

**CITY OF WOBURN  
NOVEMBER 18, 2014 - 7:00 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gaffney
Concannon	Gately
DiTucci	Mercer-Bruen
Drapeau	Raymond
Haggerty	

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VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE, 8 in favor, 0 opposed, 1 absent (Gately absent).

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**MAYOR'S COMMUNICATIONS:** None.

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**PUBLIC HEARINGS:**

Motion made and 2<sup>nd</sup> that the public hearing on the following two petitions by held collectively, 8 in favor, 0 opposed, 1 absent (Gately absent).

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On the petition by Woburn Foreign Motors, 394R Washington Street, Woburn, Massachusetts 01801 for a special permit to modify a special permit dated December 5, 2002 which Decision allowed for the alteration of an existing non-conforming structure by the construction of a covered service drive at 394 Washington Street and Special Permit pursuant to the 1985 City of Woburn Zoning Ordinance, as amended, as follows: 1. Section 5.1 (45) (69) and 7.3 to allow for the sale or rental of automobiles, trucks, truck trailers, and motorcycles including accessory repair and storage facilities; 2. That the new site plan of record be the plan entitled "Site Plans for Woburn Foreign Motors Proposed Redevelopment, 394 Washington Street, Woburn, MA 01801" dated August 7, 2014, prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01801 (the Plan); and 3. In addition, the Petitioner seeks approval of the following modifications to the existing Site Plan of record: to allow for a stand-alone car wash within the interior of the building, additional parking spaces, transformer; dumpsters and fuel pump, all as shown on the Plan, at 394 Washington Street. PUBLIC HEARING OPENED. A communication dated November 10, 2014 was received from Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Woburn Foreign Motors, 394 Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for November 18, 2014 be continued to the City Council meeting on December 2, 2014. 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, 8 in favor, 0 opposed, 1 absent (Gately absent). PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON DECEMBER 2, 2014 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, 8 in favor, 0 opposed, 1 absent (Gately absent).

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On the petition by Woburn Foreign Motors, 394R Washington Street, Woburn, Massachusetts 01801 for special permits pursuant to the 1985 City of Woburn Zoning Ordinance, as amended, as follows: 1. Section 5.1 (45) to allow for the sale or rental of automobiles, trucks, truck trailers, and motorcycles including accessory repair and storage facilities; 2. Section 5.1 (69) and 7.3 to allow for the replacement of the existing non-conforming six (6) foot fence as shown on the plan with a six (6) foot wall; 3. Section 8.7 to allow for a reduction in the off street loading requirements; 4. Sections 5.1 (69), 7.3 and 13.5 to allow for the alteration of the existing non-confirming signage; 5. Footnote 8 to Section. 6.1 to allow for an increase in the building height from thirty-five (35) feet to forty-five (45) feet, more or less; 6. Section 8.6.3 to allow for an exception to the area and landscaping requirements to allow for alternate landscaping equal or superior in visual appearance; and 7. Sections 12.2.4 and 12.3.2 to allow for the replacement of the existing buildings on the property with a new building containing approximately 152,600 square feet in gross floor area, more or less, at 394R Washington Street. PUBLIC HEARING OPENED. A communication dated November 10, 2014 was received from Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Woburn Foreign Motors, 394 Washington Street, Woburn, Massachusetts

I respectfully request that the City Council public hearing on this matter presently scheduled for November 18, 2014 be continued to the City Council meeting on December 2, 2014. 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, 8 in favor, 0 opposed, 1 absent (Gately absent). PUBLIC COMMENTS: None. Motion

made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON DECEMBER 2, 2014 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, 8 in favor, 0 opposed, 1 absent (Gately absent).

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On the petition by Jennifer Hardin and Scott Hardin, 35 Avalon Road, Reading, Massachusetts 01867 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended to allow for the change, extension and alteration of the existing nonconforming structure and nonconforming use (three residential units within two structures on one lot) to allow for the addition to one of the structures to provide for a total of four (4) dwelling units (two in each structure) and for a finding the such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood, at 19 Traverse Street. PUBLIC HEARING OPENED. A communication dated November 12, 2014 was received from Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Jennifer and Scott Hardin, 19 Traverse Street, Woburn, MA

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for November 18, 2014 be continued to the City Council meeting on December 2, 2014. If you need any further information, please contact me. Thank you.

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

PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON DECEMBER 2, 2014 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, 8 in favor, 0 opposed, 1 absent (Gately absent).

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On the petition by John P. Flaherty and Kathryn A. Flaherty to further amend the 1985 Woburn Zoning Ordinances, as amended, by adding a new definition for “Church Buildings” in Section 2 Definitions and by adding a new Section 27 “Adaptive Reuse of Church Buildings” as set forth in the petition. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the initial public hearing in this matter was on June 17, 2014, that the Planning Board conducted a site visit to the former St. Joseph’s Church property on August 5, 2014, that the Planning Board referred the matter to the Zoning Ordinance Review Committee (ZORC), that ZORC met on September 10, 2014, September 24, 2014 and September 30, 2014, that the public has been continued to allow the Planning Board and ZORC to make

recommendations, that the Planning Board forwarded a recommendation on October 15, 2014, that the Committee on Ordinances has left the matter in committee in order to receive further public input at this meeting, that the Planning Board recommended the original zoning proposal not be adopted, that the Planning Board submitted recommended amendments to the ordinance, that the petitioner has reviewed the Planning Board amendments and has no issue with the proposals, that the recommended density of 3,000 square feet for the first dwelling unit and 1,800 for each additional unit does allow for a very well planned project leaving the units of a reasonable size, that another proposal with density of 5,000 square feet for the first unit and 2,500 square feet of each additional unit would result in large three-bedroom units, that the petitioner owns the former St. Joseph's Church property, that the petitioner would like to preserve the structure of the building and convert the use to residential, that the church buildings provide vital history and serve the community, and that there are a number of financial facilities that have faced financial pressure. Attorney Tarby offered copies of newspaper articles regarding the conversion of former church buildings for the City Council to review. Motion made and 2<sup>nd</sup> that the documents be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Gately absent). Alderman Drapeau stated that the former St. Joseph's Church building should remain standing, that the growth in that area of the community has been commercial, that the other end of Washington Street towards Reading will have some significant projects that will have a real impact on the traffic in the area, that there has to be language to protect the historical nature of the buildings in perpetuity, and that the former St. Joseph's Church building is historically significant. Alderman Mercer-Bruen stated that additional work must be done on the proposed ordinance including the density restrictions, that she does not see how preserving the building preserves the nature of the building, that there should be strict language to preserve the historic nature of the building, that the former St. Joseph's Church building is located in the R-1 and R-2 zoning districts, and that the proposal is for an apartment building at that location regardless of how it is described. Alderman DiTucci stated that the former St. Joseph's Church building has been at that location for almost 150 years, that the building was there before the neighborhood was developed, that changing the building would change the character of the neighborhood, that the building needs to be saved, that there are three floors in the building, that two condominiums in the building would be too large, and that originally three units were proposed for the top floor with the Woburn Historical Commission in the basement floor but the neighbors objected to that proposal. PUBLIC COMMENTS: William Mulrenan, 101R Washington Street stated that he spoke to the Chair of the Woburn Historical Society about the history of the former St. Joseph's Church property, that the property has not been declared a historical site by the City of Woburn, that the private Woburn Historical Society claims that the property is historic, that he spoke to a representative of the Massachusetts Historical Commission and was informed that the Archdiocese properties that were closing were reviewed for historical significance, that the Massachusetts Historical Commission did not declare the building a historic building and that the building could be razed by a developer, that neither the city nor the State have voted to declare the building as historic property, and that this request should be denied. Sue Ellen Holland, 2 Strawberry Lane stated that she is a Member of the Woburn Historical Commission, that the former St. Joseph's Church building was constructed in 1877, that under the ordinances of the city the Woburn Historical

Commission is responsible for protecting historic places in the city, that any building more than 75 years old is considered historic, that a developer of such property has to come before the Woburn Historical Commission where a determination is made whether the building is historic architecturally or has social significance such as the former residents, that the Woburn Historical Commission would likely vote that the former St. Joseph's Church building remain standing, that if a building is only historic because it is listed on the National Register of Historic Places then only the Woburn Public Library would survive in the city, that the Baldwin Mansion, 1790 House and Wyman School would all be open to demolition, that there are other older houses in the city that have been repurposed, that the proposal would not adversely affect the streetscape, that the Flagg House on Burlington Street is an example of a property not properly maintained, that the former Unitarian Church building was proposed to be torn down for a McDonald's restaurant, and that while there is not a National Register of Historic Places designation for the former St. Joseph's Church property it is a historically significant building. Lisa Mausolf, 6 Field Pond Drive, Reading, Massachusetts stated that she has been hired in the past by the Massachusetts Historical Commission to prepare a review of the former St. Joseph's Church property to determine whether the building is significant, that there are other buildings in Woburn that are on the National Register of Historic Places, that there are eighty properties including the Baldwin Mansion that are connected to the Middlesex Canal and technically on the list, that a diner on Main Street in North Woburn is on the register, that City Hall and the Burdett Mansion are not on the National Register of Historic Places, that obtaining the designation is a cumbersome, lengthy and costly process, and that just because a building is not on the National Register of Historic Places does not mean that the building is not historically significant. Paul Meaney, 1 Brandt Drive stated that he is speaking as a resident of the city and on behalf of the Woburn Business Association, that thousands of people have gone through the doors of the former St. Joseph's Church building, that the city should be focused on saving the building, that the City Council has to decide how this can be accomplished and has a developer who will work with the city, that there have been many zoning changes over the years, that East Woburn has suffered over the years because of its proximity to Routes 93 and 95/128, and that the Goodyear School, former St. Joseph's Church and Leland Park are in East Woburn and should be preserved. Kathy Lucero, 74 Willow Street stated that she is a Member of the Woburn Historical Society and Secretary of the Woburn Historic District Commission, that the Woburn Historical Society studies the history of Woburn, that the former St. Joseph's Church building was built in 1877 and was the second Catholic Church built in Woburn, that the city has a civic responsibility to preserve its history, and that preservation of this building will remind the City of Woburn what the residents of East Woburn gave to the community. Glen Turgiss, 4 Central Street stated that the Planning Board gave an unfavorable recommendation to the original proposal and the City Council should deny the petition, that the footprint, exterior design and preserving the architectural integrity of the building are not sufficient to preserve a historic building, that no multi-family dwellings are allow in the R-1 zoning district but this zoning amendment will allow such multi-family dwellings, that density restrictions of 3,000 square feet for the first dwelling unit and 1,800 square feet for each additional dwelling unit does not meet current standards in other zoning districts, that allowing more than one structure on the lot by preserving the house of worship allows construction of

additional buildings on the lot, that the parking requirements are not sufficient, and that the zoning amendment adversely affects other properties in the city. Dominic Zazzaro, 92 Washington Street stated that he created a table to compare this use with other uses and offered the document to the City Council for review. Motion made and 2<sup>nd</sup> that the document be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Gately absent). Laura Redick, 4 Central Street stated that she has concerns with the proposed zoning amendment, that the proposal will evoke an urban feel with these parcels, that there is no burden on the petitioner to maintain the historic integrity of the properties, and that amending the zoning ordinances is not the best method to preserve historic properties. Kathy Bailey, 4 Utica Street stated that the proposed zoning amendment does not address other church buildings in all zoning districts, that the former St. Joseph's Church property does not have adequate space for parking, that handicapped parking is not addressed, that a private parking lot in a neighborhood of single family residences is not favorable, that there should be a traffic study for the area, that there are not any parking restrictions on Washington Street in front of the former St. Joseph's Church property, and that the zoning should remain R-2 for single and two-family homes. Arthur Duffy, 38 Alfred Street stated that he is in favor of the proposed zoning amendment. John Boyd, 1 Utica Street stated that his property backs up to the former St. Joseph's Church property, and that the proposed use of this property will be much busier than the former church use. Marion Murphy, 111 Washington Street stated that the main issue is the zoning, that putting all those apartments in the middle of the residential neighborhood is not favorable, that two to three condominiums are fine but six apartments with the required parking is too much for the former St. Joseph's Church site, and that the zoning in the entire city should not be changed for one property. Motion made and 2<sup>nd</sup> that the public hearing be continued to the Regular Meeting of the City Council on December 2, 2014, 8 in favor, 0 opposed, 1 absent (Gately absent). Motion made by Alderman Anderson and duly 2<sup>nd</sup> to reconsider his vote to continue the public hearing to the December 2, 2014 City Council Regular Meeting, 8 in favor, 0 opposed, 1 absent (Gately absent). Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO A DATE TO BE DETERMINED BY THE CITY COUNCIL PRESIDENT, 8 in favor, 0 opposed, 1 absent (Gately absent).

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On the petition by Flyers Unlimited, 271 Salem Street, Unit J, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.45 of the 1985 Woburn Zoning Ordinances, as amended, to allow the sale or rental of automobiles, trucks, truck trailers, and motorcycles, including accessory repair and storage facilities (U-Haul trucks) at 271 Salem Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass as amended with the five (5) conditions as follows:

1. That the petitioner is allowed overnight parking for thirteen (13) vehicles, namely ten (10) small-medium rentals and three (3) trailer/carriers, along with eight additional daily parking spaces for employees/customers;

2. That the property owner supply a marked plan showing the designated spaces for the unit tenant(s) prior to the November 18, 2014 City Council meeting, and supply the Building Commissioner with a copy of the same;
3. That the hours of operation shall be: Monday through Friday from 9:00 am to 5:00 pm; Saturday from 9:00 am to 3:00 pm; and Sunday from 9:00 am to 1:00 pm;
4. That the petitioner's dumpster be located in the rear of the building and not emptied prior to 7:00 am; and
5. That this Special Permit shall be non-transferrable, specifically for "Flyers Unlimited".

Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that Condition #2 of the report could be eliminated as a revised plan has been submitted, that Condition #5 should be changed to "Stephen Jarbeau dba Flyers Unlimited", that this issue of parking has been addressed, that there is sufficient parking on the locus, that the manner in which vehicles are parked on the site is not perfect but is being addressed, that storage containers are being removed from the locus, that the landowner will apply for special permits for a container and three trucks, that the Building Department will allow the petitioners time to rectify the issues by obtaining a special permit, that the landowner has not applied for the special permits as of this time, that he filed the parking plan with the Building Department on November 13, 2014 but has not had a conversation with the Building Commissioner concerning the plan, that he is willing to confer with the Building Department, that the City Council should move forward with the petitioner's petition, that the petitioner will address the parking issues, and that the issue has been a disgruntled tenant. A revised parking plan was filed by Attorney Mark Salvati on November 13, 2014. Motion made and 2<sup>nd</sup> that the document be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Gately absent). Lenny Mirra stated that he represents Mirra Realty Trust and Mirra Company, that the parking lot has been re-striped, that there are 147 parking spaces available and 130 parking spaces are required, that they have removed some equipment from the locus, that other tenants will be removing containers from the property, that he will be seeking a special permit to allow parking of two dumpster, a backhoe and a trailer on the property for Mirra Company, and that they have owned the property since the 1970s and believed that they had grandfathered status for the vehicles. Alderman Drapeau stated that if the landowner has vehicles on the property without a special permit then they are violating the law, that there is no right to park the landowner's vehicles on the locus without a special permit, that there are many valid issues raised that warrant further review of the petition, that the Building Commissioner has to review the whole parking plan as the entire site is affected. Alderman Concannon stated that the parking plan should be reviewed by the Building Commissioner and his opinion regarding the adequacy of the parking plan should be transmitted to the City Council, that if there is a strong condition that the special permit cannot issue until the Building Commissioner approves the plan then he would approve the special permit on that basis, that the review has to address the plan for the entire site so that parking spaces are not double counted for different tenant uses, that there should be enough parking spaces for all of the tenants, and that the Building Commissioner cannot assess the adequacy of parking unless all of the parking is taken under consideration. Alderman Mercer-Bruen stated that

action has been taken to remedy the issues at the locus, that she will support the approval of the petition, that the Building Commissioner has not had time to review the parking plan, that the by-right use of the property by Xyleco, Inc. is uncertain and under review by the Building Department, and that if the City Council wants to approve the special permit they can do so and defer to the Building Commissioner regarding the parking issue. President Haggerty stepped down from the chair and Alderman Anderson assumed the chair. President Haggerty stated that he has visited the locus five times, that the petitioners are trying to conduct business in the city, that this process is putting a number of business operations on hold, that the issue is a disgruntled tenant, that he has seen no parking issues at the locus during his visits, that the City Council should move forward with the petition, that if necessary the special permit can be reviewed under the special permit review process, and that the landowner will come forward with a special permit petition which will further address any issues at the property. Alderman DiTucci stated that if the tenant Xyleco, Inc. has an issue with the lease they can take that up with the courts but not in this setting, that Xyleco, Inc. is preventing other businesses from operating, and that the two petitioner currently before the City Council are losing money and opportunity by these delays. Alderman Raymond stated that the special permit is not for the entire site but just for the petitioner, that the parking for this specific tenant is what is under consideration, and that the two petitioners for special permits at this address should not be held up because the whole plan is not under consideration.

**PUBLIC COMMENTS:** Attorney Gary M. Ronan, Goulston & Storrs, 400 Atlantic Avenue, Boston, Massachusetts 02110 he stated that he was appearing on behalf of Xyleco, Inc. which is a tenant at the locus, that his client is strongly opposed to this petition, that all of the concerns that have been raised by his client at previous meetings and in memorandums filed have not been addressed, that the parking plan filed by the petitioner last week is deficient in many respects, that there was no parking plan originally filed by the petitioner until his client raised objections, that a parking plan was then filed but was demonstrated to be inaccurate, that the Committee on Special Permits asked for a corrective plan before its next meeting but the plan was not filed, that the plan was filed after the committee meeting and the committee therefore could not provide comment on the plan, that some parking spaces are too small and the petitioner would need a variance for those parking spaces which he does not have, that the petitioner does not have a legal right to implement the plan because the parking spaces are inadequate, that there is no curbing, that an area without curbing is adjacent to a wetland and construction equipment is parked there as well as construction materials stored there, that gravel and other materials runoff to the wetland, that the Conservation Commission should review the parking plan, that the Fire Department should opine on the adequacy of access and the location of the fire hydrants, that the plan is not drawn to scale, that his client has three leases, that two leases give his client exclusive use to certain parking and loading areas which the parking plan shows available to other tenants in violation of the lease, that the third lease allows parking in area which are designated to other tenants in the parking plan, that the parking plan designates 28 parking spaces to his client when they need 65 to 70 parking spaces and have always needed and used that number of parking spaces, that the parking plan is a proposal, that the special permit should be denied because there is not sufficient parking and for the other reasons cited, that if the special permit is not denied at this time the petition should be referred to other city

departments for comment, that Xyleco, Inc. has 65 employees and most work 9:00 a.m. to 5:00 p.m. although other work at time work later, and that the petitioner leases 9,000 square feet. A communication dated November 18, 2104 was received from Attorney Gary M. Ronan on behalf of Xyleco, Inc. in opposition to the petition. Motion made and 2<sup>nd</sup> that the public hearing be closed, 8 in favor, 0 opposed, 1 absent (Gately absent). PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the conditions as follows: 1. That the petitioner is allowed overnight parking for thirteen (13) vehicles, namely ten (10) small-medium rentals and three (3) trailer/carriers, along with eight additional daily parking spaces for employees/customers; 2. That the parking plan submitted on November 18, 2014 be made part of the record and approved by the Building Commissioner prior to the issuance of the special permit and that the Committee on Special Permits upon comment from the Building Commissioner may amend the parking plan, 3. That the hours of operation shall be: Monday through Friday from 9:00 a.m. to 5:00 p.m.; Saturday from 9:00 a.m. to 3:00 p.m.; and Sunday from 9:00 a.m. to 1:00 p.m.; 4. That the petitioner's dumpster be located in the rear of the building and not emptied prior to 7:00 a.m.; and 5. That this Special Permit shall be non-transferrable, specifically for "Stephen Jarbeau dba Flyers Unlimited", 8 in favor, 0 opposed, 1 absent (Gately absent).

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Alderman Anderson stepped down from the chair and President Haggerty assumed the chair.

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On the petition by Diane R. Kurkjian dba Everydog LLC, 441 West Street, Reading, Massachusetts 01867 for a special permit pursuant to Section 5.1.35 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a kennel at 271 Salem Street, Units C and D. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass as amended with the eleven (11) conditions as follows:

1. That the hours of operation shall be: Monday through Friday from 9:00 am to 9:00 pm; Saturday from 9:00 am to 6:00 pm; and Sunday from 9:00 am to 3:00 pm;
2. That the property owner supply a marked plan showing twenty (20) designated spaces for the petitioner/unit tenant on November 12, 2014;
3. That the above referenced designated spaces be as close to the respective unit as possible;
4. That the petitioner supply a plan showing the location of the "Potty Station", with said "Station" to be located as far away from other tenants as possible;
5. That the petitioner shall provide to the council a copy of an agreement for the professional removal of doggy waste from the premises;
6. That this Special Permit shall be non-transferrable, specifically for "Everydog LLC";
7. That the petitioner's dumpster be located in the rear of the building and not emptied prior to 7:00 am;
8. That directional signage be displayed on site for "Everydog LLC" customers;
9. That petitioner shall be limited to sixteen (16) dogs at any one time;
10. That there shall be a six-month review of this Special Permit; and

11. That the number of dogs be limited to two (2) using the “Potty Station” at any one time.

Appearing was the petitioner Diane Kurkjian and she stated that the property is an industrial building, that other uses that could go into that building by-right would use parking spaces and may create noise and other issues, and that there are other dog facilities located in the city that are harmonious with neighboring businesses. PUBLIC COMMENTS: Attorney Gary M. Ronan, Goulston & Storrs, 400 Atlantic Avenue, Boston, Massachusetts 02110 he stated that he was appearing on behalf of Xyleco, Inc. which is a tenant at the locus, that his client continues to be opposed to the petition for the reasons stated at previous meetings and in memorandums filed, that the area for dog waste is not appropriate as it is too close to his clients door to the unit and is near a drain, that the Board of Health should review the location of the dog waste area, and that he has submitted petitions from two neighbors who are also opposed to the petition. Lenny Mirra stated that he appeared on behalf of Mirra Realty Trust, that he conferred with the petitioner, and that the dog waste area can be moved to the front of the building. A communication dated November 18, 2104 was received from Attorney Gary M. Ronan, on behalf of Xyleco, Inc. in opposition to the petition. A revised parking plan was filed by Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801. Motion made and 2<sup>nd</sup> that the document be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Gately absent). Motion made and 2<sup>nd</sup> that the public hearing be closed, 8 in favor, 0 opposed, 1 absent (Gately absent). PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the conditions as follows: 1. That the hours of operation shall be: Monday through Friday from 9:00 a.m. to 9:00 p.m.; Saturday from 9:00 a.m. to 6:00 p.m.; and Sunday from 9:00 a.m. to 3:00 p.m.; 2. That the parking plan submitted on November 18, 2014 be made part of the record and approved by the Building Commissioner prior to the issuance of the special permit and that the Committee on Special Permits upon comment from the Building Commissioner may amend the parking plan; 3. That the above referenced designated spaces be as close to the respective unit as possible; 4. That the petitioner supply a plan showing the location of the “Potty Station”, with said “Station” to be located as far away from other tenants as possible; 5. That the petitioner shall provide to the council a copy of an agreement for the professional removal of doggy waste from the premises; 6. That this Special Permit shall be non-transferrable, specifically for “Everydog LLC”; 7. That the petitioner’s dumpster be located in the rear of the building and not emptied prior to 7:00 am; 8. That directional signage be displayed on site for “Everydog LLC” customers; 9. That petitioner shall be limited to sixteen (16) dogs at any one time; 10. That there shall be a six-month review of this Special Permit; 11. That the number of dogs be limited to two (2) using the “Potty Station” at any one time; and 12. That the Board of Health comment relative to the disposal of dog waste by-product and the special permit will not issue until approved by the Board of Health, 8 in favor, 0 opposed, 1 absent (Gately absent).

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On the petition by Louise Doyle, 72 Willowdale Avenue, Tyngsboro, Massachusetts 01879 for a special permit pursuant to Section 5.1.33b of the 1985 Woburn Zoning

Ordinances, as amended, to allow muscular therapy at 76 Winn Street. PUBLIC HEARING OPENED. A communication dated November 12, 2014 was received from Erin Wortman, City Planner/Grant Writer as follows:

Re: Planning Department Comments on Special Permit Application for Muscular Therapy at 76 Winn Street

Dear President Haggerty and Aldermen:

The Planning Department has reviewed the request to allow for a muscular therapy business at 76 Winn Street pursuant to Section 5.1.33b. The property is located in the B-H zoning district and the requested use is allowed by City Council special permit. Based on the application, the petitioner indicated that the proposed use would accommodate three to six clients a day.

The therapist and petitioner, Louise Doyle, is a registered and certified Holistic RN who is currently employed at Mass General Hospital in Boston. The application indicates that her therapy will assist with postural alignment and will create balance to the sympathetic, parasympathetic nervous system and muscular skeletal system. The Commonwealth of Massachusetts Division of Professional Licensure has reviewed the petitioner's credentials and awarded her a license to practice as massage therapist.

Based on the information provided with the application, the use would occupy a room within the existing DovenStar Intuitive Reiki Center which has been operating for the past three years. The property is an existing office building on Winn Street with ample parking for this additional use request. The Planning Department believes this use will have minimal, if any, impact on traffic or parking. Therefore, this office takes no exception to the special permit request.

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

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

Appearing was the petitioner Louise Doyle and she stated that she has been a registered nurse for 37 years, that she worked at Massachusetts General Hospital, that she is a certified holistic nurse, and she is a licensed massage therapist which is a muscular therapist. Alderman Gaffney stated that he had no opposition to the petition. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, 8 in favor, 0 opposed, 1 absent (Gately absent). Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, 8 in favor, 0 opposed, 1 absent (Gately absent).

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On the petition by Alderman Richard Gately concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 22 Mt. Pleasant Street, Woburn, Massachusetts, for the purposes of determining whether said structure or structures are a public nuisance, a nuisance to

the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. PUBLIC HEARING OPENED. Appearing was Kevin Feeny and he stated that he owns the property, that he has asked the tenant to leave the property, that the tenant will vacate in the Spring 2015, that he will sell the property in the Spring 2015, and that the building has no issues except with the tenant. PUBLIC COMMENTS: June MacKenzie, 20 Mt. Pleasant Street stated that there were 42 items in police reports between 2007 to current regarding this property, that there is non-stop noise, police and ambulances at the property, that at times it appears to be a rooming house, that there have been innumerable tenants living in the basement apartment, and she has tried to work with the owner but has had no results. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 6, 2015, 8 in favor, 0 opposed, 1 absent (Gately absent).

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**PERSONNEL:**

On the appointment of Thomas W. Lawton to fill a vacancy on the Woburn Golf and Ski Authority with a term expiring December 31, 2018, committee report was received "ought to be confirmed". Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Gately absent).

**Presented to the Mayor: November 21, 2014 s/Scott D. Galvin November 21, 2014**

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**PUBLIC SAFETY AND LICENSES:**

On the petitions for renewal First Class Motor Vehicle Sales Licenses by C.N. Wood Company, Inc.; and Woodco Machinery, Inc., committee report was received "ought to pass". Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, 78 in favor, 0 opposed, 1 abstained (Mercer-Bruen abstained), 1 absent (Gately absent).

**Presented to the Mayor: November 21, 2014 s/Scott D. Galvin November 21, 2014**

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On the petitions for renewal of Second Class Motor Vehicles Sales licenses by ACT Leasing Inc.; Oliver McDermottroe dba McDermottroe Auto Sales; Donald J. Socorelis dba Woburn Glass Co.; Southside Associates, Inc. dba Burke's Garage; David A. Dellarocco dba Woburn Auto Sales; and Woburn Gas & Service, Inc., committee report was received "ought to pass". Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, 7 in favor, 0 opposed, 1 abstained (Mercer-Bruen abstained), 1 absent (Gately absent).

**Presented to the Mayor: November 21, 2014 s/Scott D. Galvin November 21, 2014**

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**FINANCE:**

On the Order for a supplemental appropriation in the sum of \$315,000.00 to Veteran's Department for Cash Aid Acct, committee report was received "ought to pass". Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Gately absent).

**Presented to the Mayor: November 21, 2014 s/Scott D. Galvin November 21, 2014**

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On the Order to appropriate the sum of \$2,016,500.00 from Unreserved Fund Balance Acct to Various Capital Projects, committee report was received "back for action". Alderman Drapeau stated that there were some open items from the School Department that had not been addressed, that the City Council does not want to delay these matters but should be able to obtain information to make a decision, that he spoke privately to School Department Director of Facilities David Dunkley and has assurances of the work to be done however the City Council has not received information in a detailed format, and that the city-side departments provided information. Alderman Concannon stated that basic information was received from the School Department which he found satisfactory. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, AS AMENDED with the amendment as follows: 1. That such funds shall be used or encumbered by the end of Fiscal Year 2015, 8 in favor, 0 opposed, 1 absent (Gately absent).

**Presented to the Mayor: November 21, 2014 s/Scott D. Galvin November 21, 2014**

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**SPECIAL PERMITS:**

On the petition by Linear Retail Woburn #1 LLC for a modification of a Special Permit issued March 27, 2104, as modified by a Special Permit issued August 7, 2014, to authorize a revision to show a refrigeration storage unit to the Tenant Space A totaling 326 square feet (27 feet x 12.1 feet) in the area directly behind the outside seating area for Noodles, the refrigeration storage unit having a side yard setback of 42 feet and a rear yard setback of 43 feet, as set forth in a plan entitled "Layout & Materials Plan" dated November 20, 2013 revised February 20, 2014 and November 5, 2014 prepared by Allen & Major Associates, 100 Commerce Way, Woburn, MA 01801 (the "Revised Plan"), committee report was received "back for action conditioned that the proposed modification be (visibly) mirrored to the existing building and include all other conditions of the existing Special Permit." A communication dated November 17, 2014 was received from Building Commissioner Thomas C. Quinn, Jr. as follows:

Re: 299 Mishawum Road, Linear LLC Special Permit Decision

Dear Chairman Gately:

With regard to the above referenced property, I have reviewed the Special Permit and all associated plans referenced in the above decisions, as you are aware condition 1 of the special permit does allow for the Building Commissioner to determine that design adjustments and modifications are allowed provided that they do not constitute substantial change.

The plans that have been submitted for review show the addition of a 326 square foot addition, this addition was not shown on the approved plans and is outside the existing building envelope. I would view this change (addition to a building) outside of the scope of the flexibility granted to the Building Commissioner within the recorded decision.

Some members of the special permits committee expressed interest in what the role of the Building Commissioner is when these situations arise; I offer the following examples that may help satisfy concerns that would be viewed as design adjustments:

1. Adjustment of Accessible parking on site plan, if 6 spaces were shown at one entrance and the plan provided showed 3 accessible parking at one entrance and 3 accessible provided at another entrance, same amount of parking this would be considered a design adjustment.
2. Floor plans of a project showed location of restrooms on the left side of a tenant space and during design it was discovered it would be more feasible to change to right side with no increase in any floor area of a recorded plan this would also be a design adjustment.
3. Location of underground utilities on site, during development situations arise that water, sewer, electric, oil/water separators and grease traps may have to be shifted due to ledge or other unknown factors discovered during installation, this is allowed provided the intent of all applicable codes and city departments who are involved are aware of change.

I would advise that if this type of project were one that was allowed by right there would be no concern of this small addition provided it complied with all dimensional controls, due to this specific project going thru the Special Permit Process and the revised site plan shows an addition to the property it would be my view that a determination be made by the special permits committee, this type of change (addition) has not been encountered since recorded decisions have contained this type of language.

As always if you have any questions, please do not hesitate to contact me.

s/Thomas C. Quinn, Jr., Building Commissioner, City of Woburn

A communication dated November 6, 2014 with attachment was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Request for Minor Modification/Linear Retail Woburn #1 LLC, 299 Mishawum Road, Woburn, Massachusetts

Dear Chairman Gately:

Please be advised that I represent Linear Retail Woburn #1 LLC. On March 27, 2014 a Landowner's Decision and Notice of Special Permit as modified by Landowner's Decision and Notice of Special Permit dated August 7, 2014 setting forth approvals by the Woburn City Council of the Special Permits was issued to my client (the "Decision").

Pursuant to the request of the Special Permits Committee on November 10, 2014, enclosed please find ten (10) copies of a plan entitled "Noodles & Company 200 Mishawum Road, Woburn, MA" dated November 12, 2014 prepared by Parvin-Clauss, 165 Tubeway Drive, Carol Stream, Illinois showing the cooler matching the building in color as requested.

Again, this request is being made pursuant to Condition 1 of the Decision which states as follows:

1. The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit entitled: "Site Plans For 299 Mishawum Road, Woburn, MA 01801" dated November 20, 2013 and revised on February 20, 2014, Sheets ABB-1, ABB-2, C-1, C-2, C-3A, C-3B, D-1, D-2 and D-3 prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01801 (hereinafter the "Site Plan") although design adjustments and modifications generally associated with: (i) preparing so-called "working drawings" or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan.

The proposed revision shows the addition of a refrigeration storage unit to the Tenant Space A totaling approximately 326 square feet (27 feet x 12.1 feet) in the area directly behind the outside seating area for Noodles. The refrigeration storage unit will have a side yard setback of 42 feet and a rear yard setback of 43 feet. The unit does not adversely impact any parking spaces or setback requirements.

Pursuant to Condition 1, the Building Commissioner has reviewed the revised site plan. Due to the fact that it provides for an addition to the building it is his position that the Special Permits Committee under Condition 1 must make the determination on whether or not the proposed revision is a substantial change from the approved plans.

It is my view based on the reasons set forth above that the proposed revision does not result in a substantive amendment which changes the result of the Decision or which grants relief different from that originally granted.

On behalf of my client, I respectfully request that the City Council at its meeting on November 18, 2014 determine that the proposed change does not constitute a substantial change from the original approved plan.

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

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

Alderman Anderson stated that the storage units cannot be in place for more than a year under the zoning ordinances, and that the petitioner can reapply or add an addition to the building if necessary. Motion made and 2<sup>nd</sup> that MINOR MODIFICATION be GRANTED, AS AMENDED with the amendment as follows: 1. That the Special Permit shall expire one (1) year from date of issuance, 8 in favor, 0 opposed, 1 absent (Gately absent).

**On November 19, 2014 at 11:15 a.m., Alderman Anderson filed a Notice of Intention to Reconsider his vote in favor of granting the minor modification.**

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**NEW PETITIONS:**

Petition by Tanner Ta Ta Foundation, 400 W. Cummings Park, Suite 1725-320, Woburn for a Special Event Permit to allow a three mile running race/walk starting and ending at 15 Middlesex Canal Park. Motion made and 2<sup>nd</sup> that the SPECIAL EVENT PERMIT be APPROVED, 8 in favor, 0 opposed, 1 absent (Gately absent).

**Presented to the Mayor: November 21, 2014 s/Scott D. Galvin November 21, 2014**

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Petitions for renewal of First Class Motor Vehicle Sales Licenses by Lannan Chevrolet, Inc., 40 Winn Street; Lawless Inc., 196 Lexington Street; Northeast Tree, Inc., 62 Holton Street; R.C. Olsen Cadillac, Inc., 199-201 Cambridge Road; and Woburn Foreign Motors, Inc., 394 Washington Street. Motion made and 2<sup>nd</sup> that the MATTERS be REFERED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, 8 in favor, 0 opposed, 1 absent (Gately absent).

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Petitions for renewal of Second Class Motor Vehicle Sales Licenses by Anchor Auto Sales, Inc., 3 Breed Avenue; Capelo's Auto Service, Inc. dba J.C. Auto Sales, 84-86 Winn Street; Capelo's Garage, Inc., 22 Winn Street; Kenneth L. O'Connor dba City Line Motors, 30 Rear Torrice Drive; Enterprise Rent-a-Car Company of Boston, LLC, 248 Mishawum Road; Francis Garbino dba Tom's Auto Body, 10R Green Street; Joseph P. Mahoney Company, Inc., 293 Salem Street; Nicolas Saba dba Montvale Service dba 289 Salem Street; Ollies Service Center, 310 Main Street; Velozo Enterprises, Inc. dba

Rogers Radiator, 936 Main Street; Louis Jean Brunet dba Woburn Motors, 104 Winn Street; and Wassim (Sam) Nicolas dba Woburn Square Mobil, 23 Pleasant Street. Motion made and 2<sup>nd</sup> that the MATTERS be REFERED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, 8 in favor, 0 opposed, 1 absent (Gately absent).

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Petition for renewal of Third Class Motor Vehicle Sales License by Woburn Truck and Auto, Inc., 1095R Main Street. Motion made and 2<sup>nd</sup> that the MATTERS be REFERED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, 8 in favor, 0 opposed, 1 absent (Gately absent).

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Petition by Kelley Towncar. Inc., 888 Main Street #2, Woburn for a new Livery License for five (5) vehicles at 888 Main Street #2. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, 8 in favor, 0 opposed, 1 absent (Gately absent).

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Petition by NSTAR Electric Company for a grant of right in a way to install conduit a distance of about 11 feet on Wildwood Avenue easterly from pole 583/11 approximately 1490 feet southeast of Olympia Avenue. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 absent (Gately absent).

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Petition by NSTAR Electric Company for a grant of right in a way to install conduit a distance of about 40 feet in Wyman Street southwesterly from pole 242/20 approximately 37 feet north of Brae Circle, to install conduit a distance of about 22 feet in Wyman Street easterly from pole 242/21 approximately 25 feet west of Brae Circle, and to install conduit a distance of about 2274 feet in Brae Circle at and southerly at intersection of Wyman Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 absent (Gately absent).

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Petition by Gary F. Tibbetts, 15 University Road, Arlington, Massachusetts 02476 for a special permit pursuant to the 1985 Woburn Zoning Ordinances, as amended to allow accessory storage or parking of commercial motor vehicles, other than as provided for in Line 58 pursuant to Section 5.1.57b, and accessory storage or parking of storage containers, storage trailers, commercial trailers, or semi-trailers, pursuant to Section 5.1.57a, for landscaping commercial business operation at 5 Breed Avenue. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 absent (Gately absent).

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Petition by 4 Montvale Avenue Realty Trust, 1820 Turnpike Street, 3203, North Andover, Massachusetts 01845 for special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.5, 5.1.29, 8.3 and 12 to allow for: 1. A fast food

restaurant on the first story of the property, 2. Two (2) residential dwelling units above the first story in a commercial structure, and parking within the municipal parking lot, for the property at 4 Montvale Avenue. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 absent (Gately absent).

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Petition by John Kelley d/b/a Kelley Town Car, 79 Osgood Street, Andover, Massachusetts 01810 pursuant to the 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57b to allow for the overnight parking of vehicles (limousines and town cars) used with the petitioner's livery service at 888 Main Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 absent (Gately absent).

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Petition by Oclen Realty LLC, an individual owning land to be affected by change or adoption, and Seaver Properties LLC to amend the Zoning Map of the City of Woburn by changing the zoning district for the property located at 98 and 100 Baldwin Avenue, Dexter Avenue and Warren Avenue; referenced on the Assessors Maps at Map 09, Block 13, Lot 01; Map 09, Block 12, Lot 02; Map 09, Block 12, Lot 01; Map 09, Block 11, Lot 02 and Map 09, Block 11, Lot 01; and further described as the entire parcel of land known as 98 and 100 Baldwin Avenue, to the centerlines of Chester Avenue, Dexter Avenue and Monks Street containing approximately 253,214 square feet of land as shown on a plan by Keenan Survey entitled "Proposed Rezoning Plan in Woburn, Massachusetts" dated October 17, 2014 from R-2/OP zoning district to R-3 zoning district. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 absent (Gately absent).

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Petition by Roy N. Cudmore for approval of contract for personal services under the provisions of M.G.L. Ch. 268A, Sec. 20(b) to allow snow plowing for the city. Motion made and 2<sup>nd</sup> that the exemption pursuant to M.G.L. Ch. 268A, §20(b) be approved, 8 in favor, 0 opposed, 1 absent (Gately absent).

**Presented to the Mayor: November 21, 2014 s/Scott D. Galvin November 21, 2014**

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Petition by Dennis M. Stone for approval of contract for personal services under the provisions of M.G.L. Ch. 268A, Sec. 20(b) to allow snow plowing for the city. Motion made and 2<sup>nd</sup> that the exemption pursuant to M.G.L. Ch. 268A, §20(b) be approved, 8 in favor, 0 opposed, 1 absent (Gately absent).

**Presented to the Mayor: November 21, 2014 s/Scott D. Galvin November 21, 2014**

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Petition of Stephen Miele for approval of contract for personal services under the provisions of M.G.L. Ch. 268A, Sec. 20(b) to allow snow plowing for the city. Motion made and 2<sup>nd</sup> that the exemption pursuant to M.G.L. Ch. 268A, §20(b) be approved, 8 in favor, 0 opposed, 1 absent (Gately absent).

**Presented to the Mayor: November 21, 2014 s/Scott D. Galvin November 21, 2014**

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Petition by Thomas M. Skeffington, Jr. for approval of contracts for personal services under the provisions of M.G.L. Ch. 268A, Sec. 20(b) to allow snow plowing and power wash services for the city. Motion made and 2<sup>nd</sup> that the exemption pursuant to M.G.L. Ch. 268A, §20(b) be approved, 8 in favor, 0 opposed, 1 absent (Gately absent).

**Presented to the Mayor: November 21, 2014 s/Scott D. Galvin November 21, 2014**

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**COMMUNICATIONS AND REPORTS:**

A communication dated October 29, 2014 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Director's Report and the minutes of the Council on Aging for the months of September 2014 and October 2014. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, 8 in favor, 0 opposed, 1 absent (Gately absent).

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A communication dated November 5, 2014 was received from City Solicitor Ellen Callahan Doucette relative to the process for collection of unpaid parking tickets. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, 8 in favor, 0 opposed, 1 absent (Gately absent).

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A copy of a communication dated November 4, 2014 to His Honor the Mayor Scott D. Galvin was received from Mary Pichetti, Director of Capital Planning, Massachusetts School Building Authority, 40 Broad Street, Suite 500, Boston, Massachusetts 02109 relative to review comments for the Module 3 Feasibility Study Preferred Schematic Report for submission for the Wyman Elementary School project received by the MSBA on October 2, 2014. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, 8 in favor, 0 opposed, 1 absent (Gately absent).

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A communication dated October 25, 2014 was received from James Edwards, 6A Gregg Street relative to the issue of local transportation service from Anderson Station and relative to reducing plastic bag use in the city. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE with a copy to the State delegation, 8 in favor, 0 opposed, 1 absent (Gately absent).

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A communication dated November 12, 2014 was received from Charles V. Spearman, 50 Salem Street relative to delivery trucks obstructing parking and handicap access on Main Street in Woburn Center. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE with a copy to the Police Department, 8 in favor, 0 opposed, 1 absent (Gately absent).

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

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**APPOINTMENTS AND ELECTIONS:** None.

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**MOTIONS, ORDERS AND RESOLUTIONS:**

**ORDERED** The City of Woburn hereby petitions the Great and General Court of the Commonwealth of Massachusetts to enact the following proposed Special Act:

An Act authorizing the City of Woburn to send certain information to registered voters relative to ballot questions

Section 1. Notwithstanding section 21C of chapter 59 of the General laws, section 22A of chapter 55 of the General Laws or any other general or special law to the contrary, the city clerk of the city of Woburn shall, at least 10 days before an election at which a binding or nonbinding question shall be submitted solely to the voters of the city, cause a notice to be printed containing: (1) the full text of the question; (2) a fair and concise summary of the question, including a 1-sentence statement prepared by the city solicitor describing the effect of a yes or no vote; and (3) arguments for and against the question as provided in section 2. The city clerk shall make the notice available by posting it: (i) on the city's official website; (ii) at each polling place in the city; (iii) at the city hall; and (iv) subject to available funds and any other conditions that may be imposed by law, mailing the notice, or a statement indicating where and how the notice may be obtained, to each residence of a registered voter whose name appears on the latest active voting list in the city; provided, however, that posting of notice under this section may be revised by ordinance.

Section 2. The city clerk of the city of Woburn shall cause to be printed and made available, in the manner provided in section 1, an argument for and against each question submitted solely to the voters of the city pursuant to any General Law including, but not limited to, section 21C of Chapter 59 of the General Laws. No argument shall contain more than 250 words.

The mayor, or, at the mayor's request, the city solicitor shall seek written arguments from the principal proponents and opponents of each question. The mayor shall designate a date by which written arguments shall be received, in a written notice to the principal proponents and opponents. The notice shall be issued at least 14 days before the date on

which the written arguments shall be received.

For the purposes of this act, the principal proponents and opponents of a question shall be those persons determined by the mayor to be best able to present the arguments for and against a question. The principal proponents or opponents of such a question may include a city officer or committee, and the principal proponents may include the first 10 signers or a majority of the first 10 signers of any petition initiating the placement of such question on the ballot. In determining the principal proponents and opponents of such a question, said mayor shall contact each ballot question committee, if any, as defined in section 1 of chapter 55 of the General Laws, organized specifically to influence the outcome of the vote on such question. If no argument is received by said mayor within the time allowed by this act, said city solicitor shall prepare such argument.

All arguments filed with or prepared by the mayor pursuant to this act, and the summary prepared pursuant to section 1, shall be open to public inspection at the office of the city clerk of said city.

Section 3. The official ballot shall include the summary and statements describing the effect of a yes or no vote as provided in clause (2) of section 1.

Section 4. This act shall also apply where the question presented involves a regional district of which the city of Woburn is a member or involves a joint undertaking by said city of Woburn and any one or more cities or towns.

Section 5. This act shall take effect upon its passage.

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

s/President Haggerty

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON LIAISON, 8 in favor, 0 opposed, 1 absent (Gately absent).

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RESOLVED That the City Solicitor obtain a copy of the pleadings and other documents filed with the Middlesex Superior Court in the matter of Wendy Zouinka v. City of Woburn, Civil No. 2014-06485-J, provide a copy of said documents with the City Council and further to provide a report on the status of the matter to the City Council.

s/Alderman Gately

Motion made and 2<sup>nd</sup> that the RESOLVE be ADOPTED, 7 in favor, 1 opposed (Anderson opposed), 1 absent (Gately absent).

**Presented to the Mayor November 21, 2014 and ten days having elapsed without same being approved, said Resolve became effective without his signature on December 2, 2014.**

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Motion made and 2<sup>nd</sup> to ADJOURN, 8 in favor, 0 opposed, 1 absent (Gately absent).  
Meeting adjourned at 9:13 p.m.

A TRUE RECORD ATTEST:

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