

**CITY OF WOBURN  
OCTOBER 19, 2010 - 7:30 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Gaffney	Raymond
Denaro	

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

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**MAYOR'S COMMUNICATIONS:**

A communication with attachments was received from His Honor the Mayor Scott D. Galvin as follows:

Re: Bond Authorization – Daniel L. Joyce Middle School – John F. Kennedy Middle School

Dear President Denaro and Members of the City Council:

I am submitting for your consideration two separate Bond authorizations, which total \$2.9 million, for the much needed replacement of the roofs at the John F. Kennedy Middle School and the Gymnasium and Ice Rink portions of the Daniel L. Joyce Middle School.

I am pleased to announce that the Board of the Massachusetts School Building Authority (MSBA) has invited the city of Woburn into its Green Repair Program to collaborate on a feasibility study, to explore potential solutions for the repair of the above referenced roofs. The feasibility study will require the City to complete a number of pre-requisites before we qualify for grant funding from the MSBA for the roof repairs. One of the major pre-requisites requires the City Council to authorized the full appropriation necessary to meet the total budget for the replacement of the roofs.

In addition, I have submitted an order to rescind your prior bond authorization in the amount of \$1.7 million for the repair of the Kennedy roof. I look forward to answering any questions you have regarding this matter.

Sincerely, s/Mayor Scott D. Galvin

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

Attached thereto were the following Orders:

**ORDERED** That \$1,250,000.00 be and is hereby appropriated to pay costs of roof repairs to the Joyce Middle School, located at 55 Locust Street, including payment of all feasibility study and any other costs associated therewith (collectively, the "Project"), which proposed Project would materially extend the useful life of the school building described above and preserve an asset that otherwise is capable of supporting the required educational program, said sum to be expended under the direction of the School Building Committee; to meet said appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; that the City acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided further that any grant that the City may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty one and 21/100 percent (51.21%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any amounts received from the MSBA prior to the issuance of any bonds or notes under this vote.

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

s/President Denaro

**ORDERED** That \$1,650,000.00 be and is hereby appropriated to pay costs of roof repairs to the Kennedy Middle School, located at 41 Middle Street, including payment of all feasibility study and any other costs associated therewith (collectively, the "Project"), which proposed Project would materially extend the useful life of the school building described above and preserve an asset that otherwise is capable of supporting the required educational program, said sum to be expended under the direction of the School Building Committee; to meet said appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; that the City acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City

incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided further that any grant that the City may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty one and 21/100 percent (51.21%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any amounts received from the MSBA prior to the issuance of any bonds or notes under this vote.

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

s/President Denaro

ORDERED That the Order of the Council adopted on May 11, 2010, pursuant to which the City authorized the borrowing of \$1,700,000.00 to make roof repairs to the Kennedy Middle School, is hereby rescinded and of no further force or effect.

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

s/President Denaro

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

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A communication dated October 15, 2010 with attachments was received as follows:

Re: Purchase of Northeastern University Parcel (74.5 acres)

Dear Members of the Council:

I am submitting for your consideration three separate Orders which will allow us to amend and ratify the authorization to proceed with the purchase of the above referenced parcel, and which will also authorize the acceptance of a Land and Water Conservation Grant from the Commonwealth's Executive Office of Energy and Environmental Affairs, in the amount of \$500,000.00, to assist with the purchase price. The effect of accepting the Grant will be to permanently preserve the parcel for park and recreation uses.

Also included is an Order amending the prior bond authorization, which you previously approved. This Order contains additional language tying it into the park and recreation statute, as well as referencing the grant that is to be received.

Acceptance of the Recreation restriction and \$500,000.00 Grant award, as well as amending the previously approved bond authorization, will require two readings from the Council. We look forward to answering any further questions the Council may have in Committee.

Thank you for your anticipated cooperation.

Sincerely, s/Scott D. Galvin, Mayor

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

Attached thereto were the following Orders:

**ORDERED** That the Order of the Council adopted on June 1, 2010, pursuant to which the City authorized the borrowing of \$7,000,000 to pay costs of acquiring the Whispering Hill Property, so-called, located at Cambridge Road, is hereby amended by inserting at the end the following additional sentences:

The Whispering Hill Property shall be acquired for park and recreation purposes pursuant to Chapter 45, Section 14 of the General Laws. In connection with the purchase of the aforesaid property, the Mayor is authorized to contract for, accept and expend any federal or state aid available for such purchase, including but not limited to, applying for, accepting and expending a Land and Water Conservation grant in the amount of \$500,000 from the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs, and to take any and all other action that may be necessary to carry out the purposes of this Order.

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

s/Alderman Drapeau

**ORDERED** That the City Council of the City of Woburn hereby declares its intent to impose, and does by this instrument impose, a permanent and perpetual restriction on the use of the land to be acquired from Northeastern University, consisting of approximately 74.5 acres, and being shown on Plan No. 454 of 1985 and further shown as Lots 1 and 2 on Plan No. 1202 of 1999, both of said plans as recorded with the Middlesex South District Registry of Deeds, so as to restrict the use of said parcel to park and recreation purposes, pursuant to the provisions of G.L., Chapter 45, Section 14, as the same may be amended from time by time, meaning and intending that the property may be used for such open space, park, and recreation uses as determined from time to time to be appropriate by the Recreation Commission of the City of Woburn, including the use of said land, with the consent of the said Recreation Commission, for such other

public recreational, social or educational purposes as said Board may deem proper, in accord with said G.L. Chapter 45, Section 14.

The within restrictions shall constitute a permanent, perpetual, and binding restriction on the use of said land by the City of Woburn, and shall become effective upon acceptance and recording of a deed conveying said land to the City.

No language herein shall prevent the City of Woburn from further imposing Conservation Restrictions on such portions of the site as may be appropriate therefor, with the consent of the Recreation Commission, provided said restrictions are effectuated in accordance with the provisions of G.L. Chapter 40, Section 8C, and G.L. Chapter 184, Section 31 et seq., as the said statutes may be amended from time to time.

s/Alderman Drapeau

**ORDERED** That pursuant to the provisions of Massachusetts General Laws, including without limitation Chapter 40, Section 3 and 14, the Mayor is hereby authorized to purchase on behalf of the City of Woburn, certain real property owned by Northeastern University, located at and numbered 35 Cambridge Road, containing in total approximately 74.5 acres, and being shown on Plan No. 454 of 1985, also being shown as Lots 1 and 2 on Plan No. 1202 of 1999, both referenced plans as recorded at the Middlesex South District Registry of Deeds, for a purchase price of \$6,700,000.00, and further;

That said land shall be purchased as part, open space, and recreation land, pursuant to the provisions of G.L. Chapter 45, Section 14, and further;

That in order to assist with the purchase of the property; the Mayor is authorized to file, apply for, and accept a grant of \$500,000.00 under the Land and Water Conservation Fund Act, through the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs.

s/Alderman Drapeau

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

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**PUBLIC HEARINGS:**

On the petition by Canal Park REO, LLC dba Holiday Inn Select, 15 Middlesex Canal Park, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.20 of the 1989 Woburn Zoning Ordinances, as amended, to amend a special permit issued October

11, 2001 by amending Condition 1 site plan of record at 15 Middlesex Canal Park. PUBLIC HEARING OPENED. A communication dated October 19, 2010 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Canal Park REO, LLC dba Holiday Inn Select – 15 Middlesex Canal Park – To amend Special Permit condition #1 issued 10/11/2001 site plan of record by adding additional parking spaces; removing 3 parking islands; adding pavement to replace parking islands; and adding paved patio

Dear Mr. Campbell and members of the City Council:

At the meeting held on October 19, 2010, the Planning Board voted to send a favorable recommendation to the City Council based on the “Parking Lot Restriping Plan” Sheet CP 1 issued for review dated October 8, 2010 regarding the Special Permit application of Canal Park REO, LLC dba Holiday Inn Select amend Special Permit condition #1 issued 10/11/2001 site plan of record by adding additional parking spaces; removing 3 parking islands; adding pavement to replace parking islands; and adding paved patio at 15 Middlesex Canal Park Rd. subject to the following conditions:

1. That the proposed striped islands shall be curbed and landscaped;
2. That a new snow storage plan shall be submitted and approved by the Engineering Department;
3. That the note on the parking spaces shown on the on the east side of the lot stating “Compact Spaces” be removed because those spaces are to be standard spaces;
4. That the spaces shown on the plan as compact cars shall be clearly identified by signs and/or markings as compact stalls in accordance with Section 8.2.3 of the Woburn Zoning Ordinance; and
5. That the Planning Board shall approve a landscaping plan and the Board shall retain jurisdiction over the landscaping.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

Appearing for the petitioner was Frank Vento, General Manager of Holiday Inn and he stated that there has been a \$2,500,000.00 renovation of the public spaces at the hotel, that this will become a Crowne Plaza facility soon, that they will renovate the indoor swimming pool, food and beverage service and the exterior will be upgraded to the Crowne Plaza brand, that they do not have a contract with the State to provide housing but have been providing the State assistance on a temporary basis, that he believes the trees in the parking lot were Maple trees, that the proposed patio area is currently grass, that they plan to have outside restaurant seating if approved by the License Commission and ABCC, and that there will be a wrought iron or metal decorative fence around the patio. Shahin Shahin stated that he is one of the owners of the hotel, that the new parking

lot islands will be the same square footage as the current islands, that a patio will be installed in front of the building for outside seating for the restaurant, that the patio will have fencing, that they will consider safety alternatives for patrons using the patio with respect to the parking area, and that trees will be planted in the new parking lot islands. Alderman Drapeau stated that he is concerned that the police department has had several calls to the hotel as it is not being run as a typical hotel but has a State contract for people who need temporary housing. Alderman Gately stated that there should be safety barriers at the patio in the event a vehicle jumps the curb, and the plan of record is dated October 8, 2010. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that the cinemas operate under a temporary occupancy permit while sidewalk work progresses, that the issue has been in negotiations for some time, that the Woburn License Commission had a meeting with the petitioner and Chief of Police regarding the housing issue, that remarks were made at that meeting that the Chief of Police had to apologize for, that the State pays a lot of money for homeless people, that the Holiday Inn takes some of these people in at the request of the Commonwealth, that the issue was studied, and that the Holiday Inn is a good business and good company. OPPOSED: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the five recommendations of the Planning Board be adopted as conditions of the special permit, 2. That any outside patio will have a barrier to protect patrons from vehicles, 3. That the plan of record is the plan entitled "15 Middlesex Canal Park, Woburn, MA" dated October 8, 2010 prepared by Allen & Major Associates, Inc., all in favor, 9-0.

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:** None.

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**NEW PETITIONS:**

Petition by Ruth Lennon, 22 Hart Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow import of approximately 300 cubic yards of gravel to raise elevation to 96.00 feet at 22 Hart Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by National Grid for a grant of right in a way to replace an existing underground regulator vault and associated piping on the corner of Montvale Avenue and Washington Street with a new prefabricated regulator station on Washington Street, approximately 150 feet north of Montvale Avenue and the installation of approximately 150 feet of six (6) inch plastic gas main from the intersection of Montvale Avenue to the new regulator

station. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by 2 Merrill Street LLC, 3 Merrill Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the alteration of the existing non-conforming use and structure to provide for the addition of an approximately 34 foot by 22 foot cold storage unit to the rear of the existing building; an 8 foot by 10 foot hydraulic loading dock on the existing paved surface, and exterior building improvements as shown on plan filed with petition, at 3 Merrill Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by 335 Washington Street LLC, 394 Washington Street, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 7.3 and 57b of the 1985 Woburn Zoning Ordinances, as amended, to allow for the alteration of the pre-existing non-conforming use and structure containing approximately 53,379 square feet of gross floor area and 228 parking spaces to allow for: 1. An automotive parts store in Unit 3 consisting of approximately 7,000 square feet of net floor area, 2. The overnight parking of commercial vehicles, and 3. To provide for 221 parking spaces, at Unit 3, 335 Washington Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by Monarch Homes, Inc., 13 Wheeling Avenue, Woburn, Massachusetts 01801 for two special permits pursuant to 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Pursuant to Section 22.E.d to allow for a 33 unit, 35 bed Alzheimer's Residence, and 2. Pursuant to Sections 8.6.2 and 22.H.2 to allow for an exception to the area and landscaping requirements in Section 8.6.2, at Lot A, 859 Main Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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**COMMUNICATIONS AND REPORTS:**

A copy of a communication dated October 8, 2010 from City Solicitor John D. McElhiney to the Woburn Traffic Commission was received as follows:

Re: School Bus Parking Restrictions

Dear Members of the Commission:

I am in receipt of a request for advice relative to the type of regulations which can be imposed to restrict school bus parking on streets and in municipal parking lots, which

request was accompanied by a copy of a Resolve adopted by the City Council relative the same topic.

Upon review, it is my opinion that the parking of school buses on city streets and in municipal parking lots is already prohibited by virtue of Section 5.4 of the 1935 Traffic Ordinances, as to city streets, and also by virtue of Title 12, Article XIII, Section 12-50 of the Woburn Municipal Code, as to municipal parking lots.

Both of the above cited sections restrict the parking of commercial vehicles of one ton or over, with parking restricted on streets and ways in excess of one hour between the hours of 12:01 a.m. and 7:00 a.m. (and at any time on Sunday), and a prohibition on the parking of motor vehicles in excess of 2 ½ tons in any municipal parking lot between the hours of 9:00 p.m. and 7:00 a.m. It is my understanding that a standard school bus is well in excess of the weight limitations described above. They are further considered commercial vehicles. Accordingly, I believe overnight parking is already prohibited.

I would note, that the current fine established for a violation of the above cited traffic ordinance is \$15.00. Whether the Commission wishes to adopt a higher penalty is up to the Commission.

I would also note that it is my opinion that the Commission would not have any jurisdiction over municipal parking lots, and any change to the above cited provision of the Woburn Municipal Code relative to municipal parking lots should be accomplished through a regular ordinance, processed by and adopted by the City Council. I would note, for the City Council's sake, that there is no penalty set forth in said Section 12-50, thus resulting in the general penalty provisions applicable to any violation of the Municipal Code, as set forth in Title 1, Article V, which establishes a fine not exceeding \$300.00 per violation.

I trust this opinion will be helpful to both your Commission and the City Council, and because of the concern raised on this issue, I am taking the liberty of forwarding a copy of this opinion to the Chief of Police, for such enforcement action by members of his department as may be deemed appropriate.

Please feel free to contact me should you have further questions in this regard.

Sincerely, s/John D. McElhiney

Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE with a copy sent to the Traffic Commission, all in favor, 9-0.

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A copy of a communication dated October 13, 2010 from City Solicitor John D. McElhiney to the Woburn Traffic Commission was received as follows:

Re: School Bus Parking Restrictions

Dear Members of the Commission:

I beg your indulgence in allowing me to amend and add to my prior opinion which I provided to the Commission under cover letter dated October 8, 2010. I was under the impression that the question asked of me related to restrictions on overnight parking of school buses, whereas I now realize that there is just as much, if not more concern, over the issue of school bus parking during the day.

The Traffic Commission is free to adopt a regulation restricting school bus parking during the day on residential streets, and to impose a fine for each offense (the exact amount to be set forth in the regulation). Attached to this opinion, you will find a sample regulation for your consideration.

The question arises as to whether there are benefits in restricting a larger class of commercial vehicles than just school buses. The Commission is free to address this in any way it sees fit, and can certainly limit the proposed regulation to school buses if it desires. The attached draft, however, has been written with all commercial vehicles in mind, having a gross vehicle weight of (fill in the blank). I would yield to the expertise of your own members in determining the appropriate gross vehicle weight to be banned, but I believe the standard school bus is in excess of 2 ½ tons, and that number might be an appropriate weight limit. Obviously the Commission should be cautious in determining the weight limitation, so as not to necessarily prohibit small vans, pick-up trucks, or smaller commercial vehicles which might not present particular problems.

As for the regulation of the municipal lots, this would more properly come within the jurisdiction of the City Council. As noted in my earlier opinion, however, the particular ordinance currently in effect (Title 12, Article XIII, Section 12-150) already prohibits the parking of commercial vehicles in excess of 2 ½ tons, including prohibition during the day-time. Thus it may be that no particular change is necessary as to municipal lots, and that the matter is simply one of enforcement in that regard.

I would be pleased to be of further assistance to either the Commission or the Council on this general subject, and I thank you for your courtesy.

Sincerely, s/John D. McElhiney

DRAFT REGULATION - BAN OF COMMERCIAL VEHICLES ON RESIDENTIAL STREETS

Section 1. No person, firm, or corporation shall park or leave standing on any street or portion thereof in an area zoned for residential use (defined as any area zoned “R-1, R-2, R-3, or R-4” by the Zoning Ordinance and accompanying Zoning Map of the City of Woburn), any commercial vehicle having a manufacturer’s gross vehicle weight rating of [*number of pounds*] pounds or more. The prohibition hereby imposed shall not apply to the parking or

standing of such a vehicle for the purpose of making pick-ups, drop-offs, or deliveries from or to any building or structure located within such residential district, or for the purpose of providing services or delivering materials to be used in connection with the repair, alteration, landscaping, remodeling, or construction of any such building or structure or yard areas surrounding the same.

Section 2. Any person, firm, or corporation violating any provision of Section 1, above, shall be fined not less than \$[*dollar amount*] or no more than \$[*dollar amount*] for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

DRAFT REGULATION FOR SCHOOL BUS RESTRICTION ONLY

Section 1. No person, firm, or corporation shall park or leave standing on any street or portion thereof in an area zoned for residential use (defined as any area zoned “R-1, R-2, R-3, or R-4” by the Zoning Ordinance and accompanying Zoning Map of the City of Woburn), any school bus having a manufacturer’s gross vehicle weight rating of [*number of pounds*] pounds or more. The prohibition hereby imposed shall not apply to the parking or standing of such vehicle for the purpose of making pick-ups or drop-offs of students.

Section 2. Any person, firm, or corporation violating any provision of Section 1, above shall be fined not less than \$[*dollar amount*] or no more than \$[*dollar amount*] for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

NOTE to Commission:

In addition to inserting a gross vehicle weight, you must also insert the amount of the fine. You may also alter the fines so as to provide for a first offense amount, second and subsequent offense amount, etc., if you so choose.

Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE with a copy sent to the Traffic Commission, all in favor, 9-0.

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A communication was received from Carol Seitz, Chair, Woburn Historical Commission as follows:

Re: Woburn Armory

Ladies and Gentlemen,

In an effort to have more concrete information about the actual condition of the entire Armory, would it be possible for the Council to schedule a site visit for interested parties, including representatives of the owner, the Massachusetts Historical Commission, the Woburn Historical Commission, and yourselves? When the Woburn Historical Commission is presented with a property that may be eligible for a demolition delay, that board always makes a site visit to view and photograph the property and its condition.

Rather than discuss the condition of the Armory in the abstract, the Historical Commission believes it might be helpful for the parties concerned to actually see the interior of the building so that everyone would have access to the same concrete information upon which Alderman Gately based his list of problems and deficiencies.

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

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

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A communication dated October 18, 2010 with attachment was received from City Solicitor John D. McElhiney as follows:

Re: Proposed Sign Ordinance – Woburn Common

Dear Members of the Council:

Pursuant to the request of the Committee on Ordinances, I have made slight revisions to the latest draft of the proposed Sign Ordinance affecting Woburn Common and the sidewalks immediately contiguous thereto.

In essence, the Ordinance eliminates the separate islands from the scope of the regulation, and limits its effect to the Common itself and to the sidewalks immediately touching the same. Also, the exceptions to the Ordinance have been mostly grouped into one paragraph, and include public directional and traffic signs. Also, language has been added authorizing the Mayor to allow signs in the nature of seasonal greetings or signs associated with seasonal community events which utilize the Common.

I wish to thank Alderman Anderson for his input on these revisions as well.

Thank you for your courtesy, and should you have any questions, please do not hesitate to contact me.

Sincerely, s/John D. McElhiney

Attached thereto was the following suggested amendment:

Be It Ordained by the City Council of the City of Woburn, as follows:

9-17D No unattended sign shall be affixed, erected or placed in any manner for any length of time on any portion of the area commonly referred to as Woburn Common, and further including the sidewalks immediately contiguous thereto, or on any post, pole, tree or other structure of any type or nature on said Common or contiguous sidewalks.

This Ordinance shall not be construed so as to apply to:

1. Hand-held, hand-carried, or other actively attended signs;
2. Traffic, directional, or public safety signage erected by the City of Woburn;
3. Government or military service flags, historical signs and markers, "Welcome to Woburn" signs, or titles or lettering on monuments.

This Ordinance shall also not prohibit the Mayor from authorizing signs expressing seasonal greetings or signs associated with seasonal community events, which events utilize the Common.

Violations of this Section 9-17D shall be enforced by the penalty established under Section 1.17 herein. Each sign in violation and/or each day of such violation shall constitute and be considered a separate violation.

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

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Motion made and 2<sup>nd</sup> to suspend the rules for the purposes of hearing from Attorney James Mawn on the following matter, all in favor, 9-0. A communication dated October 12, 2010 was received from Attorney James J. Mawn, Mawn and Mawn, P.C., 275 Mishawum Road, 4<sup>th</sup> Floor, Woburn, Massachusetts 01801 as follows:

Re: NBTC Realty, LLC, Applicant, 275 Mishawum Road

Dear Members of the City Council:

On behalf of the above-named applicant, request is hereby made to discuss temporary occupancy at 275 Mishawum Road, Woburn, Massachusetts, as affected by requisite off-site mitigation.

Please consider discussing this matter at your next public hearing on October 19, 2010.

Very truly yours, s/James J. Mawn

Appearing was Attorney James Mawn and he stated that BBTC Realty, LLC owns the building where Northern Bank is located, that some mitigation work must be completed before special permit conditions are satisfied, that a traffic signal masthead must be installed, that masthead foundation was redesigned because of the location of a water

main, that this will require two weeks work, that the masthead could not be ordered until the engineering design was completed, that there is three months lead time required to receive the masthead, that there is no request for reduction in the surety and there will be no such request until the work is complete, that the completion date is February 16, 2011, that the installation of the masthead will be completed by February 15, 2011, that the masthead is to be delivered by February 7, 2011, that the masthead foundation is a small item, and that he asks the request be granted as these issues take time to resolve. Motion made and 2<sup>nd</sup> to return to the regular order of business, all in favor, 9-0. Motion made and 2<sup>nd</sup> that a temporary occupancy permit be issued with the work to be completed by February 28, 2011 with a communication forwarded to the Building Commissioner, all in favor, 9-0.

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**UNFINISHED BUSINESS OF PRECEDING MEETING:**

On a petition by Alderman Mark Gaffney to further amend the 1985 Woburn Zoning Ordinances, as amended, by amending the present zoning district of a certain parcel of land owned by the City of Woburn containing approximately 30,900 square feet of land shown on the assessors' map and designated as 42-8-16, located on Plympton Street and the site of the former Plympton Elementary School from the R-2 zoning district to the O-S zoning district. On October 6, 2010, Alderman Anderson filed a notice of intention to move for reconsideration of his vote made on October 5, 2010 in support of the motion to adopt the Order. Motion made by Alderman Gaffney and 2<sup>nd</sup> by Alderman DiTucci for reconsideration of the motion to adopt an Order to further amend the 1985 Woburn Zoning Ordinances, as amended, by amending the present zoning district of a certain parcel of land owned by the City of Woburn containing approximately 30,900 square feet of land shown on the assessors' map and designated as 42-8-16, located on Plympton Street and the site of the former Plympton Elementary School from the R-2 zoning district to the O-S zoning district, all in favor, 9-0. A communication dated October 19, 2010 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Alderman Mark Gaffney – Zoning Map Amendment –to amend the Woburn Zoning Map by amending the present zoning district of land owned by the City of Woburn containing approximately 30,900 square feet of land shown on the assessors' map and designated as Map 42 Block 8 Lot 16, located on Plympton Street and the site of the former Plympton Elementary School from the R-2 zoning district to the O-S

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on October 19, 2010, the Board voted to forward a favorable recommendation to the City Council to approve the zoning map change from R-2 to O-S for a certain parcel of land owned by the City of Woburn containing approximately 30,900 square feet of land shown on the assessors' map and designated as Map 42 Block 8 Lot 16, located on Plympton Street and the site of the former Plympton Elementary School.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

Alderman Haggerty stated that the matter should be sent back to Committee on Municipal Lands for review, that the City Council needs additional information on the costs incurred and continuing costs to maintain the building, that there should be further discussion, that the land is appraised at a value of \$1,000,000.00, that this is a large parcel of property, and that the City Council should take a harder look at the matter. Alderman Drapeau stated that this proposal does not concern razing the building, that there is nothing before the City Council about razing the building, that it razing the building becomes part of the discussion then that information would be relevant, and that the City Council should look at whether having open space in that neighborhood would be beneficial to the community. Alderman Raymond stated that the question before the City Council is whether the property should be rezoned to open space, and that nothing will happen to the building with this zoning change. Alderman Haggerty stated that these are not two different issues, that this zoning change dramatically changes the value of the land, that the decision two weeks ago was made fairly quickly without much discussion by the City Council, that it would be politically impossible to change the zoning back in the future, and that there is a park around the corner from this location that is in poor condition. Alderman DiTucci stated that the City Council has to look at what the building costs the city but should also act on the open space request, and that this zoning change will not affect the value of the land. Alderman Gaffney stated that he wants the matter resolved at this meeting, and that the matter was approved two weeks ago but was brought back because of a procedural issue. Alderman Drapeau stated that the City Council should vote on the matter, that the Aldermen either support open space or do not, and that the building will likely remain on the site until the Mayor decides to take it down. Alderman Anderson understands the interest in concluding this matter but agrees with the necessity of determining costs of operating the building. Alderman Gately stated that a previous administration performed a cost analysis of operating the building and determined it to be approximately \$26,000.00 per year at that time. Motion made and 2<sup>nd</sup> that the matter be referred to Committee on Municipal Lands, 3 in favor, 6 opposed (DiTucci, Drapeau, Gaffney, Gately, Mercer-Bruen, Raymond opposed), Motion Fails. Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, AS AMENDED, with the amendment as follows: 1. That the recommendation of the Planning Board be accepted, all in favor, 9-0.

**Presented to the Mayor October 22, 2010 and ten days having elapsed without same being approved, said ordinance became effective without his signature on November 2, 2010.**

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**APPOINTMENTS AND ELECTIONS:**

A communication dated October 12, 2010 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Demi Secondino, a student member of the Woburn Memorial High School to represent the Student Gay-Straight Alliance, as a Member of the Human Rights Commission as required in the City of Woburn Municipal Code Title 2-236. Please be advised that the term will expire on August 31, 2011. The effective date of this appointment will be the date of confirmation by the City Council.

If you have any questions, please feel free to contact me.  
Sincerely, s/Scott D. Galvin, Mayor

Motion made and 2<sup>nd</sup> that Rule 34 be waived, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the APPOINTMENT be CONFIRMED, all in favor, 9-0. Motion made and 2<sup>nd</sup> that Rule 34 be reinstated, all in favor, 9-0.

**Presented to the Mayor: October 22, 2010**                      **s/Scott D. Galvin October 22, 2010**

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**MOTIONS, ORDERS AND RESOLUTIONS:**

From the Woburn Traffic Commission:

**ORDERED**    **PROSPECT STREET** – No parking westerly side from the intersection with Montvale Avenue a distance of 65 feet in a southerly direction.

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

**Presented to the Mayor October 22, 2010 and ten days having elapsed without same being approved, said ordinance became effective without his signature on November 2, 2010.**

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**RESOLVED**    That His Honor the Mayor is authorized to implement a process for obtaining a drainage easement over or within an existing sewer easement on a service road which services 92 Cambridge Road to 98 Cambridge Road, inclusive.

s/Alderman DiTucci

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

**Presented to the Mayor October 22, 2010 and ten days having elapsed without same being approved, said ordinance became effective without his signature on November 2, 2010.**

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RESOLVED That the Traffic Commission review the speed of traffic on Garden Street and review adopting special speed zoning and/or any other traffic controls that could reduce the speed to a safe level on the street.

s/Alderman DiTucci

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

**Presented to the Mayor October 22, 2010 and ten days having elapsed without same being approved, said ordinance became effective without his signature on November 2, 2010.**

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RESOLVED Whereas the Planning Board is the enforcement authority for landscape requirements on a special permit issued for the property located at 275 Salem Street; and

Whereas, the property is not in compliance with the special permit requirements;

Be It Resolved that the City Council send a communication to the Planning Board regarding the special permit issued for the property located at 275 Salem Street and that the Planning Board provide written communication to the City Council detailing actions taken to resolve this matter.

s/Alderman Mercer-Bruen

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

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RESOLVED That the City Council Committee on Special Permits review the special permit issued for the property located at 275 Salem Street to NAPA Auto Parts as conditions of the special permit have not been completed.

s/Alderman Mercer-Bruen

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

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Motion made and 2<sup>nd</sup> to ADJOURN, all in favor, 9-0. Meeting adjourned at 8:25 p.m.

A TRUE RECORD ATTEST:

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