

**CITY OF WOBURN
OCTOBER 2, 2007 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Denaro	Gately
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Galvin	Doherty

The City Council observed a moment of silence in memory of Mary B. Contaloni, a long-time member of the Woburn School Committee, who passed away.

The City Council observed a moment of silence in memory of Theresa A. Fereshetian, an employee of the city for thirty-five years, who passed away.

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE, all in favor, 8-0.

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$5,000.00 be and is hereby appropriated as so stated from Free Cash Acct #01-356000 \$5,000.00 to City Clerk Election Tables Acct #0116258-585000.

I hereby approve the above the above: s/Thomas L. McLaughlin, Mayor

I hereby recommend the above: s/William Campbell, City Clerk

I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Doherty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 8-0.

PUBLIC HEARINGS:

On the petition by NSTAR Electric Company and Verizon, New England Inc. for a grant of right in a way to install conduit in Forest Park Road a distance of approximately 33 feet from pole 11/47 approximately 130 feet south of Alfred Street. PUBLIC HEARING OPENED. A communication was received from Thomas C. Quinn, Deputy Superintendent of Public Works as follows: “ Plan is correct. 1. Forest Park Road must be saw cut, 2. Road must be open for school bus passage, 3. Police details in place before any detours, and 4. Notify Lutheran Church – Day Care – School.” Appearing for the petitioner was Jacqueline Duffy of NSTAR and she stated that this is to provide service to a new eight lot development of Forest Park Road to be called Callahan Drive. Alderman Dwyer stated that there are twelve to fifteen school buses that travel that road in the morning and afternoon, that the work should not be conducted during the hours that the school day begins and ends, and that two details should be obtained if the work requires the road to be detoured. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the GRANT OF RIGHT IN A WAY be APPROVED, AS AMENDED, with the conditions as follows: 1. That the recommendations of the Deputy Superintendent of Public Works be adopted as conditions of the grant, and 2. That the work be done after 8:30 a.m. and not between 2:00 p.m. and 3:00 p.m., all in favor 8-0.

Presented to the Mayor: October 4, 2007 s/Thomas L. McLaughlin Oct. 4, 2007

On the petition by Francis Velozo and Joann Velozo, Trustees of Main Street Realty Trust, 70 Georgia Road, Tewksbury, Massachusetts 01876 for a special permit pursuant to Sections 7.3 and 5.1.44 of the 1985 Woburn Zoning Ordinances, as amended, so as to construct and utilize a four bay addition on to their existing automotive repair/radiator parts and service station business at 936 Main Street. PUBLIC HEARING OPENED. A copy of a communication dated September 25, 2007 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 936 Main Street Four Bay Addition Special Permit – Special Permit Application
Dated August 20, 2007 – Revised Plans Dated August 24, 2007 (received August 25, 2007)

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

The special permit application is requesting a four bay addition to an existing automotive repair facility. There is an existing zoning line that bisects the property and building. The easterly side is situated in the BH zoning district and the westerly portion lies within the R2 zoning district.

There are no proposed changes to the existing utilities or site grading. The provided parking summary table shows that the site requires 20 parking spaces and that there are 38 parking spaces are proposed.

This office takes no exception with the special permit application or site plan as submitted.

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

A communication dated September 26, 2007 with attachment was received from Attorney John D. McElhiney, Esquire, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 as follows:

Re: Special Permit – Francis and Joann Veloza, Trustees – 936 Main St., Woburn, MA

Dear Members of the Council:

In preparation for the public hearing on this matter, I am submitting herewith ten (10) sets of a Revised Plan, prepared by Duran Associates, with a latest Revision Date of 9-24-07. This plan incorporates some minor modifications to the parking layout and edge of pavement, and is the plan on which the Planning Board based its recommendation.

Thank you for your attention to this matter.

Sincerely, s/John D. McElhiney

A communication dated October 1, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Francis & Joann Veloza, Trustees of Main Street Realty Trust – 936 Main St. – To construct and utilize a four bay addition to the existing automotive repair/radiator parts and service station business pursuant to Sections 5.1(44) and 7.3

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on September 25, 2007, the Board voted to send a favorable recommendation to the City Council in accordance with the plan dated 8/16/02, revised 9/24/07 prepared by Duran Associates, P.O. Box 571, Woburn, MA

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

Sincerely, Edmund P. Tarallo, Planning Director

Appearing for the petitioner was Attorney John D. McElhiney and he stated that that the petitioner has operated an auto repair, service and sale issue at the locus sine purchasing the building in 1999, that the petitioner has been in this business back to the 1970s, that there are three or four current bays with one of the bays being a double bay, that the petitioner proposes to add a structure to the rear, that auto sales businesses and auto repair

businesses have been located at the building for some time, that no auto body work or heavy duty repairs will be conducted, that the petitioner conducts ordinary mechanical repairs, that the petitioner has a second class motor vehicle sales license for the sale of fifteen vehicles, that the back of the building goes into the residential zone currently, that the building has been used in connection with this business without incident, that the project will not be substantially more detrimental than the current use and will clean up the site, that a six foot stockade fence was requested and has been added to the plan, that a pine tree buffer currently exists, that the stockade fence will act as a further visual buffer as well as to sound from the locus, that this is a neat and clean business, that this will allow moderate growth of the petitioner's business, that the bays are 12½ wide and the doors are ten feet wide, and that there will be no additional bathrooms or storage in the garage. Alderman Denaro stated that he has used the petitioner's services, and that he would support the petition at this meeting unless the public hearing discloses concerns. Alderman Drapeau stated that he uses the petitioner's repair service, and that he is willing to support the petition without objections. Alderman Dwyer stated that the petitioner has been cooperative and that he is prepared to support the petition at this meeting. IN FAVOR: Mike Raymond, 10 North Maple Street stated that he has used the petitioner's service at this locus and at his former location at 1071 Main Street, that he visited the site, that he spoke to the neighbors, that little noise emanates from the site, and the he supports the petition. Frank Gatta stated that he has been an abutter to the locus for thirty years, that not much noise is generated from the site, and that the stockade fence will screen the locus from his residence. A communication dated September 14, 2007 was received from John Ciriello stating that he was in favor of the petition and requesting that a six foot cedar wood stockade fence be erected and maintained perpetually across the entire length of the rear and back sides of the property. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 8-0. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the conditions as follows: 1. That the plan of record shall be the plan dated September 24, 2007, and 2. That a six foot solid stockade fence shall be erected as shown on the plan of record, all in favor 8-0.

On the petition by Graybar Electric Company Inc., 34 N. Meramec Avenue, St. Louis, Missouri 63105 for two special permits pursuant to 1985 Woburn Zoning Ordinances, as amended as follows: 1. Pursuant to Section 5.1.42 to allow for warehouse and distribution use and 2. Pursuant to Section 5.1.57b to allow for the parking of commercial vehicles, both at Lot 6C, Draper Street. PUBLIC HEARING OPENED. A copy of a communication dated September 25, 2007 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 6C Draper Street Outside Storage and Hour Change Special Permit – Special Permit Application Dated July 16, 2007 – Previous Memo Dated July 31, 2007 – Plans Dated August 5, 2004

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

The special permit indicates that the building will be used for warehouse and office with outside storage. The applicant is seeking modification of a previously approved special permit on June 18, 2007 to modify hours of operation and for outside storage. The site plan also shows the area which the outside storage will be located.

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

A communication dated September 27, 2007 with attachment was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Graybar Electric Company Inc./Draper Realty LLC, Lot 6C, Draper Street, Woburn, Massachusetts

Dear Bill:

Enclosed please find ten (10) copies of revised site plan which have been revised to provide for 82 parking spaces. If you have any questions, please let me know. Thank you.

Very truly yours, s/Joseph R. Tarby III

Attached thereto was a plan entitled "Site Plan in Woburn, Mass." dated August 5, 2004 with latest revision date September 21, 2007 prepared by Hayes Engineering, Inc. A communication dated October 1, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Graybar Electric Company, Inc. – Lot 6C Draper Street – To allow for warehouse and distribution use (Section 5.1.42) and parking of commercial vehicles (Section 5.1.57b)

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on September 25, 2007, the Board voted to send a favorable recommendation to the City Council to allow parking of one commercial vehicle in accordance with Section 5.1.57b of the Woburn Zoning Ordinance after determining that this use was in harmony with the neighborhood provided that the Special Permit shall be in accordance with the plan entitled "Site Plan in Woburn, Mass." prepared by Hayes Engineering, Inc. 603 Salem St. Wakefield, Mass. 01880 dated August 5, 2004 as revised on September 2, 2004, October 20, 2004, October 27, 2004, November 8, 2004, April 18, 2007 and July 25, 2007, August 10, 2007, September 5, 2007, and September 21, 2007 (the "plan"), and in compliance with the following conditions:

1. That an access easement shall be recorded between Lots 5E and 6C and said easement shall be provided to the Building Inspector prior to building permit.

2. All lighting on surrounding premises shall be reflected downward to avoid any impact on surrounding properties.
3. That the approval shall be limited to one commercial vehicle, which shall be registered in the City of Woburn.
4. That the conditions of the Site Plan Approval voted by the Planning Board on June 18, 2007 as amended on September 25, 2007 shall be incorporated as conditions of this Special Permit.

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

Sincerely, Edmund P. Tarallo, Planning Director

Appearing for the petitioner was Attorney Frank DiLuna and he offered a communication from Attorney Tarby dated October 1, 2007 for the city council to review. Motion made and 2nd that the document be received and made a part of the record, all in favor, 8-0. Attorney DiLuna stated that the building commissioner determined that this is a business sales and service establishment, that the petitioner requests leave to withdraw the petition pursuant to Section 5.1.42 to allow for warehouse and distribution use as it is not needed, that the only request is the petition pursuant to Section 5.1.57b to allow for the parking of one commercial vehicle at the locus, that the petitioner is the leading provider of security devices, that the petitioner's customers are electrical and communications contractors, that the petitioner is relocating its business to Woburn from Somerville, that they will have counter will call service, that 92% of the product will be provided at the counter at this location and the remaining 8% will be delivered by the petitioner, that the hours of operation with no deliveries will be prior to 7:30 a.m. and after 10:30 p.m. Monday through Friday, that there will be no deliveries on Saturday or Sunday, that the hours of operation are 5:30 a.m. to 8:00 p.m. Monday through Friday with no access to the public until 6:00 a.m., that the Building Commissioner determined that if this were the type of operation that the petitioner has in Taunton then it would be a warehouse and distribution facility, that this is a service center distributing products to customers sold by sales personnel, that if the product were delivered to another service center this would be a warehouse and distribution operation, and that the petition is to allow one truck at the locus which does not require a traffic analysis. Jerry Pollok, Director of Operations for Graybar stated that there will be approximately fifty customers per day to the locus primarily driving pick-up trucks and vans, that on occasion there will be a twenty foot box truck, that Taunton is the major distribution hub, that the Woburn location will be the first stop on the delivery trip to their service centers which moves the originally anticipated delivery time of 2:30 a.m. to between 10:00 p.m. and 10:30 p.m., that there will be forty to forty-three employees on site, that 6:30 a.m. to 5:30 p.m. are the normal hours of business, that the 8:00 p.m. time is to provide flexibility for after hour meetings, that the traffic starts at 6:30 a.m. until 5:30 p.m., that there can have up to six customers at a time at the locus, that they will have a training room, that additional parking will be needed when training is in session, that they prefer to have excess parking in the event the need arises, that the delivery at night is at the back of the building into a secure area, that the deliveries are on shrink wrapped pallets, that no more than one-third of the truck

will need to be unloaded, that the delivery transaction will take approximately ten minutes, that the major distribution center is in Taunton, and that the branches such as this locus are not major distribution points. Chip Curran, Manager of Draper realty LLC stated that there will be no more than one delivery after 8:00 p.m. but before 10:00 p.m., that Draper Street is a cul-de-sac, that this is the last building on the street, that there is a common driveway, that the access easement referred to in the Planning Board recommendation is between both driveway for the common driveway, that these are multiuse buildings with low intensity type tenants, that the parking is part of the multiuse building, that the parking was developed to meet the needs of various future tenants, and that almost all of the conditions are part of the underlying Planning Board special permit that allowed construction of the building. Mr. Curran offered a copy of the June 2007 Planning Board special permit to the City Council for review. Motion made and 2nd that the document be received and made part of the record, all in favor, 8-0. Alderman Mercer-Bruen stated that she is concerned about the uses in the area, that there have been some complaints about Sunday operations at other businesses in this area, that she understands this is only a request for a special permit for one commercial vehicle at the locus but she is concerned with the extent of the business, that the discovery of the extent of the business will require additional work, and that she wants to have one meeting with the petitioner to lessen the impact of the project. Alderman Drapeau stated that he is concerned with the traffic from the site, that if there is an impulse section at the counter this could generate business, that this could draw much traffic to the site, and that there should be a traffic analysis. Alderman Denaro stated that he understands that this is a request for one truck however the operation is raising genuine concerns. Alderman Galvin stated that this is a by right use at the locus, that the only issue is the vehicle, that the special permit can be conditioned to the extent that the Planning Board recommended and any additional reasonable conditions, that the business can locate at the locus, that the delivery truck is only 10% of the business, that the delivery truck is a minor part of the business, and that the landowner has tried to turn what was a rock quarry into a beneficial property. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park stated that he is in favor of the petition, that the landowner has done a good job, that this is a sensitive area, and that the businesses located at the locus have been told to be sensitive to the area. Joseph Wells, 45 Harrison Avenue stated that the petitioner is a good company to do business with. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that LEAVE TO WITHDRAW be GRANTED AS TO THE PORTION OF THE PETITION PURSUANT TO SECTION 5.1.42 TO ALLOW FOR WAREHOUSE AND DISTRIBUTION USE, all in favor, 8-0. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON SPECIAL PERMITS, all in favor, 8-0.

On the petition by Robert Adams and Greg Adams, c/o Attorney Mark J. Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to replace two multi-family buildings with one building containing five dwelling units at 239 Main Street. PUBLIC HEARING OPENED. A copy of a communication dated September 10, 2007 to

Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 239-241 Main Street – Proposed 5 Townhouse Special Permit – Special Permit Application Dated 4/10/07 – Plans Dated April 9, 2007 & 11/1/2006 – Previous Memo Dated May 7, 2007 – Previous Memo Dated June 25, 2007 – Previous Memo Dated July 31, 2007

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

Water

The site plan shows a proposed 4" ductile iron fire service and a 2" type K copper water service that will service the building. These services conform to the City of Woburn standards and this office takes no exception to the services as shown.

Sewer

The site plan shows a 6" PVC connection for the sanitary sewer service. This service conforms to the City of Woburn standards and this office takes no exception to the sewer as shown.

Drain

The applicants engineer is proposing two drywell manholes to mitigate the onsite drainage. One drywell will infiltrate the roof runoff and the other will mitigate the site runoff with an overflow to the existing municipal drain line in Main Street.

The supplied drainage computations only account for a 2 year storm with a notation stating that larger rainfalls will be handled by the overflow.

The engineer will need to supply additional information for this office to complete its review. They are the following:

- Pre and post drainage area maps
- Narrative on the existing and proposed drainage conditions and how the onsite drainage will be mitigated.
- Computations for mitigating the onsite drainage for the 20 year storms.

Miscellaneous

The proposed parking layout shows 7 compact parking spaces on the northerly side of the lot, one compact space on the southerly side adjacent from the 7 spaces and two spaces in the garage. It would appear that there is only 20 feet between parking space #8 and parking spaces #1, #2 and #3. Vehicles in these spaces may have a difficult time exiting the parking spaces.

There is no parking summary table to determine the required number of spaces for the proposed use and if there needs to be standard and handicap spaces required. This table along with a zoning regulation table will need to be shown on the plan.

This office will complete its review of this project when the above referenced materials are submitted.

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

A copy of a communication dated September 25, 2007 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 239-241 Main Street – Proposed 5 Townhouse Special Permit – Special Permit Application Dated 4/10/07 – Plans Dated April 9, 2007 & 11/1/2006 – Previous Memo Dated May 7, 2007 – Previous Memo Dated June 25, 2007 – Previous Memo Dated July 31, 2007

This office has reviewed the special permit application for the above referenced location and finds that there have been no changes since our previous memo dated September 10, 2007.

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

A communication dated October 1, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Robert & Greg Adams – 239 Main Street – To replace two multi-family building with one building containing 5 dwelling units

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on September 25, 2007, the Board voted to send a favorable recommendation to the City Council on the Special Permit application of Robert & Greg Adams, 239 Main St. subject to the following conditions:

1. That the number units shall be limited to three townhouse units;
2. That the units shall be no closer than 6' from the easterly property line;
3. That the units shall be no closer than 10' from the northerly property line;
4. That the units shall be no closer than 30' from the southerly property line;
5. That the units shall be no closer than 6' from the westerly property line;
6. That no parking shall be within the townhouse units;
7. That six parking spaces stalls shall be provided in compliance with Section 8.4.1.1 of the Woburn Zoning Ordinance, the driveway shall be not less than 22' wide, and the parking spaces be setback at least 10' from Main St.;

8. That a landscape and fencing plan shall be reviewed and approved by the Planning Board and the Planning Board shall retain jurisdiction over the landscaping;
9. That the height of the building shall not exceed 2½ stories and 35'; and
10. That an updated drainage plan shall be submitted to and approved by the City Engineer.

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

Sincerely, Edmund P. Tarallo, Planning Director

Appearing for the petitioner was Attorney Mark J Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that the Planning Board met last week and recommended three units instead of the requested five units, that the petitioner has not had the opportunity to redesign the building to comply with the request, that if three units are required then the petitioner may need a height of greater than 2½ stories or 35 feet, and that the petitioner asks to continue the public hearing for two weeks. IN FAVOR: None. OPPOSED: None. Motion made and 2nd to close the public hearing, all in favor, 8-0. Attorney Salvati stated that that the petitioner is hoping to continue the matter without resubmitting the petition, and that the petitioner will submit revised plans for the committee to review. Motion made and 2nd to re-open the public hearing, all in favor, 8-0. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 16, 2007 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 8-0.

On the petition by Woburn Armory LLC, 286 Main Street aka 300 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.69 and Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for change, extension and alteration of the Woburn Armory building to allow twenty-five (25) residential dwelling units at 286 Main Street aka 320 Main Street. PUBLIC HEARING OPENED. A copy of a communication dated September 25, 2007 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 268 Main Street – Armory Special Permit – Special Permit Applications Dated July 30, 2007 – Drainage and Utilities Report Dated July 2007 – Development Impact Statement Dated July 2007 – Plans Dated July 12, 2007

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

The special permit application proposed the conversion of the existing armory building into 25 residential units on a 38, 344 s.f. parcel.

Water

The proposed building will be serviced by a 6" fire service and 4" domestic water service. The plan shows the water in connection to be determined by the city water department. This connection will need to be cut in type and not a tapping sleeve and valve.

Sewer

The utility and grading plan shows that the existing sewer service will be reused if found to be in adequate condition and size. This office take no exception to the reuse of this connection.

Drainage

The grading plan shows a grass swale on the northerly property line. This swale was designed for mitigating drainage problems on the abutting property. There is a proposed channel through a landscape berm which will allow runoff to be directed to the drainage swale and into the underground infiltration system. There is a 6" PVC drain line that connects the grass swale to a proposed drain manhole. The applicant's engineer should consult with the plumbing inspector to verify this drain line conforms to the City of Woburn's plumbing code.

This office takes no exception to the drainage calculations as submitted.

Traffic

The traffic report shows a total of 17 vehicles for the AM Peak hour and 19 vehicles for the PM Peak Hours and a daily total of 198 vehicles. This office concurs with its findings.

Infiltration/Inflow Fees

The Development Impact Statement outlines the proposed water and sewage usage and the calculated connection/mitigation fees based on Title V. This amount will need to be paid prior to issuance to a building permit.

Mitigation Fees

The developer's attorney has indicated that the applicant will provide 3% of the cost of the project improvements towards traffic and traffic related problems in and along Main Street. A number of issues could be addressed with these funds including:

- Impressed crosswalks for traffic calming.
- Improvements to traffic signal equipment.
- Satellite parking facilities being designed by the WRA

I trust the foregoing information suffices for your needs. Should you have any questions or comments, please do not hesitate to contact this office.

A communication dated October 1, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Woburn Armory, LLC – 286 a/k/a 320 main St. – To allow 25 Residential Units pursuant to Section 5.1(69) and 7.3

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on September 25, 2007, the Board voted to send a favorable recommendation to the City Council in accordance with the plans submitted and in compliance with the following conditions:

1. That the property shall comply with the historic covenants and all rehabilitation work shall be in accordance with the Secretary of the Interior Standards for Rehabilitation;
2. That the landscaping shall be approved by the Planning Board and the Board shall retain jurisdiction over the landscaping;
3. That a construction management plan for the construction shall be submitted and shall be approved prior to issuance of the Building Permit;
4. That three affordable housing units shall be provided. Two of the units shall be 2 bedroom units and one shall be a 1 bedroom unit;
5. That the existing chain link fence shall be replaced with a six foot high fence that shall be installed with a design mutually agreed upon with the property owners abutting the property;
6. That the exterior lighting shall be constructed such that the lighting will not have any adverse impact on adjoining properties;
7. That all trash storage shall be located within the building;
8. That all snow shall be removed from the site after every storm;
9. That all construction shall be completed within the hours of operation allowed by the City of Woburn Municipal Code;
10. That the petitioner shall work with the City of Woburn to provide a memorial to be located in the front of the property;
11. That there shall be no entrances or exits along Myrtle Street; and
12. That a portion of the property along Myrtle Street shall contain a wall consistent in style with the granite wall located along Main Street frontage with the remainder consisting of a fence.

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

Sincerely, Edmund P. Tarallo, Planning Director

Appearing for the petitioner was Attorney Frank DiLuna, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that a result of additional information requested by the Committee on Special Permit the petitioner requests additional time to review the matter and that the matter be continued to the City Council meeting on October 16, 2007. IN FAVOR: None. OPPOSED: Mark Sanborn, 12 Caulfield Road stated that in addition to his prior record comments he requests that a site visit be made, that the building is in hazardous condition, that bricks are falling from the

building, and that a tree fell onto the building from the Myrtle Street side. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 30, 2007 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 8-0.

On the petition by 112 Commerce Way LLC, c/o National Development, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 for special permits pursuant to Section 5.1.22, 5.1.23 and 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended, to allow for: 1. a retail shopping center in excess of 15,000 square feet (47,010 square feet); and 2. a fast food restaurant at 112 Commerce Way. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: “back for action with the following conditions: 1. The Petitioner shall construct and improve the Site substantially as described in a plan submitted with the Petition for Special Permit entitled “_____” dated _____, 2007, prepared by Allen & Major Associates, Inc.; 100 Commerce Way, Woburn, Massachusetts (the “Plan”) although design adjustments and modifications generally associated with (i) preparing so called “construction drawings” or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans; 2. Construction on the Site shall at all times be in substantial compliance with the Massachusetts State Building Code, together with all other applicable state and federal laws and regulations, including but not limited to environmental laws and regulations; 3. The Petitioner shall complete the Traffic Improvements set forth in a certain Memorandum prepared by VHB dated October 1, 2007 to Edmund P. Tarallo, Planning Director prior to the issuance of a final certificate of occupancy for the proposed development as shown on the Plan; 4. All construction equipment shall be stored in a reasonable prudent manner with due regard for the safety of the workers and general public; 5. The Planning Board shall approve the landscaping plans and retain jurisdiction over the landscaping; 6. Exterior construction activities on the Site shall not commence prior to 7:00 a.m. and shall cease no later than 6:00 p.m. Monday through Saturday. This condition shall not apply to any work performed by any public utility; 7. During the Site redevelopment and construction phases, the Petitioner shall maintain all adjoining roadways free and clear of all debris; 8. All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting any abutting properties; 9. Any snow fall on the premises which cannot be stored on the premises shall be removed. All snow shall be removed off site and not stored thereon; 10. There shall be no overnight parking of tractor trailers in any of the parking space throughout the site; 11. The special permit for the fast food restaurant is for Chipotle Grill only and is not transferable; 12. Petitioner shall provide yearly maintenance checks on sewer lines and provide report to the Department of Public Works and the City Council; 13. Petitioner shall provide a raised brick pedestrian crosswalk to connect the Target shopping center to 112 Commerce Way (Petsmart/Office Max) shopping center prior to obtaining occupancy permits; 14. Chipotle Grill hours of operation 10:00 a.m. to 11:00 p.m. seven days per week; 15. General retail hours of operation apply, 24 hour operation not permitted in conjunction with retail sales; 16. Upon completion of project, petitioner will provide final construction costs to the City

Council for purposes of mitigation review.” A communication dated October 1, 2007 was received from John E. Corey, Jr., PE, City Engineer as follows:

SUBJECT: 112 Commerce Way Retail, Pet Center & Fast Food Restaurant Special Permit - Special Permit Applications Dated August 24, 2007 - Plans Dated August 18, 2007 - Revised Site Plans Received September 20, 2007 - Mitigation Letter received September 24, 2007 - Engineering Department memorandum dated September 25, 2007

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

Traffic Mitigation

The engineering department met with the applicant on September 27, 2007 relative to the proposed traffic improvements noted in the engineering departments September 25th memorandum and the traffic study submitted with the special permit. Based on that meeting, the applicant has agreed to be responsible for the design and construction of the traffic signal improvements and signal timing changes. This work will constitute full mitigation of the traffic impacts associated with the proposed development and no funds will be required from the developer. The developer will implement the necessary changes to allow two lanes of traffic to turn onto the interchange at Commerce Way. This work will include the following elements as required:

- Minor geometric changes for turning radius (if necessary)
- Modifications to traffic signal controllers
- Modifications to signal heads for dedicated turns
- Addition of signage for north and south bound lanes
- Addition of overhead sign supports and foundations
- Addition of appropriate turning lane markings
- Design and construction of improvements

I trust the foregoing information suffices for your needs. Should you have any questions or comments, please do not hesitate to contact this office.

A communication dated September 27, 2007 with attachments was received from Allen & Major Associates, Inc. along with a plan entitled “112 Commerce Way – Layout Sheet C-2” dated September 25, 2007, a plan entitled “112 Commerce Way – Detail Sheet D-6” dated September 25, 2007, a plan entitled “112 Commerce Way – Exhibit A – Half Scale – Color” dated September 25, 2007, and a plan entitled “112 Commerce Way – Exhibit B – Half Scale – Color”. Motion made and 2nd that the documents be received and made part of the record, all in favor, 8-0. A communication dated October 1, 2007 with attachment was received from Allen & Major Associates, Inc. along with a plan entitled “112 Commerce Way – Layout Sheet C-2” dated September 28, 2007. Motion made and 2nd that the document be received and made part of the record, all in favor, 8-0. A communication dated October 2, 2007 was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Petition of National Development Acquisitions LLC – 112 Commerce Way, Woburn, Massachusetts

Dear Mr. Campbell:

On behalf of my client I respectfully request that the public hearing on this matter be further continued to October 16, 2007. If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Frank DiLuna, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner requests that the public hearing be continued to the City Council meeting on October 16, 2007. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 30, 2007 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 8-0.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS: None.

NEW PETITIONS:

Petition by Allied Building Products Corp., 15 East Union Avenue, East Rutherford, New Jersey 07073 for special permits pursuant to Section 5.1.42, 5.1.43 and 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to allow for a wholesale establishment, warehouse and distribution center, outside storage of new or used building materials and equipment and the accessory parking of commercial motor vehicles at 41 Atlantic Avenue. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 8-0.

COMMUNICATIONS AND REPORTS:

A communication dated September 26, 2007 with attachments was received from Joanne Collins, Director, Woburn Council on Aging, along with a copy of the Director's Report for September and the minutes of the September Council on Aging meeting. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0.

A communication dated September 27, 2007 was received from Donald J. Borchelt, Executive Director, Woburn Redevelopment Authority (WRA) along with a copy of the information package for the September meeting of the WRA and advising that the next meeting of the WRA will be held on October 30, 2007 at 5:00 p.m. in the WRA Office. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0.

A communication dated September 27, 2007 was received from Charles Culhane, Veterans Director, as follows:

Re: Request for a Memorial Squares

I have received a request to designate Coolidge Road and Main Street as a Memorial Square for Corporal Charles J. McMahon, USMC, KIA April 25, 2007 in Vietnam. He was the last soldier killed in action from Woburn in Vietnam during the evacuation of the Embassy in Siagon. Corporal Charles J. McMahon was a member of the Woburn High Class of 1972.

A second memorial square dedication will take place at Sturgis Street & Beacon Street in honor of SFC Keith A. Callahan, US Army, KIA January 24, 2007 in Iraq. SFC Keith A. Callahan was a member of the Woburn High School Class of 1993.

Dear Honorable Members I would appreciate your attention regarding this matter and welcome any comments you may have. I would also like to thank you for your continued cooperation with this office. Please feel free to contact me if you should have any questions.

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON MUNICIPAL LANDS/HIGHWAYS, all in favor, 8-0.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That the City Council meeting scheduled for November 20, 2007 and all public hearings scheduled for that meeting shall be moved to the new date of November 19, 2007 at 7:30 p.m. in the Council Chamber.

s/President Doherty

Motion made and 2nd that the ORDER be ADOPTED, all in favor, 8-0.

ORDERED That the City Council shall hold a Regular Meeting on Tuesday, October 30, 2007 at 7:30 p.m. in the Council Chamber, meaning and intending to replace the meeting scheduled for November 6, 2007 that has been canceled due to the Municipal Election.

s/President Doherty

Motion made and 2nd that the ORDER be ADOPTED, all in favor, 8-0.

RESOLVED That the Superintendent of Public Works repave Barbara Circle side to side for its entire length and to replace the sidewalks with concrete sidewalks and granite curbing.

s/Alderman Dwyer

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 8-0.

Presented to the Mayor: October 4, 2007 Returned Unsigned October 4, 2007

RESOLVED That the Traffic Commission determine the feasibility of installing no heavy trucking signs at both the Lexington Street and the Burlington Street ends of Akesson Road.

s/President Doherty

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 8-0.

Presented to the Mayor: October 4, 2007 s/Thomas L. McLaughlin Oct. 4, 2007

RESOLVED Whereas, Gregory Thomas was as active member of many community activities in the city, including Woburn Little League and Woburn Youth Hockey, both as a coach and member of the Woburn Youth Hockey Board of Directors; served as chair of committees at the Annunciation Greek Orthodox Church of Woburn; and was a devoted family man;

Now, therefore, the City Council in memory of Gregory Thomas extends its condolences to his family upon his untimely death.

s/Alderman Drapeau

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 8-0.
Presented to the Mayor: October 4, 2007 s/Thomas L. McLaughlin Oct. 4, 2007

Motion made and 2nd to Suspend the Rules for the purposes of adding the following to the Order of the Day as late filed matters, all in favor, 8-0.

ORDERED Be it ordained by the City Council of the City of Woburn that Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, be further amended by adding a new second sentence to Paragraph 2 as follows:

“This paragraph shall not apply to single family structures in the R-1, R-2, R-3, R-4, and S-1 zoning districts or two family structures in the R-2, R-3, R-4, and S-1 zoning districts built prior to April 24, 1985.”

s/Alderman Galvin

Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 8-0.

Schedule of Committee Reports Filed with the Office of the City Clerk on May 3, 2005 pursuant to Rule 19 of the Rules and Orders of the City Council:

COMMITTEE REPORTS:

ORDINANCE:

On the Order to amend Title 20, Section 20-7 of the 1989 Woburn Municipal Code, as amended, relative to fees of the Sealer of Weights and Measures, committee report was received “ought to pass.” Alderman Dwyer stated that he supports the Order but questions the amounts by which the gas liquid measurement fees have been increased, that he wants to offer an amendment to reduce the gas liquid measurement fee from \$50.00 to \$30.00, and that these increases are passed onto the consumers. Alderman Gately stated that the gas liquid measurement was not on the original petition, and that he wants to limit further inquiry in this matter to the gas liquid measurement fee only. Alderman Galvin stated that it takes four hours for the sealer of weights and measures to check the gasoline stations, that this fee covers the costs of his services, that the sealer can determine whether a consumer is being overcharged and also whether a business is dispensing too much gas to its detriment, and that he will not support the proposed amendment relative to the gas liquid measurement fee. Alderman Drapeau stated that the sealer takes four hours per station but not per pump, that the City Council has made some changes, and some of the increases were exorbitant. Alderman Gonsalves stated that the sealer stated that he spends four to five hours at gasoline stations not at each pump.

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON

ORDINANANCES and that the sealer provide by memorandum clarification as to what was being charged before the change for gas liquid measurement, the total hours required to inspect a gasoline station, and a comparison of the fees charged in neighboring communities, all in favor, 8-0.

Motion made and 2nd to return to the regular order of business, all in favor, 8-0.

Motion made and 2nd to ADJOURN, all in favor, 8-0. Meeting adjourned at 8:58 p.m.

A TRUE RECORD ATTEST:

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