alderman Denaro stated that he urges the city council to make long term plans when setting water and sewer rates in the future for capital improvements and that these funds should be used for these improvements. Alderman Gonsalves stated that the city is paying debt service for a major outlay of \$25,000,000.00, and that it may be difficult for the city to take on more debt service. Alderman Denaro stated that the city cannot wait for that debt service to be paid as the infrastructure will be deteriorated by that time. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0. Alderman Galvin steps down from the chair. President Doherty assumed the chair.

Presented to the Mayor: Jan. 25, 2008 s/Thomas L. McLaughlin Jan. 30, 2008

On the Order to appropriate the sum of \$201,532.00 from Unreserved Fund Balance Account to Inspections/Temporary Help Account, Veterans Cash Aid Account, Property & Liability Account, two Election and Registration Accounts, and DPW – Telephone Account, committee report was received "ought to pass, as amended, with the amendment as follows: By reducing Property & Liability Account to \$20,000.00, by reducing DPW – Telephone Account to \$28,000.00 and by reducing the total appropriation to \$156,532.00." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: Jan. 25, 2008 s/Thomas L. McLaughlin Jan. 30, 2008

PERSONNEL:

On the re-appointment of Ann D. Alongi as a member of the Woburn Council on Aging, 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: Jan. 25, 2008 s/Thomas L. McLaughlin Jan. 30, 2008

On the re-appointment of Doris Stanton as a member of the Woburn Council on Aging, 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: Jan. 25, 2008 s/Thomas L. McLaughlin Jan. 30, 2008

On the re-appointment of Barbara McCauley as a member of the Woburn Council on Aging, 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: Jan. 25, 2008 s/Thomas L. McLaughlin Jan. 30, 2008

On the re-appointment of Francis Hancock as a member of the Woburn Council on Aging, 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: Jan. 25, 2008 s/Thomas L. McLaughlin Jan. 30, 2008

On the re-appointment of Dorothy Capone as a member of the Woburn Council on Aging, 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: Jan. 25, 2008 s/Thomas L. McLaughlin Jan. 30, 2008

On the re-appointment of Eleanor Camillieri as a member of the Woburn Council on Aging, 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: Jan. 25, 2008 s/Thomas L. McLaughlin Jan. 30, 2008

POLICE AND LICENSES:

On the petition by Azure Dynamics Incorporation to amend the conditions of the First Class Motor Vehicle Sales License, committee report was received as follows: 1. That Condition #1 be amended to read: 1. That outside storage of electric or hybrid vehicles is limited to not more than fifteen (15) vehicles, not including employee vehicles, 2. That Condition #2 be amended to read: That vehicles with internal combustion as part of the hybrid system be limited to not more than fifteen (15) vehicles, not including employee vehicles, 3. That Condition #3 remain unchanged, and 4. That condition #4 remain unchanged." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: Jan. 25, 2008 s/Thomas L. McLaughlin Jan. 30, 2008

NEW PETITIONS:

Petition by Boys & Girls Club of Woburn, Inc., Charles Gardner Lane, Woburn, Massachusetts 01801 for a special permit to conduct a six-day carnival from May 13, 2008 to May 18, 2008 at the National Amusements (Showcase Cinemas) site at 25 Middlesex Canal Park. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by John Tremblay, 8 Ruthven Avenue, Burlington, Massachusetts 01803 for a special permit to recognize a residential property as a three-family residence at 4-6 Lowell Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Michael Colameta and Douglas Lynch, 247 Salem Street, Woburn, Massachusetts 01801 for a special permit to allow three metal storage bins at 247 Salem Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Verizon New England Inc., 125 High Street, Boston, Massachusetts 02210 for a special permit pursuant to Section 57b of the 1985 Woburn Zoning Ordinances, as amended, to further amend a special permit granted July 15, 1988, as amended February 18, 2005, as amended May 12, 2005 to allow for parking of an additional thirty commercial vehicles for a total of 167 commercial vehicles at 275 Wildwood Avenue. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Extra Space Storage, 15 Olympia Avenue, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to modify a special permit dated February 8, 1989 by modifying the hours of operation to Monday through Sunday 7:00 a.m. to 7:00 p.m. and to allow for the outside storage of commercial motor vehicles at 15 Olympia Avenue. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Ztek Corporation, 300 West Cummings Park, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.41 of the 1985 Woburn Zoning Ordinances, as amended, to allow research and testing laboratory at 300 West Cummings Park. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated January 15, 2008 with attachments was received from Joanne Collins, Director, Woburn Council on Aging with a copy of the minutes from the December meeting of the Council on Aging and the Director's monthly report. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of a communication dated January 14, 2008 with attachment to Kristen M. Hall, Project Manager, MWRA Community Support Program, from John E. Corey, Jr., PE, City Engineer was received as follows:

Subject: MWRA Local Pipeline Assistance Program – Loan Application – South End Cleaning and Lining – Year 2 Program

Dear Ms. Hall:

Enclosed for processing by your office is one executed copy of the above referenced loan application and supporting documentation.

The loan application requests \$1,214,000.00 to perform cleaning and lining of approximately 13,300 feet of 6, 8 and 12 inch diameter unlined cast iron water mains installed between 1912 and 1922. The project was bid in June of this year with a contract being awarded to J. Fletcher Creamer & Sons. Cleaning and relining work commenced on September 15th of this year with approximately 95% of the contract being completed to date. The contractors operations have been suspended for the winter with project completion scheduled for the spring of 2008. The total loan amount has been authorized by a vote of the city council as evidenced in the supporting documents.

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

Very truly yours, s/John E. Corey, Jr., PE

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

A report dated January 9, 2008 was received from the Woburn Police Department entitled “Fuel Transactions (short format) dated December 1, 2007 to December 31, 2007”.

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

A communication dated January 2, 2008 was received from Elizabeth Ware, Town Planner, Town of Winchester relative to a series of meetings concerning the Winchester Hospital expansion at 620 Washington Street, Winchester before the Design Review Committee on January 3, 2008 and before the Winchester Planning Board on January 17, 24 and 31, 2008 at 7:30 p.m. in the Winchester Room at Winchester Town Hall, 71 Mt. Vernon Street, Winchester. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated January 17, 2008 with attachment 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 Koffler/GID Woburn LLC, 300 Mishawum Road, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent Koffler/GID Woburn LLC. On August 21, 2006, your office issued a Landowner's Decision and Notice of Special Permit setting forth approval by the Woburn City Council of a modification of the Special Permit granted to my client on October 9, 2003 (the "Decision"). The Decision allowed for a modified Site Plan. Enclosed please find ten copies of a plan entitled "Koffler/GID Woburn Development LLC Outparcel Building, Woburn Mall, Certified Existing Parking Plan" dated December 19, 2007 and revised on January 15, 2008 prepared by Griffin Engineering Group LLC, P.O. Box 7061, 100 Cummings Center, Suite 224G, Beverly, Massachusetts (the "Plan").

Recently in connection with the filing of a Petition for Special Permit (which Petition was withdrawn) seeking a further modification to the Decision, it was discovered that there was a minor discrepancy in the gross and net floor areas shown on the site plan of record referenced in the Decision and the actual gross and net floor area existing today.

In the Plan of Record referenced in the Decision, the gross floor area was 304,089 square feet. The actual gross floor area is 304,853 square feet. The difference is 750 gross square feet or a .0025124% difference. In the Plan of Record referenced in the Decision, the net floor area was 290,140 square feet. The actual gross floor area is 290,855 square feet. The difference is 715 gross square feet or a .0024643% difference.

In addition, the actual number of parking spaces on the premises exceeds the number of spaces shown on the Plan of Record referenced in the Decision. The Plan of Record showed a total of 1,292 parking spaces (1137 standard spaces, 127 compact spaces and 28 handicapped spaces). The Plan provides for 818 retail spaces, 330 standard spaces, 127 compact spaces and 28 handicapped spaces for a total of 1,303 parking spaces which results in an increase of 11 parking spaces.

As a result of these minor discrepancies, the Planning Director cannot signoff on the Certificate of Occupancy for both Talbots and Sarku Japan until the City Council approves the minor modifications as set forth above. Since Talbots needs to occupy its premises immediately, I respectfully request approval by the City Council at its meeting on January 22, 2008 of the above modifications which clearly are minor modifications to the Special Permit issued by the City Clerk's office on August 21, 2006 as well as adopting the Plan referenced above as the Plan of Record.

If you have any questions, please do not hesitate to contact me. Thank you.

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

Alderman Mercer-Bruen stated that she understands that there was additional work on the mezzanine at Market Basket that was not expected, that there is also a change in the parking which allows more parking, that there appears to be more parking however retail parking spaces are of a different size, that when the occupancy permits for Sarku, Talbot's and Market Basket issue in the next three months or thereabouts then the special permit should be closed out, and that the city council may have to review the matter in the Committee on Special Permits Review in the next three months to ensure that the special permit is closed out. Motion made and 2nd that the REQUEST be GRANTED, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated January 9, 2008 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Re: Sign Review Board – Maureen Valis

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Maureen Vallis of 4 Clifford Terrace as a Member of the Sign Review Board for a period of two years. Her term will expire on June 29, 2009.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

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

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That Rule 20 of the Rules and Orders of the City Council be further amended by adding under the second paragraph after the words "i. Tax Delinquency" the following words "j. Elderly Housing" meaning and intending to establish a three member standing committee of the City Council to be known as the Committee on Elderly Housing.

s/President Doherty

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

Motion made and 2nd 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.

- RESOLVED
1. That Sovereign Bank New England (hereinafter “the Financial Institution”) is designated as a depository for the funds of the City of Woburn (hereinafter “this corporation”);
 2. That this resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by this Financial Institution.
 3. All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of this corporation with this Financial Institution prior to the adoption of this resolution are hereby ratified, approved and confirmed.
 4. Any of the persons named below, so long as they act in a representative capacity as agents of this corporation, are authorized to make any and all contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated below, from time to time with this Financial Institution, concerning funds deposited in this Financial Institution, moneys borrowed from this Financial Institution or any other business transacted by and between this corporation and this Financial Institution subject to any restrictions stated below.
 5. Any and all prior resolutions adopted by the City Council of the City of Woburn and certified to this Financial Institution as governing the operation of this corporation’s account(s), are in full force and effect, unless supplemented or modified by this authorization.
 6. This corporation agrees to the terms and conditions of any account agreement, properly opened by any authorized representative(s) of this corporation, and authorizes the Financial Institution named above, at any time, to charge this corporation for all checks, drafts, or other orders, for the payment of money, that are drawn on this Financial Institution, regardless of by whom or by what means the facsimile signature(s) may have been affixed so long as they resemble the facsimile signatures specimens in Section C. (or the facsimile signature specimens that this corporation files with this Financial Institution from time to time) and contain the required number of signatures for this purpose. C. If indicated, any person listed below (subject to any expressed restrictions) is

authorized to: A. s/Donald N. Jensen, Treasurer/Collector; B. s/ Timothy J. Donovan, Deputy Treasurer; C. s/Maureen K. Garrity, Assistant Treasurer

s/President Doherty

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0
Presented to the Mayor: Jan. 25, 2008 s/Thomas L. McLaughlin Jan. 30, 2008

RESOLVED Whereas, it is in the interest of the city of Woburn and the residents therein to accept certain unaccepted streets within the city's boundaries, and

Whereas, the city solicitor has offered an opinion that the Mayor should obtain interest in the subject land by deed or easement;

Now, Therefore, Be It Resolved that His Honor the Mayor, in consultation with the city solicitor, seek to acquire the necessary land, by gift or purchase, with appropriate deeds or easements, in order to allow the city to accept the following streets:

1. Arbor Lane.
2. Brae Circle.
3. Christin Way.
4. Connors Drive.
5. Coventry Lane.
6. Fairway Drive.
7. Industrial Parkway.
8. Markham Terrace.
9. Maud Place.
10. Mawn Drive.
11. Mikaila Way.
12. Murray Road.
13. Old Cambridge Road.
14. Sheila Avenue.

Be It Further Resolved, that His Honor the Mayor transmit such documentation to the City Council as it becomes available so as to allow an expedited process of accepting these streets.

s/Alderman Drapeau

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0
Presented to the Mayor: Jan. 25, 2008 s/Thomas L. McLaughlin Jan. 30, 2008

RESOLVED Whereas, it is in the interest of the city of Woburn and the residents therein to accept certain unaccepted streets within the city's boundaries, and

Whereas, the Woburn Planning Board reports that a conveyance in the necessary land has been acquired from the developer of the street; and

Whereas, the city solicitor offered an opinion that His Honor the Mayor can by petition begin the process to accept certain streets,

Now, Therefore, Be It Resolved that His Honor the Mayor, execute and deliver to the City Council a petition seeking the acceptance of the following streets within the boundaries of the City of Woburn as public ways:

1. Arthur J. Pernokis Way.
2. Crossman Road to Loves Lane.
3. Shaker Hill Lane.

s/Alderman Drapeau

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

Presented to the Mayor: Jan. 25, 2008 s/Thomas L. McLaughlin Jan. 30, 2008

ORDERED That the sum of \$125,000.00 be and is hereby transferred as so stated from Ambulance Receipts Acct #31359-595000 \$125,000.00 to Ambulance Salary Acct #0122051-511500 \$125,000.00

I hereby approve the above. s/Charles E. Doherty, Acting Mayor
I hereby approve the above. s/Paul Tortolano, Chief, Fire Department
I have reviewed the above. s/Gerald W. Surette, City Auditor

s/Alderman Drapeau

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

ORDERED That the sum of \$125,000.00 be transferred as follows from Account #0122051-511500 Ambulance Salary Account to \$100,000.00 Fire Overtime #0122051-513100, \$10,000.00 Building Maintenance #0122052-524100, \$10,000.00 Apparatus Maintenance #0122054-544400, \$5,000.00 Telephone #0122052-534100.

s/Chief Paul Tortolano
s/Auditor Gerald Surette
s/Charles E. Doherty, Acting Mayor

s/Alderman Drapeau

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

A communication dated January 22, 2008 was received from Donald Borchelt, Executive Director, Woburn Redevelopment Authority relative to the FY2008 CDBG Community Development Fund Application encouraging the Alderman to attend the public hearing on the application on January 30, 2008 at 7:00 p.m. in the City Council Chambers, Woburn City Hall. Alderman Dwyer stated that he urges residents to take advantage of the \$30,000.00 grants to make home repairs, and that if the repairs are made and the property is not sold for fifteen the homeowner does not have to pay the money back. Alderman Galvin stated that the grants will go a long way to help residents improve their property. Alderman Gately stated that this program has been in process for quite a while. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

Petition by George J. Hamilton, 19C Jefferson Avenue for renewal of Second Class Motor Vehicle Sales License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

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

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:17 p.m.

A TRUE RECORD ATTEST:

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