

**CITY OF WOBURN
OCTOBER 16, 2018 – 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBER, WOBURN CITY HALL**

Roll Call

Anderson	Gately
Campbell	Higgins
Concannon	Mercer-Bruen
Gaffney	Tedesco
Haggerty	

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE.

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$4,649.50 be and is hereby appropriate as so stated from Traffic Safety & Infrastructure \$4,649.50 to Mitigation New Boston St Bridge Acct #360058-588110 \$4,649.50 – Court costs associated with New Boston Street easement.

I hereby recommend the above; s/Scott D. Galvin, Mayor
I hereby approve the above: s/Ellen Callahan Doucette, City Solicitor
I have reviewed the above: s/Charles E. Doherty, City Auditor

s/Alderman _____

PUBLIC HEARINGS:

On the petition by President Haggerty to amend the 1985 Woburn Zoning Ordinances, as amended, by adding a new Section 30 entitled "Smart Growth Overlay Districts" in accordance with the purposes of G. L. Chapter 40R; 2. By amending the City of Woburn Zoning Map by overlaying the Smart Growth Overlay District zoning provisions over one parcel of land as shown on Assessors Map 20, Block 1, Lot 1 at 300 Mishawum Road; 3. By adopting the Woburn Mall Smart Growth Overlay District Design Standards; and 4. By adopting the Smart Growth Overlay District Plan Review and Special Permit Application Form and the Smart Growth Overlay District Regulations and Submission Requirements for use by applicants seeking approval under a Smart Growth Overlay Zoning District. PUBLIC HEARING OPENED. A communication with attachment was received from Tina Cassidy, Planning Board Director, Woburn Planning Board as follows:

Subject: Design Standards accompanying the Woburn Mall 40R zoning proposal

At this week's Committee meeting, a member asked me to forward communications relative to potential modifications to the proposed 40R Design Standards for the Woburn Mall property.

Attached please find a September 11, 2018 email and attachment from Riemer Law requesting consideration of several changes to the Design Standards as well as an email memo dated August 13, 2018 from the Metropolitan Area Planning Council (MAPC) offering its recommendations to me on the requests.

The Planning Board will review and consider these documents/issues during its public hearing process and I expect the Board will include commentary on them in its eventual recommendation to the City Council on the zoning text and map amendments.

As always, feel free to contact me if you have any questions.

A communication dated October 10, 2018 with attachment was received from Tina Cassidy, Planning Board Director, Woburn Planning Board as follows:

Subject: Information for Council Committee members

At last night's Committee meeting, at least several councilors expressed interest in receiving a copy of the minutes of the Planning Board meeting at which the first segment of the Woburn Mall 40R District public hearing was held.

The minutes were approved by the Board at its meeting last night and I am submitting them to you for distribution to the Council. Thank you.

On the petition by JianPing Lin, 3 Sandpiper Lane, West Yarmouth, Massachusetts 02673 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, to allow therapeutic massage and spa at 546 Main Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: 1. The on-site dumpster shall be screened; 2. Rodent control measures shall be in place year-round; 3. Hours of operation shall be 9:00 a.m. to 9:00 p.m. Monday-Saturday, and 9:00 a.m. to 7:00 p.m. on Sunday; 4. All massage therapists must be appropriately licensed; 5. All the conditions of the existing special permit for 546 Main Street shall remain in full effect; 6. The two shade trees required as part of condition #4 of the special permit for 546 Main Street shall be planted by May 1, 2019; 7. A fence shall be erected on the existing wall in back of the building, in accordance with the Woburn Zoning Ordinance; 8. The dumpster shall not be emptied before 7:00 a.m. or after 6:00 p.m., in accordance with the Woburn Zoning Ordinance; 9. The plan of record is dated July 25, 2018.

On the petition by Presidential Ventures LLC, 275 Mishawum Road, 4th Floor, Woburn, Massachusetts 01801 for a special permit and site plan approval pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 12.2.4 and 8.6.2.2 to allow construction of 270+/- parking spaces, subsurface drainage structures, exterior lighting and waiver from tree

requirement at 8 Presidential Way. PUBLIC HEARING OPENED. A communication dated October 10, 2018 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on special permit modification application for 8 Presidential Way/Presidential Ventures LLC

Dear Council:

The Planning Department has reviewed the request for a Special Permit and modification to the Site Plan of Record. The pending application seeks to amend the Plan of Record by increasing the amount of onsite parking, pursuant to Sections 12.2.4 and 8.6.3 of the Woburn Zoning Ordinance (WZO). The developer is also seeking relief from the requirement to plant one (1) interior tree for every ten (10) parking stalls (pursuant to Section 8.2.2). Staff's review of the GIS mapping system reveals no portion of the affected property falls within a Groundwater Protection District, wetland or flood zone/hazard area. Due to the scope of Site Plan alteration, the Petitioner has submitted a required Development Impact Statement, subject to review and comment by the City Engineer.

The new parking configuration proposes 114,092 sq. ft. of new pavement and the addition of "approximately" 270 new parking spaces (staff recommends that a specific number be clarified by the Petitioner for the purpose of adopting a final site plan/Plan of Record). According to the information supplied in the application, the new parking area will incorporate five (5) new ADA-compliant parking spaces and seven (7) new landscaped islands. The Petitioner is required to add 27 trees to the planting areas interior to the lot, and the requested waiver is to forego planting any such trees in the lot's interior. Staff note via conversation with the Petitioner's representative and review of the site plan that the Petitioner intends to plant additional trees along the periphery of the parking lot area in lieu of in-island tree plantings. However, the Council will need to ultimately base its decision to grant or deny the Petitioner's waiver relative to tree plantings on whether the amount, placement and type of landscaping proposed is equal or superior in visual appearance to that required by zoning. Provisions for parking lot snow storage (Sheet C-102), drainage infrastructure (Sheet C-103), lighting (Sheet E-101) and landscaping details (Sheets L-101 and L-501) have all been incorporated into the proposed site plan. The City Engineer should be asked to comment on the adequacy of snow storage areas.

Further, the proposed interior landscaped area is 16%, which is in excess of the required 5% of the total parking facility area, although the Petitioner will need to confirm that each interior landscaped area is at least 20 sq. ft. in size. If any are smaller an additional special permit will need to be obtained for this required element, as well (per Section 8.6.2.2). Similarly, the amount of open space will remain in excess of the required 20% (although it will represent a reduction from 69% under current conditions to 54% under proposed conditions).

If the Council approves a modified Plan of Record, Planning staff recommends the Council impose at least the following as part of its conditions:

1. That all applicable conditions of the original Special Permit remain in full force and effect, in addition to citing the revised plan as the special permit Plan of Record;
2. That the trees planted on the perimeter of the parking area are restricted from removal in perpetuity under the current site plan, or that any such removal requires Council authorization;
3. That the Petitioner is prohibited from leasing any portion of the parking area to offsite tenants or uses;
4. That Special Permit issuance is subject to the required approvals of the Conservation Commission and U.S. Environmental Protection Agency (EPA).

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

Respectfully, s/Dan Orr, City Planner/Grant Writer

On the petition by Seaver Properties LLC, 215 Lexington Street, Woburn, Massachusetts 01801 for a special permit and site plan approval pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.3a, 5.7.3 and 12.2.2 to allow 41 residential townhouse units and a waiver of the required buffer zone of seventy feet between the R-3 zoned property and O-P zoned property at Hinckley Street (09-15-03), Warren-Mishawum Avenue (09-15-02), Mishawum-Dexter Avenue (09-15-01), Warren-Mishawum Avenue (09-10-01); Dexter Avenue (09-14-03), North Maple/Monks (09-09-02), Monks Street (09-09-01), Hinckley, Monks Warren (09-14-01); Monks Street (09-14-02). PUBLIC HEARING OPENED. A communication dated September 24, 2018 was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Special Permit applications for nine (9) lots on North Maple and Monks Streets and (East) Dexter and Mishawum Avenues/Seaver Properties LLC

Dear Councilors:

The Planning Department has reviewed the above-referenced application which seeks special permits for (a) permission to construct 41 residential townhouse units in accordance with Section 5.1(3a) of the Woburn Zoning Ordinance (WZO) and (b) a waiver of the 70' buffer required between residential and industrial districts, in accordance with Section 5.7.3 of the WZO. The Petition also seeks (c) site plan review in accordance with Section 12.2.2 of the WZO.

Planning staff notes the following issues/concerns:

1. There are at least two paper streets that bisect the subject property which are not shown on Sheets 1, 3, 4, 5 or 6. The rights of way for Hinckley Street and Warren Avenue appear to be accurately shown (with dashed lines) on Sheet 2 of 8 but are omitted from the remaining sheets.

The existence of these paper streets is not insignificant. The proposed buildings will have myriad side, rear and front setback violations and in some cases obstruct the rights of way. Planning staff does not recommend the Council grant the requested special permits/site plan review unless and until such time as these rights of ways are legally extinguished. Otherwise, the plan approved by the City Council will violate provisions of the WZO.

2. The WZO mandates a 70' wide buffer zone along any boundary line that adjoins a residential zoning district (Section 5.7.2). The mandatory buffer zone can be waived or varied by special permit if the buffer requirement is triggered by a rezoning from industrial/business to residential after September 25, 2015. A significant portion of the subject land was recently rezoned from O-P to R-2 and would therefore be eligible for a waiver from the 70' buffer requirement if alternative screening methods can provide a reasonable buffer. However, not all of the site was rezoned; the first 150' of the parcel (the portion nearest to East Dexter Avenue) was then, and continues to be, zoned R-2. Despite the notes on Sheet 6, no alternative screening has been proposed along the common property lines with a parcel on Monks Street. The Monks Street parcel is not labeled for reference but can be identified as the lot on Monks Street that has two retaining walls mere feet away from its rear property line with no fencing or plantings to buffer it from the proposed development.
3. If approved, fifteen percent (15%) of the units (6) must be set aside as affordable housing in accordance with Section 11.11.1 of the WZO. Planning staff urges the Council to require the applicant to submit, as soon as possible, the Memorandum of Understanding (MOU) required by Section 11.11.1 between Seaver Properties and the Woburn Housing Authority. This MOU must be in place prior to final action by the Council on this Petition.
4. The Petitioner did not include a Development Impact Statement with the application as required by Sections 18.3 and 18.5 of the WZO.
5. No information has been provided relative to pedestrian and vehicular traffic projections and impacts.
6. A notation on Sheet 3 indicates that a total of 94 parking spaces are being provided on site. Only 60 are shown on the plan. If there are 34 additional spaces contained in either garages or driveways, the plans should note and depict that. Additionally, the Council should note that each space - whether in a parking area, driveway or garage - must be at least 18' in length to comply with the WZO.
7. Several of the parking spaces shown within the driveway turnaround do not appear to meet either the City's or State's minimum requirements for parking space widths, which must be at least 9' wide for standard spaces.
8. There is only one sidewalk on East Dexter Avenue and it is on the opposite side of the roadway from the proposed development's entrance. Construction of the existing sidewalk on East Dexter was required by the Planning Board several years ago in connection with approval of another townhouse project elsewhere on Dexter Avenue. Two sidewalks would have typically been required, but the Planning Board waived the requirement for a second

sidewalk at that time. Planning staff recommends the Council evaluate the need for a sidewalk on both sides of Dexter/East Dexter Avenue given the addition of an estimated 50-125 residents who will live in the proposed development.

With respect to sidewalks, the plan shows handicapped ramps to be installed where the project's driveway would intersect with East Dexter Avenue; these ramps lead to "nowhere" because the sidewalk along East Dexter Avenue is, again, on the opposite side of the roadway from the proposed development.

On-site, the developer is proposing to install bituminous concrete sidewalks on only one side of the project driveway. The sidewalk is disjointed/discontinuous in that it consists of 13 different segments cutting across driveways and parking areas. As designed, the internal sidewalk will not only require pedestrians to walk in the roadway but also require they walk behind vehicles parked in driveways and parking areas which may be exiting those areas at any time. The Council should investigate alternative designs that minimize the number of pedestrian/vehicular conflicts and maximize the sidewalk's continuity, and should require the installation of Code-compliant handicap access ramps at each end of each sidewalk segment.

Finally, staff recommends the Council consider requiring the sidewalks to be made of concrete.

9. The plan does not show areas for the storage of snow. Staff recommends the Council require the developer to identify and show on the plan an adequate number of areas for such storage or, alternatively, require the removal of fallen snow within "x" hours after the end of every storm event.
10. Lighting appears to be inadequate. No street lights are proposed although 5 pedestrian scale light fixtures 12' high are proposed along one side and in the turnaround of the project's roadway. Staff recommends that the Council either require adequate street-scale lighting or, at a minimum, increase the number of pedestrian-scale lighting fixtures to ensure adequate light for safety purposes.
11. No provisions for the exterior storage of trash have been made and it is unwise to assume homeowners will store their trash and recyclables inside their units between pickups. Staff recommends the Council require the developer to provide adequate outside trash and recycling storage areas in the current design, rather than include no provisions for either and assume 41 different homeowners will coordinate acceptable systems on their own.

Will the City be providing trash and recycling collection for these units? If not, the Council should dictate minimum standards for the Homeowners Association to follow (e.g. minimum mandatory pick up of trash and recycling at least once per week). The Homeowners Association should also be made responsible for maintenance and repair of all utilities, sidewalks and driveways/roadway in the development itself.

12. Not all property owners have signed this application. There are a total of 9 lots included in the application that are owned by two different people according to the records of the

Assessor: Mr. Arthur Brussard appears to own eight of the lots and Mr. Alexander Gichun owns one. An attorney known to represent Mr. Brussard previously has signed the application, and it is assumed (but not confirmed) that he represents Mr. Brussard in this matter. Mr. Gichun's assent to the application is not indicated in any fashion.

13. The cover sheet on the plan set references City of Woburn Assessors data and Registry of Deeds recording information for only two of the nine lots. The cover sheet should include information on all lots that are subject to the application.
14. The "tree notes" in the bottom left corner of Sheet 6 conflict with the "tree planting detail" in the top left corner of the same sheet. One indicates the proposed trees will be a minimum of 12' in height and 2 ½ inches in diameter; the other indicates the trees will be a minimum of 6' in height and 3 feet in diameter. Staff assumes these are the minimum measurements at the time of planting. The conflicting information should be reconciled, and the landscaping legend on Sheet 6 should be revised to include the size of other proposed plantings at the time of installation.

If you have any questions regarding this recommendation, please do not hesitate to contact me.

Respectfully, s/Tina P. Cassidy, Planning Board Director

On the petition by Alderman Tedesco to amend the 1985 Woburn Zoning Ordinances, as amended, by striking the definition for "Floor Area, Gross" and inserting in its place the following: "Floor Area, Gross: The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns and other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts." and 2. By striking the definition for "Floor Area, Net" and inserting in its place the following: "Floor Area, Net: The actual occupied area not including unoccupied accessory areas such as corridors, stairways, ramps, toilet rooms, mechanical rooms and closets." PUBLIC HEARING OPENED. A communication dated October 10, 2018 was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Proposed zoning amendment to replace existing definitions of Floor Area, Gross and Floor Area, Net in Section 2 of the Woburn Zoning Ordinance with definitions for these terms found in the 2015 edition of the International Building Code/Alderman Tedesco

Dear Mr. Campbell:

At a meeting of the Woburn Planning Board held on Thursday, October 9, 2018, members of the Board voted 6-0 to continue the public hearing and discussion on the above-referenced application to the Board's October 23, 2018 meeting at 7:00 p.m.

Respectfully, s/Tina P. Cassidy, Planning Board Director

On the petition by Cellco Partnership d/b/a Verizon Wireless for a grant of right in a way to locate a small cell wireless antenna, radio unit, meter, AC/DC converter, 60A disc., RGS conduit, ground rod, power and fiber, together with sustaining and protecting fixtures as may be necessary in accordance with a plan entitled "Woburn MA SC60" dated August 10, 2017, at 550 Main Street, one pole, #178/1. PUBLIC HEARING OPENED.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$125,000.00 from Fire/BLS Ambulance Acct to Fire Ambulance Salary Acct, committee report was received "ought to pass".

PERSONNEL:

On the appointment of Joanne Cahill as a Member of the Woburn Council on Aging, committee report was received "ought to pass".

NEW PETITIONS:

Petition by Wig Big, Inc., 5115 Inwood Drive, Woburn, Massachusetts 01801 for a new Livery License for one (1) vehicle).

Petition by Copy Pro, 46 Fowle Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Section 7.3 to alter a pre-existing nonconforming structure by adding a separate 1500 square foot garage; 2. Section 5.1.57b to allow for overnight parking of eight commercial vehicles; and 3. Section 15(C)(i) to allow for enlargement of an existing use that does not conform to the Groundwater Protection District, at 46 Fowle Street.

Petition by Scrub-A-Dub Auto Wash Center Inc., P.O. Box 2058, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.46b and 5.1.37 to amend a prior special permit to allow for alteration of an existing self-serve gas station and car wash at 295 Mishawum Road.

COMMUNICATIONS AND REPORTS:

A communication dated October 1, 2018 was received from Thomas C. Quinn, Jr., Building Commissioner as follows:

Re: Woburn Municipal Code Title 15 Article VIII 15-42

Dear Members of the Council:

With regard to the above referenced section of the Woburn Municipal Code, I submit the following quarterly nuisance report for the period of July 1, 2018 thru September 30, 2018.

- 43-45 Church Street notice sent to owner on property conditions.
- 52-54 High Street notice sent to owner on property conditions.
- 12 Montvale Road notice sent to owner on exterior property conditions.
- 20 Kentucky Avenue notice sent to owner on exterior property conditions.

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

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

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED Whereas, in the interest of and promotion of public health and safety and in order to establish uniformity in the placement of trash receptacles and dumpsters within the City of Woburn; and

Whereas, pursuant to Massachusetts General Laws Chapter 111, Section 31, 31A, 31B and 122, the Woburn Board of Health has authority to establish regulations over the removal, transportation and disposal of garbage, trash and other substances;

Now, Therefore, Be It Resolved that the Woburn Board of Health establish Regulations for the Removal or Transportation of Trash within the city in the form substantially as set forth herein.

Attached thereto was the following:

Woburn Board of Health

REGULATIONS FOR THE REMOVAL OR TRANSPORTATION OF TRASH

Section 1 - Definitions.

Dumpster: Shall mean any receptacle of 75 gallons capacity or more which is used for the collection, storage or transportation of household or commercial trash, rubbish, garbage, offal, scrap or other material for discard, disposal or recycling by a private trash collection service, and all commercial grease containers regardless of size. This definition excludes temporary construction material dumpsters which are regulated by the Inspectional Services Department or the Department of Public Works, depending on the type of work and location of dumpster.

Owner: Shall mean any person, including a lessee or mortgagee in possession alone or severally with others who has lawful title to or lawful possession, care or control of any property on which a dumpster is located or proposed to be located. "Owner" also includes any authorized agent of any such person.

Contractor: Shall mean any person who, for compensation, in the City of Woburn, supplies, maintains or services one or more dumpsters, or removes, transports or disposes of the contents thereof. The Board of Health licenses issued to Contractors shall be known as the "Dumpster Hauler License".

Person: Shall include any individual, partnership, corporation, firm, association, group or trust.

Board: Shall mean the Board of Health of the City of Woburn.

Section 2 - Dumpster License Application; Fees.

- 2.1 No dumpster shall be used or kept in the City of Woburn after July 1, 2019, unless application is made to the Board of Health and a license is issued by the Board allowing the use of such dumpster.
- 2.2 Applications for dumpster licenses may be made with the Board. Each application shall include the name and address of the owner of the property where the dumpster(s) is to be located, along with contact information for the person responsible for the dumpster and the service company; the dumpster size, service schedule, type (business, food service, recycling, or residential), and such other information as the Board may require. Any changes in the foregoing must be immediately reported to the Board.
- 2.3 All dumpster licenses shall expire on the following June 30, but may be renewed annually on application as herein provided.
- 2.4 The fee for a dumpster license shall be one hundred dollars (\$100) per dumpster.

Section 3 - Dumpster Hauler License Application; Fees.

- 3.1 Application for a dumpster hauler license may be made with the Board. Each application shall include the business name, address and telephone number of the applicant; list with name and address of each account in Woburn, showing frequency of pickup and dumpster size at each site; worker's compensation insurance affidavit; and such other information that the Board may require. Each dumpster hauler license shall expire on the following June 30, but may be renewed annually upon application.
- 3.2 The annual fee for a dumpster hauler license shall be three hundred thirty dollars (\$330).

Section 4 -Dumpster Regulations.

- 4.1 All dumpsters shall have tight fitting lids, doors or covers, shall be kept covered when not in actual use and shall be locked between the hours of 11:00 p.m. and 7:00 a.m.
- 4.2 Dumpsters shall not be emptied or removed between the hours of 7:00 p.m. and 7:00 a.m.
- 4.3 All dumpsters shall prominently display both the name of the Woburn business licensing the dumpster, and the name of the disposal company that services the dumpster, including service company address and telephone number.
- 4.4 Dumpsters shall be located at a sufficient distance from the lot line to avoid interference with the safety, convenience or health of abutters and other residents. Dumpsters shall comply with the requirements of the Woburn Zoning Ordinance pertaining to dumpsters and trash collection areas.
- 4.5 The Board may require that a dumpster site be enclosed or screened by the owner.
- 4.6 No dumpster shall be situated so as to obstruct the view of flowing traffic.
- 4.7 Any dumpster used for the disposal of liquids or organic matter shall be emptied daily.
- 4.8 All dumpsters and dumpster areas shall be kept free of all nuisances including, but not limited to, flies, insects, rodents and scattered debris.
- 4.9 Each dumpster must be of sufficient size and capacity to eliminate overflowing. Routine weekly scheduled pickups shall be mandatory for multi-unit residences.

- 4.10 The Board may order dumpster capacity size changes and/or additional pickups if in their opinion they find it necessary.
- 4.11 No dumpster may be placed on the city streets without first obtaining permission from the Department of Public Works.
- 4.12 Food service establishments must also comply with 590 CMR 590.000, the State Sanitary Code.
- 4.13 Dumpsters must be maintained in good condition. Rust holes, uncovered drain caps, and other physical evidence of neglect that allows rodents and other animals access to the dumpster contents are not permitted. Licensees who have a history of poor maintenance shall be required to work with their contractor and swap out the dumpster for one that meets these regulations.
- 4.14 Dumpsters must be placed on pavement or concrete, not soil.

Section 5 - Duties of the Contractor and Owner.

- 5.1 The Contractor or Owner shall ensure (1) that dumpster contents are not spilled during removal or transportation; and (2) that each dumpster is deodorized when emptied and washed or sanitized as necessary to maintain the dumpster in a sanitary condition.

Section 6 - Violations; Enforcement.

- 6.1 Any violation of these regulations shall be corrected within twelve (12) hours of being notified of such violation or such other period as the Board may determine.
- 6.2 Upon neglect or violation of the duty imposed by the provisions of these regulations, such duty may be performed by the Department of Public Works of the City of Woburn at the expense of the person liable for same.
- 6.3 The Board may suspend or revoke any dumpster license or dumpster hauler license upon a finding that the holder of such license has violated any of these regulations or has failed to comply with any lawful order of the Board pursuant to these regulations. Additionally, and not by way of limitation, the Board may suspend or revoke any dumpster hauler license upon a finding that the contractor has repeatedly failed or neglected to sanitize, service or maintain dumpsters.
- 6.4 Any person who violates any of these regulations shall be punished by a fine of fifty dollars (\$50) per day for each offense. Nothing in these regulations shall prevent the City from issuing fines under other applicable law.
- 6.5 Each day's failure to comply with an order shall constitute a separate violation.

- 6.6 These regulations shall apply to all dumpsters in the City of Woburn whether for residential, commercial or industrial use.
- 6.7 These regulations may be enforced by Board of Health or the Police Department.
- 6.8 Health Inspectors shall regularly inspect dumpsters for compliance with these regulations. Inspections are unannounced. Inspectors shall conduct dumpster inspections at any time, carry City of Woburn identification, and have the right to enter the property of the licensee to inspect the dumpster.

7 -Transportation of Trash Collected in City; License; Fine.

- 7.1 In accordance with M.G.L. c. 111, 31A, no person shall transport through the streets of Woburn any garbage, offal or other offensive substances which was collected from any dumpster in Woburn, without first obtaining a license issued by the Board of Health. Whoever violates this section shall be punished by a fine of not more than one thousand dollars (\$1,000) for each violation in accordance with M.G.L. c. 111, 31B.

Section 8 - Transportation of Trash not Collected in City; Registration; Fine.

- 8.1 In accordance with M.G.L. c. 111, 31A, any person may transport through the streets of Woburn any garbage, offal or other offensive substances collected outside the City of Woburn provided that such person registers with the Board of Health. Whoever violates this section shall be punished by a fine of not more than one thousand dollars (\$1,000) for each violation in accordance with M.G.L. c. 111, 31B.

s/Alderman Gately

Motion made and 2nd to ADJOURN.