

**CITY OF WOBURN
SEPTEMBER 18, 2012 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Gaffney	Raymond
Denaro	

The City Council observed a moment of silence in memory of former Ward Two Alderman John F. Duran, Jr. who passed away recently.

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

MAYOR'S COMMUNICATIONS: None.

PUBLIC HEARINGS:

On the petition by Alderman Darlene Mercer-Bruen concerning the structure or structures located at 34 Orange Street a/k/a 29 Hawthorne 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. A communication dated September 18, 2012 was received from Building Commissioner Thomas C. Quinn, Jr. as follows:

Re: 34 Orange Street a/k/a 29 Hawthorne Street

With regard to the above referenced property, periodic site visits have continued since the City Council hearing of September 4, 2012 to monitor concerns. As of this time the exterior grounds appear to be in a better condition than previously stated and the dumpster that was present has been removed.

I have not had any communications with the current property owners indicating the issue with the problem tenant has been resolved.

As always if you need additional information do not hesitate to contact me.

Alderman Mercer-Bruen stated that she passed by the property and it appears to be in better condition. The landowner did not appear at this hearing. 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 2, 2012 to await word from the landowner as to whether the work requested has been completed, all in favor 9-0.

On the petition by Enterprise Rent-A-Car Company of Boston, LLC, 248 Mishawum Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.45 of the 1985 Woburn Zoning Ordinances, as amended, to modify a special permit issued February 4, 1992, which currently allow the sale of automobiles and trucks, to include commercial trucks with fixed trailers, at 248 Mishawum Road. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass, as amended, with the conditions as follows: 1. That motorcycles shall not be allowed for sale or rental as restricted in the 1992 Special Permit; 2. That the rental of truck trailers shall be allowed and stored on site in accordance with the parking shown on the revised plans labeled Option A-3 Scale 1/64" = 1'; 3. That the trucks stored on the site shall be no larger than a 26' box truck, 24' stakebed truck, 15' parcel van and shall also allow pickup trucks and cargo vans not exceeding 2,500 lbs. payload; 4. That the number of parking spaces required by the Woburn Zoning Ordinance shall be complied with; and 5. That the Special Permit be non-transferable." The petitioner did not appear at the hearing. IN FAVOR: None. OPPOSED: Russ Richardson, 184 Mishawum Road stated that there are no trucking signs on Mishawum Road but they are ignored, that the petitioner states they are located on Mishawum Road but they are located on Industrial Parkway, and that there need to be restrictions on the days and hours of operation. Motion made and 2nd that public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Alderman Haggerty recused himself from participating in the following matter and left the Council Chamber.

On the petition by 859 Main Development, LLC, 57 Russell Street, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 11.3.12 and 22 of the 1985 Woburn Zoning Ordinances, as amended, to modify a special permit issued January 12, 2012 to allow change from previously approved 98 unit condominium development to allow construction of a 49 unit condominium building on Main Street with 40 townhomes for a total of 89 residential units, at 859 Main Street. PUBLIC HEARING OPENED. A communication dated September 13, 2012 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: 859 Main Development, LLC – 859 Main Street – To modify existing Special Permit dated January 12, 2012 to allow construction of 49 unit condominium building and 40 townhouses pursuant to Sections 11.2.12 and 22

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on September 11, 2012, the Planning Board voted to notify the City Council that the Planning Board is unable to determine a recommendation for this petition based on the plans and information presented at their September 11, 2012 Planning Board meeting and additionally, the Board has instructed the Planning Director to compile a list of unresolved items and forward them with this communication to the City Council.

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

A copy of a communication dated September 11, 2012 from Edmund Tarallo, Planning Director from Brett F. Gonsalves, Senior Engineer, Engineering Department was received as follows:

Subject: 859 Main Street 89 Unit development Special Permit – Special Permit Application Dated February 28, 2011 – Revised Plans Dated August 14, 2012

The applicant is seeking modification to a previously approved special permit to construct a 51 unit condominium building as well as 40 townhomes an existing parcel of land owned by the Roman Catholic Archbishop of Boston and is the site of St. Anthony's Church

Upon review of the special permit application and site plans, this office offers the following comments.

Water

Sheet 5 of 8 shows a proposed 6" water main that will service the condominium and each block of units behind the 3 story building. The proposed clubhouse will be serviced by a 2" copper service. The applicant should check with the superintendent of public works to determine if each townhome units will need an individual water services or if one main service will suffice. Due to the extended length of the main, Consideration should be given to looping the main back to Main St.

Sewer

The utility plan shows that the site will be serviced by 6" PVC sewer main which connects to a proposed sewer pump station to a 2" force main and then to a sewer manhole which connects to the municipal sewer system in Main Street. The applicant

should check with the superintendent of public works to determine if each townhome unit will need an individual sewer service or if one line for each block of buildings is acceptable. Once determined, the sewer services should be shown on then plan. The development impact statement indicated that the calculated sewer generation will be 21,560 gpd. These sewer flows are in excess of 15,000 gpd and would require permitting through Mass DEP. The sewer would be subject to the local infiltration/inflow mitigation fee..

Drainage

The site plan shows that the proposed site drainage will be mitigated by a series of infiltration chambers throughout the site. The submitted drainage calculations demonstrate that the post development runoff conditions for the 100 year storm are reduced from predevelopment conditions. However, the engineer should show an overflow pipe where possible from infiltration chambers to the resource area for storm events in excess of 100 years.

Miscellaneous

This proposed project is subject to section 18 of the Woburn Zoning Ordinance. The applicant has submitted a development impact statement which outlines how the proposed development affects the infrastructure. As part of the mitigation, the applicant is proposing to replace the existing 6" water main on Main Street with approximately 210' of 10" CLDI water main to the southerly property line.

The only remaining item in the development impact statement is the total project cost. This will be needed in order to calculate the mitigation amount. This amount can be submitted prior to issuance of a building permit.

Traffic

The applicant has submitted a traffic and parking assessment study for the proposed project. This study includes the proposed Alzheimer's care facility and the proposed St. Anthony's parish center developments as well as a Dunkin Donuts drive thru.

The report includes the existing levels of service for the 2014 no build and build scenarios. Table 5 and 6 show no change in the level of service for the 2014 build and no-build scenarios at the signalized intersections.

The site plans also include a proposed 15 foot wide widening easement for future expansion of route 38.

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

A communication dated September 14, 2012 was received from Superintendent of Public Works Jay Duran as follows:

Subject: 859 Main Street

I have reviewed the plans for 859 Main Street plans that reflect a new configuration of townhouse units and appurtenant driveway and utilities than the prior plans approved for a Special Permit. The plans last revised August 14, 2012 have been modified slightly since my letter report dated July 19, 2012. However, I still have the following comments and concerns on this project.

Water:

Based upon the size and number of units and the issues with the water system, I recommend that the six inch water main be replaced with a ten inch main to Newbridge Avenue or ideally to School Street to increase the volume and improve the fire protection in the area. Furthermore, the internal water line length has significantly been increased and dictates that the main be looped back into Main Street and connected with a three way gate. There are still insufficient hydrants and line gates. I recommend that a minimum of six hydrants and seven line gates be installed internally and located at the direction of the DPW and Water Superintendent(s). Based upon the number of units and the associated layout, this water system needs to be improved and coordinated properly between the DPW and Fire Prevention.

Sewer:

The new plans depict a gravity main which services the rear units which discharge to a sewer pump station. There are no details shown on the plans submitted. Issues such as secondary power and additional storage need to be addressed. The plans as shown are not adequate in my opinion. In addition, there is not an MDC gas trap shown which would connect to the sewer system to service the floor drain. No architectural plans have been submitted to this office. These issues should be addressed properly for compliance to the building code for floor drains and ventilation, etc for what appears to be an underground garage. In addition, I recommend that the six inch gravity line be increased to eight inches with the same slope.

Drain:

The systems appear very small for the building sizes and the amount of pavement shown. I will defer to the review of the Engineering Department for appropriate sizing and the addition of overflows if required. The systems shown should be in compliance to all DEP Stormwater Guidelines and Regulations for improved water quality.

Gas:

The plans reflect an existing two inch gas service. Based upon a recent request from the adjacent site for approval for a grant of way in Main Street for gas main extension in Main Street, I question whether the gas main truly exists. National Grid should be contacted for verification and the appropriate state and local permits be obtained and/or modified.

Curb cuts and grading:

Curb cuts appear to be of the same size and in the same location. Interior drives have been increased to twenty four feet but still appear narrow in spots for maneuverability. I

will defer to Fire Prevention and the Engineering Department to ensure that proper traffic templates have been checked for proper access and egress within the site. The applicant must obtain Mass DOT permits for the driveway and utility connections and the appropriate permits must be approved for assignment by the City of Woburn. The roadway is newly paved and should be restored accordingly. Grading appears to be directed towards the rear of the site. This seems to make sense as long as the grading between the adjacent construction site is properly coordinated.

Homeowners and Condo Association:

There has been no documentation submitted to this office for review and comment. This documentation should be submitted for review and approval for pertinent water billing and other related utility purposes. It is assumed that the water and sewer system maintenance, snowplowing, trash removal and other items will be performed by private contractors and handled solely at the Condo Associations expense. However, this documentation such as operation and maintenance of the water, sewer and drainage systems should be addressed and clarified to avoid long term problems that the City deals with on a daily basis for similar developments.

An undated communication was received from Planning Director Edmund P. Tarallo as follows:

859 Main Street Issues

- That the Plans shall be the last revised August 14, 2012 unless modified by the issues listed below;
- That the affordable housing requirement of Section 11.11 shall be met;
- That the height of the buildings shall be no greater than three stories and greater than 42' in height;
- That compliance with the off-street parking space requirements of Section 22.G.1.e shall be complied with;
- That an electronic copy of the as-built plan shall be submitted to Engineering upon completion of the project;
- That at least 5 fire hydrants have been requested and have been located on a plan by the Fire Chief and the DPW Superintendent has requested a minimum of six hydrants and seven line gates be installed internally and located at the direction of the DPW and Water Superintendent(s). Based upon the number of units and the associated layout, this water system needs to be improved and coordinated properly between the DPW and the Fire Department;
- That the applicant shall replace the existing 6" water main on Main Street with a 10" CLDI water main from the southerly property line of the property to Newbridge Avenue or ideally to School Street to increase the volume and improve the fire protection in the area;
- That the internal water line length has significantly been increased and dictates that the main be looped back into Main Street and connected with a three way gate;
- That the DPW Superintendent shall determine if each townhouse unit will require an individual water services or if one main service will be acceptable;

- That all buildings have dedicated fire service and shall have sprinklers as required by the Woburn Fire Chief;
- That the sewer flow will require permitting through Mass DEP;
- That the six inch gravity line shall be increased to eight inches with the same slope as recommended by the DPW Superintendent;
- That the sewer flow shall be subject to the local infiltration/inflow mitigation fee;
- That the new plans depict a gravity sewer main which services the rear units which discharge to a sewer pump station. No details are shown on the plans submitted. Issues such as secondary power and additional storage need to be addressed. In addition, an MDC gas trap is not shown on the plans which would connect to the sewer system to service the floor drain;
- That the DPW Superintendent shall determine if each townhouse unit will need an individual sewer service or if one line for each block of buildings is acceptable. Once determined, the sewer services should be shown on then plan.
- That no architectural plans have been submitted to evaluate compliance to the building code for floor drains and ventilation, etc for what appears to be an underground garage;
- That the 51 unit building shall have entry by double doors to the satisfaction of the Fire Chief on the northeast side of the garage floor for the purpose of access and ventilation of the garage area;
- That the bituminous drive in front of units 22 -29 shall be extended westerly beyond unit 29 to provide the Fire Department with an adequate T turnaround and the emergency gravel access shall begin north of the sidewalk to unit 29 and continue northerly as shown on the plan;
- That provision shall be made to the satisfaction of the Engineering Department that the overflow pipes be provided from the infiltration chambers to the resource area for storm events in excess of 100 years;
- That the drainage systems shall be in compliance with all DEP Stormwater Guidelines and Regulations for improved water quality;
- That the existing concrete sidewalk on Main St. at the southerly property line shall be continued as concrete through the frontage of the property to the satisfaction of the DPW Superintendent;
- That a new walking trail shall be constructed at the rear of the property along the wetland and Middlesex Canal and access easements shall be provided and approved prior to construction to the trail and for the trail;
- That the total project cost shall be submitted in order to calculate the mitigation amount;
- That \$200,000 shall be set aside from the mitigation for this project to address the optimization of timing and sequencing of the new traffic volumes at the Main@Alfred/Elm Streets intersection near the Rte. 128 Rotary and to establishing a review process for traffic flows at the entrance/exits of the project six (6) months after occupancy including the determination of the Woburn Chief of Police in conjunction with the Woburn Traffic Commission the need for a police detail to control peak hour traffic to minimize delays and/or the installation of a fully-actuated traffic control signal installation if warranted; or any roadway/traffic improvements needed on Main St. between Alfred St. and School St.;

- That the 15' wide easement shown on the Plan as the "Route 38 widening easement" running along the Main Street frontage of the property shall be provided to the City for the widening of Main Street;
- That the one-way pair of driveways that designate the easternmost as one-way in and the westernmost as one-way out shall be a permanent condition of this approval;
- Signage shall be provided to direct internal traffic subject to the approval of the Planning Board including the painting of interior road markings;
- That all trash shall be stored in the trash area designated on the Plans and if a dumpster is required its location and screening shall be approved by the Planning Board;
- That Planning Board approval for more than one residential structure on a lot shall be obtained in accordance with the subdivision regulations of the Woburn Planning Board;
- That internal road widths and design shall meet the requirements of the Woburn Planning Board;
- That the Planning Board shall retain jurisdiction over the landscaping;
- That vertical granite curbing shall be required throughout the site.
- That National Grid shall confirm that gas main exists in Main St.
- That the water and sewer system maintenance, snowplowing, trash removal and other items shall be performed by private contractors and handled solely at the Condominium Association's expense. However, this documentation such as operation and maintenance of the water, sewer and drainage systems should be addressed and clarified to avoid long term problems.

Motion made and 2nd that the four communications be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Haggerty absent). Appearing for the petitioner was Attorney Shaun Briere, Mawn and Mawn, P.C., 275 Mishawum Road, Woburn, Massachusetts 01801 and he stated that the Planning Board did not provide a recommendation indicating that they were awaiting additional information that has now been received. Alderman Gately stated that as Chair of the Committee on Special Permits he worked on this matter now that all report have been received, that the twenty conditions of the original special permit will be replaced with a new set of conditions, that the \$200,000.00 mitigation is for a traffic study as requested by the Planning Board, and that the departments will sign off on the project upon issuance of the building permit. Alderman Mercer-Bruen stated that she does not see that the Planning Board memorandum was approved by the City Engineer or the Superintendent of Public Works, that there is a \$200,000.00 mitigation sum, that the City Engineer wanted a development impact study to determine the mitigation amount, that the original mitigation has changed as the project has changed, and that it is premature to vote on this matter. **IN FAVOR:** None. **OPPOSED:** None. Motion made and 2nd that the public hearing be closed, 8 in favor, 0 opposed, 1 absent (Haggerty absent). **PUBLIC HEARING CLOSED.** Alderman Gately read the thirty-four comments received from the Planning Board and the City Council commented on during the review. Alderman Gately stated that Condition 6 will require six hydrants, that Condition 8 will require a master meter in each building, that the system referred to in Condition 14 will have to be designed and accepted, that the Superintendent of Public Works will have to determine Condition 15 upon permitting,

and that Condition 16 refers to a building permit issue. Alderman Mercer-Bruen stated that the building permit cannot issue until the total project is determined and mitigation amount calculated. Motion made and 2nd to suspend the rules for the purposes of discussing the matter further with Attorney Briere, 7 in favor, 1 opposed (Mercer-Bruen opposed), 1 absent (Haggerty absent). Attorney Briere offered a document entitled “Applicant Proposed Revised Conditions September 18, 2012” to the City Council for review as follows:

Applicant Proposed Revised Conditions
September 18, 2012

Current:

- *That the Applicant shall replace the existing 6” water main on Main Street with a 10” CLDI water main from the southerly line of the property to Newbridge Avenue or ideally to School Street to increase the volume and improve the fire protection in the area;*

Proposed Revision:

- That the Applicant shall replace the existing 6” water main on Main Street with a 10” CLDI water main from the southerly line of the property to Newbridge Avenue ~~or ideally to School Street~~ to increase the volume and improve the fire protection in the area;

Current:

- *That a new walking trail shall be constructed at the rear of the property along the wetland and Middlesex Canal and access easements shall be provided and approved prior to construction to the trail and for the trail;*

Proposed Revision:

- Access easements for the walking trail along the wetland and Middlesex Canal, as shown on the approved plans, shall be provided and approved prior to construction to the trail and for the trail;

Current:

- *That \$200,000 shall be set aside from the mitigation for this project to address the optimization of timing and sequencing of the new traffic volumes at the Main@Alfred/Elm Streets intersection near the Rte. 128 Rotary and to establishing a review process for traffic flows at the entrance/exits of the project six (6) months after occupancy including the determination of the Woburn Chief of Police in conjunction with the Woburn Traffic Commission the need for a police detail to control peak hour traffic to minimize delays and/or the installation of a fully-actuated traffic control signal installation if warranted; or any roadway/traffic improvements needed on Main St. between Alfred St. and School St.;*

Proposed:

- Applicant requests that the condition be struck in its entirety.
- Alternatively, the Applicant requests the same condition as adopted in the previous Special Permit:

- That monies shall be set aside from the mitigation as agreed upon by the City Engineer for this project to address the optimization of timing and sequencing of the new traffic volumes at the Main@Alfred/Elm Streets intersection near the Rte. 128 Rotary and to establishing a review process for traffic flows at the entrance/exits of the project six (6) months after occupancy;

Current:

- *That internal road widths and design shall meet the requirements of the Woburn Planning Board;*

Proposed:

- Applicant requests that this condition be struck in its entirety.
- Current project does not meet the requirements of the Woburn Planning Board with respect to roadway width of the driveways. During previous permitting process, the request was made to reduce the width of the driveways from 24' to 18' to provide a clear indication of the driveways being one-way only.
- This concern is adequately addressed in the previous condition relative to the multiple residential structures filing with the Planning Board.

Current:

- *That vertical granite curbing shall be required throughout the site.*

Proposed:

- That this condition be struck in its entirety.
- This was addressed during the previous permitting process. Applicant proposes adoption of the same condition included in previous permit:
- That vertical granite curbing shall be required along the entrance driveway from Main Street up to the entrance to the garage of the front building on both sides of the entrance drive and along both sides of the exit driveway from Main Street to the point of widening of said exit driveway from 18' to 24' as shown on the Plan;

Motion made and 2nd that the document be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Alderman Raymond stated that he spoke to the Middlesex Canal Commissioners about the construction of the trail. Alderman Anderson stated that Condition 22 should stay as proposed by the Planning Board. Attorney Briere stated that Condition 24 regarding mitigation should be amended to as previously approved or to alternative language. Alderman Raymond stated that Condition 24 should be amended by striking \$200,000.00 and inserting \$86,000.00 due to additional work being performed in the area. Alderman Mercer-Bruen stated that the mitigation amounts may be larger once the project costs are determined. Alderman Drapeau stated that placing a dollar limit on the mitigation may act as a barrier to the work being completed. Alderman Raymond stated that he wants to be certain that there is a dollar amount in the special permit so that there is a sum certain for the work when the project is permitted, and that if the amount is included in this package then the money will be used for this project. Alderman Mercer-Bruen stated that the special permit could be conditioned so that without these activities taking place then the project will not be permitted. Alderman Raymond stated that the money for the traffic study is in addition to the mitigation fund. Alderman DiTucci stated that the condition could be rewritten to

state “in addition to the mitigation a traffic study should be performed.” President Denaro stated that the mitigation ordinance indicates 3% of the project cost and from that is deducted the value of the actual mitigation work performed. Alderman Gately stated that if there is mitigation designated for the project then it should be used in that area. Alderman Drapeau stated that the \$86,000.00 for the traffic study will have to be taken from the total mitigation, that there may be other projects that may be determined to have a higher priority, and that not limiting the mitigation to a specific amount may be better action. Alderman Mercer-Bruen stated that the City Council should not proceed if the Aldermen are not comfortable with the package. Alderman Anderson stated that the language should state that “a portion of the mitigation funds should be used for optimization of timing, etc.” Alderman Gately stated that Condition 24 should be modified so that no dollar value is set. Alderman Drapeau stated that he is comfortable with the attorney’s proposed language. Attorney Briere stated that this is the language approved for the prior special permit. Alderman Anderson stated that the language proposed by the petitioner’s attorney for Condition 24 should be adopted. Attorney Briere requested that Condition 30 be stricken as the project as previously approved does not meet the requirements of the Planning Board due to the 18 foot driveway. Alderman Anderson stated that the project will be before the Planning Board. Attorney Briere stated that Condition 32 should be amended so that vertical granite curbing be limited, and that granite curbing is significantly more expensive. Alderman Mercer-Bruen stated that granite curbing also looks significantly better, Alderman Gately stated that the Planning Board has allowed alternate curbing in other projects. Alderman Anderson stated that this is a special project that is allowed by overlay and will look pleasing and for that reason the curbing should be granite. Alderman Raymond stated that the curbing should be granite for the purposes of plowing. Motion made and 2nd to return to the regular order of business, 8 in favor, 0 opposed, 1 absent (Haggerty absent). Motion made and 2nd that Condition 24 by striking the numbers “\$200,000” and inserting in its place the following word “monies”, 7 in favor, 1 opposed (Mercer-Bruen opposed), 1 absent (Haggerty absent). Motion made and 2nd that Condition 22 be amended by adopting the language proposed by the petitioner’s attorney, 6 in favor, 2 opposed (Anderson, Mercer-Bruen opposed), 1 absent (Haggerty absent). Motion made and 2nd that Condition 30 be amended by striking it in its entirety and leaving the matter to the determination of the Planning Board, 6 in favor, 2 opposed (Anderson, Mercer-Bruen opposed), 1 absent (Haggerty absent). Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the 34 conditions recommended by the Planning Board further amended herein by the City Council be adopted as conditions of the special permit, 6 in favor, 2 opposed (Anderson, Mercer-Bruen opposed), 1 absent (Haggerty absent). Motion made and 2nd to reconsider for the purpose of clarifying taking the matter from the Committee on Special Permits, 8 in favor, 0 opposed, 1 absent (Haggerty absent). Motion made and 2nd to take the matter from Committee on Special Permits, 8 in favor, 0 opposed, 1 absent (Haggerty absent). Motion made and 2nd to ratify the prior for to grant the special permit as amended, 6 in favor, 2 opposed (Anderson, Mercer-Bruen opposed), 1 absent (Haggerty absent).

Alderman Haggerty entered the Council Chamber.

On the petition by Peterson Party Center Inc., 139 Swanton Street, Winchester, Massachusetts for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57b to modify special permits issued August 11, 2011 and January 26, 2012 by deleting the reference to the plan entitled "Proposed Parking Layout" Sheet PK-1 dated November 15, 2011 in Condition 2 and replacing same with the plan filed with this petition entitled "Proposed Parking Layout" Sheet PK-1 dated June 4, 2012 as the plan of record, at 36 Cabot Road. PUBLIC HEARING OPENED. A communication dated September 14, 2012 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Peterson Party Center, Inc. – 36 Cabot Road, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for September 18, 2012 be continued to the City Council meeting on October 2, 2012. 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 accepted and made part of the record, all in favor, 9-0. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 2, 2012, all in favor 9-0.

On the petition by Great Saves Concepts #30, LLC, 2 Black Horse Terrace, Winchester, Massachusetts 01890 for a special permit pursuant to Section 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a fast food restaurant to be located within the existing building location at 103 Commerce Way. PUBLIC HEARING OPENED. A communication dated September 13, 2012 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Great Save Concepts #30, LLC – 103 Commerce Way – To allow for a Fast Food Restaurant pursuant to pursuant to Section 5.1.29

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on September 11, 2012, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Great Save Concepts #30, regarding property at 103 Commerce Way to allow for a Fast Food Restaurant pursuant to pursuant to Section 5.1.29 and subject to the following conditions:

1. That a development impact statement outlining the impacts, if any, that result from the proposed project shall be submitted to the Engineering Department for their review prior to the City Council acting on this Special Permit;
2. No banners shall be hung outside of the building;
3. Hours of operation shall be limited to 10am to 11pm;
4. Special Permit shall be limited to Firehouse Subs only and shall be non-transferable; and
5. The Petitioner shall be required to inspect the property daily for trash/debris and have it removed.

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

A copy of a communication dated September 11, 2012 to Edmund P. Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer as follows:

Subject: 103 Commerce Way – Firehouse Subs Special Permit – Site Plan Dated August 9, 2012 – Special Permit Application Dated August 9, 2012

The applicant submitted a special permit application for a fast food restaurant in an existing building at the above referenced location. The applicant is proposing to occupy approximately 2,381 square feet of the existing building.

The submitted site plan shows the location of where the restaurant is situated within the building along with the site parking.

The applicant has submitted a traffic report which outlines the weekday midday and evening peak hours. The difference between the previous retail store and the proposed restaurant is increasing by 17 vehicle trips in the midday peak hour and 12 vehicle trips in the evening peak hour.

There is no exterior work being proposed, however the applicant should check with the plumbing inspector to determine if there is a grease trap for the proposed restaurant.

This proposed project is subject to section 18 of the Zoning Ordinance. A development impact statement outlining what impacts if any there will be from the proposed project and submitted to this office for review.

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

Appearing for the petitioner was Attorney Mark Vaughan, Riemer and Braunstein, Seven New England Executive Park, Burlington, Massachusetts 01803-5008 and he stated that

the petitioner will re-use a portion of the former Working Gear building located near Target, that there is a Petco and GameStop at the location, that the petitioner will use half of the former Working Gear unit, that no square footage will be added to the building, that the petitioner is a fast casual restaurant chain, that the petitioner opened a store in Danvers in March 2012, will be opening a store at Copley Plaza in Boston and Woburn will be their third location, that the petitioner sells made to order sandwiches, that customer order sandwiches at the counter and wait four to six minutes, that there are tables to eat-in or customers can take out, that there is no drive-thru component, that the petitioner serves lunch and dinner but no breakfast, that the petitioner has a fire safety fund to support local fire departments to better equip, educate and fund public safety entities, that the fire safety fund reflects the heritage of the company founders, that a traffic impact statement was prepared by VHB and submitted for the first 2,381 square foot area, that there will be minimal impact on the traffic, that because this is a fast food use a traffic impact statement was required, and that this impact statement work is already complete. Wells Aitkens of the petitioner stated that local entities can apply to the fire safety fund, that the petitioner strictly accepts donations from patrons for the fund and does not donate a portion of the profits, that the petitioner sells pickle buckets the proceeds of which are used for the fund, a customer can round up their purchase to the next dollar and contribute the difference to the fund and there are collection buckets at the counter, that his general contractor has spoken to the Building Department, that the petitioner will have an internal grease trap, that the product is low in grease but most grease is removed and disposed in the trash, and that the only sign will be on the storefront. Alderman Mercer-Bruen stated that the business will be a welcome addition to the area, that the condition about development impact is confusing, and that she will request the special permit be non-transferable. Alderman Gately stated that the petitioner should check with the Plumbing Inspector as there is an issue with grease in that area. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. No banners shall be hung outside of the building and the petitioner shall comply with all sign ordinances of the city; 2. Hours of operation shall be limited to Sunday through Saturday 10:00 a.m. to 11:00 p.m.; 3. Special Permit shall be limited to Firehouse Subs only and shall be non-transferable; and 4. The Petitioner shall be required to inspect the property daily for trash/debris and have it removed and the dumpster shall be screened, all in favor, 9-0.

On the petition by Coviello Electric and General Contracting Co., Inc., 77 Mystic Avenue, Medford, Massachusetts 02155 for a special permit pursuant to Sections 5.1.57b and 15 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the outside storage and parking of commercial motor vehicles, trucks and contractor's equipment at 23-25 Garfield Avenue. PUBLIC HEARING OPENED. A communication dated September 11, 2012 to Edmund Tarallo, Planning Director from Brett F. Gonsalves, Senior Engineer, Engineering Department was received as follows:

Subject: 23-25 Garfield Avenue – Coviello Electric Special Permit – Plot Plan Dated June 4, 2012 – Special Permit Application Dated August 13, 2012

The applicant submitted a special permit application to allow for outside storage and parking of commercial motor vehicles trucks and equipment at the above location.

The accompanying plot plan shows the location of the existing building as well as the site parking.

A portion of the site lies within a ground water protection district and the applicant should verify that they comply with section 15 of the zoning ordinance.

There does not appear to be any exterior utility work proposed and upon review of the subject materials, this office takes no exception to the special permit as submitted.

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

Appearing for the petitioner was Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the property is located in the I-G zoning district, that this is a by-right business service use, that a special permit is required for the outside storage and parking trucks, that the Planning Board will review the matter at their next meeting, that the existing gates will have privacy slats along both sides of the property and along the rear to screen the property, that there are eighteen parking spaces, that the property has been used by various contractors over the years, that the property is located to the rear of the Barker Lumber property, that the petitioner's business was founded in 1979, that the petitioner deals in commercial, industrial and municipal installation and maintenance, that the petitioner purchased the property and will move the business there from its location in Medford, that the trucks are a crane twelve feet in height, six bucket trucks and a compressor, that the petitioner will store traffic lights and poles on the lot, that some supplies will be stored within the building, that the petitioner has five office employees and eight to ten other employees, that the hours of operation are Monday through Saturday 7:00 a.m. to 7:00 p.m., that at time the petitioner can be called out in an emergency such as a light pole being knocked down which must be repaired. Alderman Gately stated that he has received a number of complaints about this business operation due to the number of trucks and the hours of operation at the locus now, that it appears to be a 24-hour per day operation, that no heavy trucking is allowed on Green Street, that there are substandard streets and a school zone in the area, that most trucks in that area use Jefferson Avenue and Prospect Street to travel to Montvale Avenue or Woburn center, and that the issues concerning the hours of operation and trucks will have to be addressed in committee and after the Planning Board recommendation is received. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOEBR 16, 2012 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

On the petition by PPG Industries Inc., 1 PPG Place, Pittsburgh, Pennsylvania 15272 for a special permit pursuant to Sections 5.1.42 and 5.1.57b of the 1985 Woburn Zoning Ordinance, as amended, to operate a wholesale paint business and for accessory parking of one commercial vehicle at 35 Industrial Parkway. PUBLIC HEARING OPENED. A communication dated September 13, 2012 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: PPG Industries Inc. – 35 Industrial Parkway – To operate wholesale paint business and accessory parking for one commercial vehicle pursuant to Sections 5.1.42 and 5.1.57b

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on September 11, 2012, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of PPG Industries Inc., regarding property at 35 Industrial Parkway to operate wholesale paint business and accessory parking for one commercial vehicle pursuant to Sections 5.1.42 and 5.1.57b and subject to the following conditions:

1. That compliance with state 780 CMR and 527 CMR shall be complied with regarding fire safety for this use and in accordance with the requirements of the Woburn Fire Department; and
2. That 9 parking spaces shown on the September 10, 2007 site plan shall be eliminated to accommodate the 40' ramp that will be installed to access the loading area northeast of the gas meters. The spaces to be eliminated are the 2 spaces northeast of the gas meters against the building; the 4 spaces behind the planting area east of the gas meters; and the 3 spaces in the double row of parking in the same area (2 nearest the property line and 1 nearer the building).

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

A copy of a communication dated September 11, 2012 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 35 Industrial Parkway – Pittsburgh Paint Special Permit – Plot Plan Date September 10, 2007 – Special Permit Application Dated August 4, 2012

The applicant submitted a special permit application to allow for the sale of wholesale paint, painting supplies and overnight parking of a commercial vehicle at the above referenced location.

The accompanying plot plan shows the location of where the proposed business in the existing building as well as the site parking. The proposal also shows a proposed 40 foot ramp which would extend out into the parking. The ramp could have an impact on the traffic circulation within the site.

This office will complete its review when the above referenced comment is addressed.

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

Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that the petitioner is the maker of Pittsburgh Paints, that this is the former Gold's Gym building, that a step van is used to make deliveries, that the petitioner is a wholesale only business, that 90% of the sales are delivered by the petitioner to their customers, that the petitioner receives two deliveries per week by truck and forklift, that the ramp will assist with deliveries, that the petitioner has two employees and one delivery driver, that the operation will not create much traffic, that the hours of operation are 6:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 12:00 noon on Saturday, that there is sufficient parking, that little foot traffic is expected, that contractors with accounts would be the only customers, that this is a new operation, that the petitioner has a location in Needham and is looking to expand in Massachusetts, that the petitioner addressed the concerns of the City Engineer regarding the ramp, and that it was determined that the ramp does not impact travel but reduces the number of parking spaces. Michael Callaja, Location Specialist for the petitioner, stated that their salespeople solicit business and then deliveries are made, that they have three types of customers, that one are home builders and the petitioner makes deliveries to the site, the second are maintenance groups such as at apartment complexes and hotels, and the third are bucket contractors who come in to purchase paint for particular jobs, that there is no on-site sales staff, that the petitioner has three employees, that there is a store manager, an assistant manager and a delivery driver, that there are one or two salespeople for each location with a company car that is leased by the petitioner, that the van is loaded at the locus and the product delivered to the site by hand, that there is one van on site which is also leased, and that the hours of operation are 6:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 12:00 noon on Saturdays. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the recommendations of the Planning Board be adopted as conditions of the special permit, 2. That the hours of operation shall be between 6:00 a.m. and 6:00 p.m. Monday through Friday and between 7:00 a.m. and 12: 00 noon Saturday, and 3. That the special permit is granted to PPG Industries Inc. only and is not transferable, all in favor, 9-0.

On the petition by WJP Realty Trust, P.O. Box 2555, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.71 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a commercial parking lot at 210 New Boston Street. PUBLIC

HEARING OPENED. A copy of a communication dated September 11, 2012 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 210 New Boston Street – Commercial Parking Lot Special Permit – Plot Plan
Dated July 28, 2012 – Special Permit Application Dated August 9, 2012

The applicant submitted a special permit application to allow for a commercial parking lot at the above referenced location.

The accompanying plot plan shows the location of the existing building as well as the site parking and there does not appear to be proposed site or utility work being proposed.

Upon review of the subject materials, this office takes no exception to the special permit application as submitted.

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

A communication dated September 14, 2012 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of WJP Realty Trust – 210 New Boston Street, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for September 18, 2012 be continued to the City Council meeting on October 2, 2012. If you need any further information, please contact me. Thank you.

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

Motion made and 2nd that both communications be received and made part of the record, all in favor, 9-0. Motion made and 2nd that the public hearing be opened, all in favor, 9-0. 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 2, 2012, all in favor 9-0.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to appropriate the sum of \$2,640,221.88 from Debt Reserve Account to Debt Principal Account and Debt Interest Account, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: September 21, 2012 **s/Scott D. Galvin Sept. 21, 2012**

PERSONNEL:

On the appointment of Thomas M. Skeffington to the Woburn License Commission, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: September 21, 2012 **s/Scott D. Galvin Sept. 21, 2012**

On the reappointment of Peter V. Murphy to the Woburn Golf and Ski Authority, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: September 21, 2012 **s/Scott D. Galvin Sept. 21, 2012**

On the reappointment of Kevin Feeney to the Woburn Housing Authority, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: September 21, 2012 **s/Scott D. Galvin Sept. 21, 2012**

On the reappointment of Timothy A. Mooney to the Woburn Agricultural Commission, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: September 21, 2012 **s/Scott D. Galvin Sept. 21, 2012**

On the reappointment of Robert Morgan to the Woburn Recreation Commission, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

PUBLIC LANDS AND INFRASTRUCTURE:

On the Order to accept permanent and temporary easements at 316 New Boston Street to allow the redesign and construction of the New Boston Street bridge, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

NEW PETITIONS:

Petition to transfer Inflammable License from VV2 Presidential Way, LLC to Presidential Way Woburn, LLC at 225 Presidential Way. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petition to transfer Inflammable License from VV2 Presidential Way, LLC to Presidential Way Woburn, LLC at 235 Presidential Way. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petition by Monarch Homes, LLC, c/o Dave Mann, 857 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 8.2.5 and 13.6 of the 1985 Woburn Zoning Ordinances, as amended, to reconfigure the shape of the parking lot and to realign the approved exterior freestanding sign, both at 857 Main Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING ON OCTOBER 2, 2012, all in favor, 9-0. [Clerk’s note: Due to the notice requirements of M.G.L. Chap. 40A, the earliest the public hearing can be held is October 16, 2012.]

Petition by John P. Flaherty and Kathryn A. Flaherty, 28 West 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 a pre-existing nonconforming structure to allow for a two-family residence at 22 Central Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING ON OCTOBER 16, 2012, all in favor, 9-0.

Petition by Amy Sullivan and Joshua Klimek, 4 Harlow Court, 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 a pre-existing nonconforming use from single family to two family at 4 Harlow Court. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING ON OCTOBER 16, 2012, all in favor, 9-0.

Petition by Robert Brady, 12 Lawson Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow alteration of a preexisting nonconforming structure by replacing an existing structure with a two family dwelling at 8 Lawson Street. Motion made and 2nd that the

MATTER be REFERRED TO PUBLIC HEARING ON OCTOBER 16, 2012, all in favor, 9-0.

Petition by West Marine, 299 Mishawum Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57a of the 1985 Woburn Zoning Ordinances, as amended, to allow storage units on premises at 299 Mishawum Road. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING ON OCTOBER 16, 2012, all in favor, 9-0.

Communication dated September 11, 2012 from Attorney Mark J. Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 as follows:

Re: 229 Main Street

Dear President Denaro and Council Members:

Please be advised that I represent Helder Texieria who is looking to lease the premises at 229 Main Street, formerly Callahan's Deli. That business had operated pursuant to a special permit for a fast food restaurant that was granted in March of 2008. A copy of the decision is attached hereto and that permit contains, among others, the following conditions:

1. That the special permit shall be exclusive to Barry Callahan and shall not be transferable;
4. That the hours of operation shall be limited to between 6:00 a.m. and 8:00 p.m. seven days per week;

My client intends to operate a restaurant at this location which will have no change in the square footage of the restaurant, nor the required parking at the premises. Therefore, request is made to amend the special permit to remove conditions 1 and 4 and replace it with the following:

1. That the Special Permit shall be to Helder Texieria d/b/a "A Dega" and shall only be transferable as an amendment approved by the City Council.
4. That the hours of operation shall be limited to between 10 AM and 10 PM seven days per week.

Thank you for your attention to this matter and please call with any questions.

Very truly yours, s/Mark J. Salvati

Alderman Gately stated that a special permit was granted to allow the operation of Callahan's Deli at the location, that nothing has changed at the building, and that he wants to approve the changes of the name of the owner and the hours of operation as

requested by the petitioner. Motion made and 2nd that the REQUEST FOR A MINOR MODIFICATION be ALLOWED by amending Condition 1 of the Special Permit to read "1. That the Special Permit shall be to Helder Texieria d/b/a "A Dega" and shall only be transferable as an amendment approved by the City Council" and Condition 2 of the Special Permit to read "4. That the hours of operation shall be limited to between 10 AM and 10 PM seven days per week", 7 in favor, 2 opposed (Anderson, Mercer-Bruen opposed).

Petition by Helder Teixeira d/b/a A Dega, 70 Myrtle Street, Melrose, Massachusetts 02176 for a special permit pursuant to Section 29 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a fast food restaurant at 229 Main Street. Motion made and 2nd that the MATTER be GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated September 7, 2012 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 month of August 2012. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING:

Review of matter declaring the property located at 18-20 Campbell Street, Woburn as a nuisance pursuant to Massachusetts General Laws Chapter 139, Section 1. A communication dated September 18, 2012 was received from Building Commissioner Thomas Quinn as follows:

Re: 18-20 Campbell St

With regard to the above referenced property, site visits have been conducted from the Public Way of Campbell Street to observe any concerns that would be jurisdictional to the Inspectional Services Department.

As of this time the appearance of property has not changed over the last few months, the amount of person who reside in each dwelling unit is uncertain and is still actively being looked into for possible violations of the Woburn Zoning and Municipal Code Ordinances.

I will update you further when more information is available.

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Motion made and 2nd that a communication be forwarded to Chase Home

Finance LLC with a copy of the registration ordinance and a copy of the Order relative to findings, all in favor, 9-0.

Alderman Anderson stated that service was made by last and usual service and first class mail by a Constable, that not one from the city has heard from the property owner, that he has received comments from neighbors about ongoing conduct issues in the area, that there is a pending foreclosure proceeding on the property, that he asked the Building Commissioner to determine whether the mortgage holder has registered with the Building Department, and that he wants a letter sent by the city to the mortgage holder regarding registration of the property. PUBLIC COMMENTS: John Quinn, 18 Campbell Street started that he spoke to the property owner who stated that he would appear at this meeting but is not present, that he does scrap metal at the property like many other people in Woburn does, that he uses a power saw to tear part metal equipment such as air conditioners and then brings the metal to the scrap yard, that many people use power tools in their yards, that he does not operate a scrap yard, that he does have parties and invites people over "to have a beer", that he resides at 18 Campbell Street with "Eddie and Eddie's girlfriend", that he used to burn wire at the property but the Fire Department said that he could not do so, and that some metal is stored in the yard and then brought to the scrap yard. Georgia Angi, 7 Centre Street stated that her daughter lives at 18 Campbell Street, that he daughter has been brought to court due to noise issues, that the noise is coming from the property at 22-24 Campbell Street, that her daughter has been brought into court although the matters have been dismissed twice because she did not cause the issues, that the neighbors' house located at 22-24 Campbell Street must be addressed as well, that the homeowner said he would be meeting and address issues to clean the property but has not, and that the Bank of America owns the property and has posted notices on the property. Alderman Anderson stated that these matters referred to are court matters and not City Council matters. Taj Angi, 20 Campbell Street stated that the tenants of this property did not receive notice of the prior meeting, that all the neighbors received notice from the Alderman, that she has tried to clean the property, that she was burning brush in a barrel but was told that she could not do so, that if the house is condemned then she will be homeless, that there is no trash in her backyard, and that her boyfriend, his parents, his siblings and her live in the unit. Maria Quadros, Haverhill, stated that she owns 14-16 Campbell Street, that this is an issue with the owner of the property not the tenants, that if there is noise from the property then the police will be called, that the police have been called to the property over 144 times according to one report, and that not all of those calls could be mistakes. Maria Ramos, Peabody, stated that she is half-owner of 14-16 Campbell Street, that she moved from the property in September, that there were parties at the locus which were frightening, that she spoke to the property owner two weeks ago, that a tenant hit the house with a motor vehicle and knocked out the electricity, that the Police Department said that it appeared to be an accident, that the property owner stated that the property would be cleaned and he would attend this meeting, that the owner claims tenants do not pay rent but she told him that she was told otherwise, that she told the property owner that she lost tenants because of the conditions at the property, and that the issue is the property owner. Linda Loughlin, 20 Campbell Street stated that she moved to the property in June 2012, that there have been no parties during this time, that the police responded to 22-24 Campbell Street due

to a party, and that since she has been there the property has been quieter as she does not like noise either. David Barrett, 14 Campbell Street stated that he has resided at his property for the last 4½ years, that bullets have been found at his house and his property has been vandalized, that the property has been negligently managed, that last Saturday there was a party in the backyard of 18-20 Campbell Street which began at 10:00 a.m. and included drinking all day, that a motor vehicle from that property rammed into his house which hit the electric meter and stopped the electricity, that a tenant or party goer from the property drove a car at a high rate of speed around the block, that there is a scrap metal business being operated from the property, that the tenants have been raking the yard over the past couple of months but the property is negligently managed and an ongoing public nuisance, and that he does not expect the building to be razed but the city should prohibit the landowner from renting the property because they are unable to rent the property in a non-nuisance causing manner. Julia Barrett, 14 Campbell Street stated that the party was not just a small party with people drinking beer but became terrifying when a motor vehicle crashed into their house and truck, that the vehicle “tore” out of the driveway five or six times, that characterizing the party as a few friends is ridiculous, that the residents of the property can be reasonable and then there are periods of unruly behavior, that the property has been a bit quieter since a new tenant moved in, that the police were called to the property and took statements, that the residents blamed the issue of the motor vehicle on another person, and that the situation is out of control. Motion made and 2nd to return to the regular order of business, all in favor, 9-0. Alderman Anderson stated that the dramatic remedy would be to tear down the building, that the matter is not at that point yet, that a letter will to notify the property owner that the matter will be reviewed at the Regular Meeting of the City Council on October 16, 2012, that the property owner will be asked to attend the meeting, that a restraining order could be sought to prohibit the operation of a scrap metal business at the property, that the city could order the property vacated of occupants, that revoking the occupancy permit may require access by the Health Agent, and that the Building Commissioner and Health Agent have not been able to access the property and have only made observations from the street. Alderman Haggerty stated that they residents of the area would not come to this meeting if the issues were not real, and that action is necessary to get this behavior out of the city. Alderman Drapeau stated that he has had issues with a similar property on Sylvanus Wood Road, that foreclosure action do not always address the issue, that it is difficult to make headway with the properties despite the ordinances, that he is not getting support from other government offices, that foreclosure proceedings allow these issues to languish for years before action is taken, that there has to be action to clean this mess, that people should not have to tolerate these issues in the neighborhoods, that the public hearing has elicited testimony of disgusting behavior, and that the City Council is doing all it can but this process is frustrating. Motion made and 2nd that the matter be placed on the agenda of the Regular Meeting of the City Council on October 16, 2012, that a communication be forwarded to the property owner to appear at that meeting, and that a communication be forwarded to the foreclosing bank notifying them of this matter, all in favor, 9-0.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That pursuant to the 1989 Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6 the Building Commissioner is hereby authorized to dispose of one Canon Laser Class 2050P Fax Machine which the Building Commissioner has determined is of no value to the department and which no other department has expressed an interest in obtaining.

s/President Denaro

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

Presented to the Mayor: September 21, 2012 **s/Scott D. Galvin Sept. 21, 2012**

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:11 p.m.

A TRUE RECORD ATTEST:

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