

**CITY OF WOBURN
JUNE 17, 2014 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gaffney
Concannon	Gately
DiTucci	Mercer-Bruen
Drapeau	Raymond
Haggerty	

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

MAYOR'S COMMUNICATIONS: None.

PUBLIC HEARINGS:

On the petition by John P. Flaherty and Kathryn A. Flaherty to further amend the 1985 Woburn Zoning Ordinances, as amended, by adding a new definition for "Church Buildings" in Section 2 Definitions and by adding a new Section 27 "Adaptive Reuse of Church Buildings" as set forth in the petition. PUBLIC HEARING OPENED. A communication dated May 29, 2014 was received from Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Proposed Amendments to Section 2 and 27 of the 1985 City of Woburn Zoning Ordinance, as amended

Dear Mr. Campbell:

Please be advised that I represent John P. Flaherty and Kathryn A. Flaherty of 28 West Street, Woburn, Massachusetts in connection with the above-referenced matter. I respectfully request that the City Council Public Hearing on this matter presently scheduled for June 17, 2014 be continued to the City Council meeting on July 15, 2014. If you need any further information please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

On the petition by Herb Chambers 128, Inc., c/o The Herb Chambers Companies, 47 Eastern Boulevard, Glastonbury, Connecticut 06033 for a special permit pursuant to

Section 7.3 and Section 15 of the 1985 Woburn Zoning Ordinances, as amended to allow for the alteration, change and extension of the existing nonconforming use (overnight parking of commercial vehicles) to allow for the storage, reconditioning and preparation of motor vehicles at 285 Locust Street. PUBLIC HEARING OPENED. was received from Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Herby Chamblers 128, Inc., 285 Locust Street, Woburn, Massachusetts

Dear Mr. Campbell:

As you know I represent Herb Chambers 128, Inc. on the above-referenced matter. I respectfully request that the City Council Public Hearing on this matter presently scheduled for June 17, 2014 be continued to the City Council Public Hearing on July 15, 2014. If you need any further information, please contact me. Thank you.

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

On the petition by Alderman Gately concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 20 Garfield Avenue, 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 may 29, 2014 was received from City Solicitor Ellen Callahan Doucette as follows:

Re: 20 Garfield Avenue – Nuisance Property

This memorandum shall serve as the response to the City Council’s request for an opinion regarding the possibility of filing a Petition to Enforce the State Sanitary Code and for the Appointment of a Receiver (“Receivership”) pursuant to M.G.L. c. 111, §127I for the property located at 20 Garfield Avenue (the “Property”) which is presently before the City Council as the subject of a public nuisance hearing. A copy of the City Council’s request is attached hereto for reference.

As a preliminary matter, the hearing scheduled for June 17, 2014 should not go forward unless the City Council can demonstrate that written notice of the nuisance hearing, as required by M.G.L. c. 139, §1 was provided to the owner of the Property or in this case (as discussed hereinafter), was provided to the individual or individuals authorized to act on behalf of Ms. Schenck’s estate. A decision on the condition of the Property is not enforceable if the requisite statutory notice was not provided.

To determine if a Receivership would be appropriate, it is necessary to first assess the ownership status of the Property. The record owner of the Property, now deceased, was Jennie Schenck ("Ms. Schenck") by a deed recorded with the Middlesex South District Registry of Deeds in Book 4365, Page 247. Ms. Schenck died on July 18, 1968.

On October 4, 1995, the City recorded a taking for non-payment of FY1993 real estate taxes with said Deeds in Book 25713, Page 148. According to the Treasurer/Collector, the current balance due on the tax title account is approximately \$64,000. The City's Petition to Foreclose on the tax title is pending in the Land Court with a hearing scheduled for June 5, 2014. According to the Land Court record, there are approximately 18 heirs of Ms. Schenck who may have an ownership interest in the Property. Previously, some of the heirs indicated a desire to retain the Property, and the Land Court provided time for them to redeem the tax title. However they have not done so. [An attempt was made to renovate the property in 2008 but building permits were not obtained and the Building Commission issued a stop work order.] It is possible that the Land Court may give them additional time at the June 5, 2014 hearing.

In addition, though Ms. Schenck passed away in 1968, a petition was never filed with the Probate and Family Court to appoint an executor or administrator for her estate, which would include the Property. In my opinion, the absence of an individual or individuals with the authority to act on behalf of Ms. Schenck's estate further complicates this matter.

After receiving the City Council's request, I met with the Mayor and the Treasurer/Collector to discuss the status of the Tax Lien case and to assess whether a Receivership or the Tax Title process would be the most expeditious way to address the condition of the Property. The advantage of allowing the Tax Title process to proceed is that the City will become the fee owner of the Property, and all proceeds from the auction of the Property are retained by the City. The disadvantage is that there may be a significant period of time before that auction can occur in which case the Property may be secured by the city, but it will not be rehabilitated.

The advantage of a Receivership is that once appointed, the Receiver will take possession of the Property and if feasible, rehabilitate the Property and auction it. However the Receiver's lien takes precedence over the City's tax title account. Depending upon how much money is spent to rehabilitate the Property and the price at which the Property is sold at auction, the City may or may not recover the entirety of the tax title account which is a distinct disadvantage. Any remaining funds will be paid into the Court for the benefit of Ms. Schenck's heirs.

Based upon all of the foregoing, I am undertaking the following course of action. To obtain inspection reports from the Building Commissioner and Health Agent regarding Building and Sanitary Code violations that may exist at the Property. Evidence of Code violations is a necessary requirement for the filing of a Petition for Receivership. If the Land Court does not grant the heirs additional time, I will discuss with Tax Title counsel how quickly the Property could be auctioned. If however the Land Court grants the heirs

additional time within which they may attempt to redeem the Property from Tax Title, in all likelihood I will file the Petition for Receiver to avoid further delay in addressing the condition of the Property.

Should the City Council have additional questions or require further assistance regarding this matter, please don't hesitate to contact me.

Very truly yours, s/Ellen Callahan Doucette

A communication dated June 12, 2014 was received from City Clerk William C. Campbell as follows:

Re: Nuisance Hearing – 20 Garfield Avenue

Following the City Council Order adopted on May 20, 2014, I undertook to serve the owner of 20 Garfield Avenue with notice of a public hearing pursuant to M.G.L. Ch. 139, Sec. 1, et seq. to be held on June 17, 2014.

In order to make service, I researched available records to determine the current owner of the property. According to the records on file with Board of Assessors, the owner of the property is Jennie A. Schenck with a mailing address of 20 Garfield Avenue. I also researched records using the Middlesex South District Registry of Deeds online search tool and found a notice of taking for non-payment of taxes dated September 29, 1995 at Book 25713, Page 148 and a notice of complaint to foreclose a tax lien dated April 14, 2005 at Book 45309, Page 440. Both documents were under the name of Jennie A. Schenck. I found no indication of a conveyance of the property. I also reviewed records of death and found no record under the name Jennie A. Schenck. As has been the practice in earlier proceedings under this statute, service was attempted by both certified mail return receipt requested and first class mail postage prepaid.

Subsequent to this action, I was informed by the City Solicitor that she had information indicating that Jennie A. Schenck was deceased with a date of death on July 18, 1968. Based on that new information, I made an additional search of the records of death on file with this office and found a death certificate under the name of Janie A. Schenck of 20 Garfield Avenue on July 18, 1968. Since that time both the notice sent by certified mail and the notice sent by first class mail have been returned by the U.S. Postal Service with the notation "not deliverable as addressed – unable to forward".

s/William C. Campbell, City Clerk

On the petition by Woburn Truck & Auto, Inc., 1095 Main 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 and extension of the preexisting nonconforming use (motor vehicle junkyard) to allow heavy manufacturing at 1095R Main Street; Lot 04-01-01, 04-01-02, 04-01-03, 04-01-04; Kensington Avenue;

03-06-02, 03-05-05 Ingelow Avenue 03-05-06; Florence Avenue 03-05-12. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass, with the conditions as follows:

1. The Plan of Record shall be the plan entitled "Proposed Site Plan, 1095R Main Street, Woburn, Mass." Scale 1" = 40', dated February 21, 2014 and revised on June 4, 2014, prepared by Edward J. Farrell, Professional Land Surveyor, 110 Winn Street, Suite 203, Woburn, MA.
2. The Petitioner shall install the walls and landscaping shown on the plan entitled "Illustrative Site Plan, Woburn Truck and Auto, 1095R Main Street, Woburn, Massachusetts" dated March 25, 2014 prepared by Prato Associates, Incorporated, 27 Chestnut Avenue, Burlington, Massachusetts 01803. The Petitioner shall install the landscaping, eight (8) foot wall and six (6) foot privacy fence as shown on the Plan.
3. Deliveries to and from the Site shall be limited to 7:00 a.m. to 5:00 p.m., Monday – Friday and 7:00 a.m. to 1:00 p.m. on Saturdays. There shall be no Sunday hours.
4. The Petitioner shall install a twenty-four (24) hour video surveillance system.
5. Each transaction conducted on the Property shall be videotaped.
6. The Petitioner shall install a sign at its entrance notifying all customers that their transaction is being videotaped.
7. The Petitioner shall meet with the Chief of Police as requested by the Chief to review business operations and the security measures installed by the Petitioner on the Property.
8. The gate to the Property shall be locked each day at the close of business.
9. Except for oil and gas used in connection with the Petitioner's business operations, no oil or gas shall be stored on the Property.
10. All deliveries from the Property by the Petitioner or any of Petitioner's vendors shall be limited to Monday – Friday. No outgoing deliveries shall be allowed on Saturdays or Sundays.
11. The Petitioner shall provide on the Property a sufficient dust control system.
12. The Petitioner's outside manufacturing operation shall be limited to Parcel 1, Parcel 2, Parcel 3 and Parcel 4 as shown on the Plan.
13. This Special Permit shall not be transferrable.
14. The Petitioner shall require the individual selling the metals produce a Massachusetts or state-issued photo identification, and maintaining a copy of the same in the record of transaction.
15. The Petitioner shall ascertain the identity of any business, organization, society, corporation etc., selling the metals by requiring him to provide a Massachusetts or state-issued identification number, and the dealer shall maintain a copy of such identification in the record of transaction.
16. The Petitioner shall keep a daily transaction log, in the English language and such log information shall include:
 - (a) Name, date of birth and residence of the person with whom such a transaction was made, or company or organization name and principal address with whom such a transaction was made;
 - (b) The date and time when such a transaction occurred
 - (c) The price paid for the article;

- (d) A description of the article, including type, weight and quantity;
 - (e) The license plate number and state of issue of the vehicle being used by the person offering the article to transport the article to the registrant's place of business and
 - (f) A written statement from the person offering the article stating that he or she is in lawful possession of the article being offered.
17. A Petitioner may not accept from any individual, who is not company affiliated or an authorized contractor of the manufacturer, municipality, government or utility, the following items:
- (a) guardrails;
 - (b) manhole covers
 - (c) cables used only in high voltage transmission lines;
 - (d) historical markers;
 - (e) cemetery plaques;
 - (f) full sized new materials, such as those used in construction;
 - (g) equipment tools used by contractors;
 - (h) bleachers from an athletic field;
 - (i) traffic signs;
 - (j) beer kegs;
 - (k) railroad scrap metal and
 - (l) materials that have been reported stolen through the Institute of Scrap Recycling Industries, Inc. (ISRI) alert system. A list of the materials named above which are deemed unacceptable shall be prominently posted on a large sign at a location close to the scale.
18. The record file shall be retained by the Petitioner for a period of one (1) year from the date of the transaction. Accompanying documentation may be destroyed following the one year period. If documentation is stored electronically, said documents must be stored or backed-up by any current electronic means and may be deleted at the completion of the one year period.
19. During the one year period, the log shall be open for inspection by the state and local police upon reasonable request.
- (a) if following notification, either verbally or in writing, from a law enforcement officer that specific scrap materials have been reported as stolen. If the Petitioner is in possession of the scrap material in question shall hold that scrap material intact and safe from alteration, damage or commingling and shall place an identifying tag or other suitable identification upon the scrap material.
 - (b) A law enforcement officer making a verbal request shall provide the petitioner, upon request, with the officer's name, badge number and department contact telephone number so that the scrap processor or recycling facility operator may call back to confirm the identity of the law enforcement officer.
 - (c) Within 48 hours of notification by the law enforcement officer or 48 hours of the receipt of the material, whichever is later, the Petitioner shall notify the law enforcement officer that scrap material matching the law enforcement officer's description is on the premises.
 - (d) The petitioner shall hold the scrap material for a period of time as directed by the applicable law enforcement agency, up to a maximum of 48 hours following

notification, unless extended pursuant to sub-section (f) of Section 4 of this section.

- (e) A law enforcement officer shall not place a hold on any scrap material unless that law enforcement officer reasonably suspects that the scrap material is lost or stolen. The request to hold scrap material shall be as specific as possible by using descriptive language, including, but not limited to, the type and style of the material, length or weight or any other such description to identify the material to be held. Any hold that is placed on scrap material shall not exceed 48 hours, and the scrap material must be returned to the owner or released when the hold has been released or has expired.
- (f) A holding period may be extended beyond 48 hours only upon the order of a clerk-magistrate after the clerk-magistrate has determined that probable cause exists that the scrap material is lost or stolen.
- (g) The petitioner that receives material that does not meet the description materials being sought by a law enforcement officer may dispose of that material at its discretion.

20. A Special Permit Review of conditions will be conducted after six months.

21. The Special Permit is non-transferable.

22. The height of the Scrap Metal piles shall not exceed fourteen (14) feet in height.

23. Prior to commencing its manufacturing operation, the Petitioner shall file with the City Clerk an acknowledgement that it has reviewed and understands the language set forth in Section 11.3.12 Procedures for Special Permits of the 1985 City of Woburn Zoning Ordinance which states that: "The City Council, by a two-thirds (2/3) vote, shall have the power to modify, amend or rescind its approval of a Special Permit, or to require a change in the approved Special Permit. All of the provisions of the issuance of a Special Permit, relating to its submission and approval, shall, so far as apt, be applicable to the approval of the modification, amendment or rescission of such approval of a Special Permit which has been changed under this section."

On the petition by Lynch-Cantillon Funeral Home, Inc., 263 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 and 15 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a new entryway and exterior alterations to the structure located at 263 Main Street within the Groundwater Protection District. PUBLIC HEARING OPENED. A communication dated June 11, 2014 was received from Erin E. Wortman, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Lynch-Cantillon Funeral Home Inc. – 263 Main Street – To allow for a new entryway and exterior alterations to the structure pursuant to Sections 7.3 and 15.

Dear Mr. Campbell and Members of the City Council:

At the meeting held on June 10, 2014, the Planning Board voted to forward a favorable recommendation to the City Council, regarding the Special Permit application of Lynch-Cantillon Funeral Home at 263 Main Street to allow for a new entryway and exterior

alterations to the structure, subject to the condition that the Plan of Record shall be entitled "Cantillon Funeral Home, 263 Main Street, Woburn, Massachusetts", dated March 25, 2014 and prepared by Keenan Survey, 8 Winchester Place, Winchester, MA 01890.

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

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

On the petition by The Wendy's Company, 4288 West Dublin-Granville Road, Dublin, Ohio 43017 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1(29), Note 16 to modify a Special Permit granted December 30, 2004 as follows: 1. Amend Condition 1 by replacing the existing Site Plan of record with the plan entitled "Site Development Plans for Wendy's" prepared by Bohler Engineering, 352 Turnpike Road, Southborough, Massachusetts 01772 dated May 15, 2014; 2. Amend Condition 3 which states "that the hours of operation shall be as follows: (a) restaurant – 10:00 a.m. to 10:00 p.m., (b) drive through – 10:00 a.m. to 12:00 a.m." as follows: "(a) restaurant 10:00 a.m. to midnight, (b) Drive thru – 10:00 a.m. to 2:00 a.m."; 3. Amend Condition 15 which states "that the façade shall be constructed of brick as shown in the illustration marked 'Concept B' received in City Council on December 7, 2004" with revised plans filed with the Special Permit Petition; 4. Amend Condition 22 which states "that all signs shall be externally illuminated" as follows: that "all signs shall be internally illuminated," 5. Amend Condition 23 that states "That the free-standing sign be no more than fifteen (15) feet in height and thirty (30) feet in area consistent with requirements of the B-N zoning district in the 1985 Woburn Municipal Code, as amended" by deleting same; and 6. Amend Condition 26 that states "that no exterior banners on the roof, windows or building sides be allowed" by deleting said condition, at 303 Montvale Avenue. PUBLIC HEARING OPENED. A communication dated June 11, 2014 was received from Erin E. Wortman, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: The Wendy's Company – 303 Montvale Avenue – To allow for the modification of the Special Permit Decision dated December 30, 2004 by amending conditions 1, 3, 15, 22, 23 and 26.

Dear Mr. Campbell and Members of the City Council:

At the meeting held on June 10, 2014, the Planning Board voted to forward a favorable recommendation to the City Council, regarding the Special Permit application of The Wendy's Company at 303 Montvale Avenue to allow for the modification of Special Permit Decision dated December 30, 2014 to amend Condition 1 and 15. Further, the Planning Board voted to send an unfavorable recommendation to the City Council with respect to amending Conditions 3, 22, 23 and 26.

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

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

On the petition by (deletions in ~~strike through~~, additions in **bold**): **11.3 Procedures for Special Permits** - 1. The applicant shall submit a written application for a special permit with ~~19~~**12** Copies to the City Clerk. The application shall also be subject to Rules and Regulations adopted by the City Council pursuant to G.L. Chapter 40A, Section 9, and incorporated herein. No application shall be accepted or considered complete that does not have any necessary variances required from the Board of Appeals. All appeal periods associated with granted variances must be expired before an application is submitted. If there is a dispute between the building commissioner and the petitioners on whether a variance is necessary this dispute must be presented to the Board of Appeals for resolution. No application with such disputed variances shall be considered complete and shall not be accepted until the Board of Appeals makes a decision. 2. The City Clerk, within three (3) business days of receipt of the application, Shall distribute nine (9) copies of the application and all other required special permit submission materials to the City Council, ~~(8)~~ **(2)** copies to the Planning Board- **Director** and one (1) copy each to the Conservation Commission and the City Engineer for review and comment. PUBLIC HEARING OPENED. A communication dated June 11, 2014 was received from Tina Cassidy, Planning Director, Woburn Planning Board as follows:

Re: Alderman Rich Haggerty – Zoning Ordinance Amendment – To amend Section 11.3 Procedure for Special Permits

Dear Mr. Campbell and Members of the City Council:

At the meeting held on June 10, 2014, the Planning Board conducted a public hearing on the above referenced zoning change. Please be advised that following the hearing, the Planning Board voted unanimously to recommend to the City Council that the proposed amendment be adopted, subject to the following additional change to the last phrase of Section 11.3.2 (language to be stricken shown in ~~cross-out~~):

“...and one (1) copy ~~each to the Conservation Commission and~~ the City Engineer for review and comment.”

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

Sincerely, s/Tina Cassidy, Planning Director

A report was received from the Committee on Ordinances as follows: “ought to pass.”

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

PUBLIC SAFETY AND LICENSES:

On the petition by Cambridge Road Auto Service, Inc. dba Woburn Plaza Shell, committee report was received "ought to pass".

PERSONNEL:

On the matter regarding the search for a Human Resources Director, committee report was received "return to City Council with recommendation to accept proposed job description with salary listed as commensurate with experience."

NEW PETITIONS:

Petition by Shamrock Running Club, P.O. Box 602, Woburn, Massachusetts 01801 for a Special Event Permit to allow a road race and health walk in the area of Spence Farm on July 4, 2014.

Petition by M&L Transit Systems Inc., 60 Olympia Avenue for renewal of a Common Carrier License for two (2) vehicles.

Petition by Robson Lugad Dias, 2 Westgate Drive #202, Woburn, Massachusetts 01801 for a new Livery License for one (1) vehicle.

A Conservation Easement and Restriction was received from Anthony Ferranti and Michelle Ferranti pursuant to Sections 31, 32 and 33 of Chapter 184 of the Massachusetts General Laws granting to the City of Woburn in perpetuity and exclusively for conservation purposes a Conservation Restriction on a certain land located in Woburn, Massachusetts consisting of approximately 5,542 square feet of land, more or less, as shown as "Conservation Restriction Area" on a plan of land in Woburn, Massachusetts entitled "Conservation Restriction Plan of Land, 7 Arbor Lane in Woburn, MA" and recorded herewith (the "Premises"), for Grantors' title, see deed recorded in said Registry at Book 32451, Page 498.

A communication dated June 9, 2014 with attachments was received from Attorney Brian D. McGrail, 599 North Avenue, Suite 7, Second Floor, Wakefield, Massachusetts 01880 as follows:

Re: C.N. Wood Realty LLC, 200 Merrimac Street – Woburn, Massachusetts

Dear Mr. Clerk:

C.N. Wood Realty LLC respectfully requests a minor change/modification to its Special Permit issued by the City Council on April 15, 2014, that allowed an addition to be constructed on the existing building as an extension or alteration of a pre-existing non-conforming structure or use at 200 Merrimac Street, Woburn, Massachusetts.

Upon completion of the building permit plans two changes have been discovered as follows:

1. The footprint of the addition is being reduced to 9,000 square feet as compared to the 9,550 allowed by the Special Permit.
2. All six (6) of the overhead bay doors are to be located on the rear of the addition. Originally, two (2) of the six (6) overhead bay doors were to be located on the side of the addition.

Both changes are shown on a new Sheet C-1 Layout & Materials Plan prepared by Allen & Major Associates, Inc. dated January 28, 2014 with a final revision date of June 6, 2014.

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

Very truly yours, s/Brian D. McGrail, Esq.

COMMUNICATIONS AND REPORTS: None.

UNFINISHED BUSINESS OF PRECEDING MEETING:

On the notice of intent to move for reconsideration filed by President Haggerty relative to his vote in support of the motion to approve the FY2015 Water and Sewer Enterprise Fund budget.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED Be it Resolved by the Woburn City Council to allow Larry Guiseppe, Director of Veteran's Services, to address the Woburn City Council relative to the efforts of Richard Gately, the Woburn Historical Society, the City of Woburn Veterans Office and the City of Woburn United Veterans Council to place a plaque at the Woburn Armory site.

s/President Haggerty and Alderman Gately

RESOLVED Be it Resolved that the City Council requests the Planning Director to prepare a presentation for the City Council on the benefits of Planned Development Districts. The presentation should include but not be limited to proposed areas where a Planned Development District might be considered, an explanation of the process of developing and adopting a Planned Development District, provide examples of successful and unsuccessful Planned Development Districts, and provide action items for the City Council should the Council wish to move forward with the development of such districts.

s/President Haggerty

ORDERED Be it ordained by the City Council of the City of Woburn that the provisions of M.G.L. c. 200A, §9A be accepted to provide the Treasurer/Collector with an alternative procedure for the disposal of abandoned funds held in the custody of the city.

s/President Haggerty

ORDERED Be it Ordained by the City Council of the City of Woburn that the city hereby accepts Section 3 to 7, inclusive of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, creation, preservation and support of historic resources, the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under such Act; that the amount of such surcharge on real property shall be one percent (1%) of the annual real estate tax levy against real property commencing in Fiscal 2016; and that the city hereby accepts the following exemptions from such surcharge permitted under

Section 3(e) of said Act: property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the city as defined in Section 2 of the Act; \$100,000 of the value of each taxable parcel of residential real property, and \$100,000 of the value of each taxable parcel of class three, commercial property, and class four, industrial property as defined in section 2A of chapter 59, of the General Laws;

Be it further Ordered that if a majority of the voters voting on said question vote in the affirmative, then the provisions of the Act shall take effect in the city on July 1, 2015;

Be it further Ordered that the city clerk inform the secretary of the commonwealth no later than September 5, 2014 to place the following question on the November 4, 2014 state election ballot:

“Shall this city accept sections 3 to 7, inclusive of chapter 44B of the General Laws, as approved by its legislative body, a summary of which appears below?”

Be it further Ordered that the city solicitor communicate with the secretary of the commonwealth no later than September 5, 2014 for the purposes of submitting a fair, concise summary of the law to be acted upon for printing on the November 4, 2014 state election ballot with said question

s/President Haggerty and Alderman Drapeau

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

An Act authorizing the licensing authority of the City of Woburn to issue additional licenses for the sale of all alcoholic beverages to be drunk on the premises.

Section 1.

Notwithstanding Section 17 of Chapter 138 of the General Laws, the licensing authority of the City of Woburn may grant six (6) licenses for the sale of all alcoholic beverages to be drunk on the premises under Section 12 of said Chapter 138. The licenses shall be subject to all of said Chapter 138, except Section 17.

Section 2.

The licensing authority of the City of Woburn shall restrict the licenses

granted under Sections 1 and 2 of this Act as to number and to persons, corporations, organizations, and entities located in the following locations:

- (a) Three (3) licenses for the sale of all alcoholic beverages to be drunk on premises to be available for the property known as 369 Washington Street, as more specifically shown on a plan which is on file with the City Clerk of the City of Woburn.
- (b) Two (2) licenses for the sale of all alcoholic beverages to be drunk on premises known as 399 Washington Street, as more specifically shown on a plan which is on file with the City Clerk of the City of Woburn.
- (c) One (1) license for the sale of all alcoholic beverages to be drunk on premises to the property and building presently known as The Crestview Plaza, 36 Montvale Avenue, Woburn, Massachusetts as more specifically shown on a plan which is on file with the City Clerk of the City of Woburn.

(The properties identified in subparagraph (a) – (c) above being referred to in this Act as a “Permitted Location”.)

Section 3.

License granted under this Section shall not be transferable to any other person, corporation or organization for a period of three (3) years from the date of original issuance or three (3) years from the enactment of this legislation, whichever is later. Any transfer in violation of Sections 2(a), (b) or (c) of this Act shall render said license null and void.

Section 4.

Notwithstanding Sections 12 and 77 of Chapter 138 of the General Laws, the licensing authority of the City of Woburn may restrict the licenses issued pursuant to this Act to holders of common victualler licenses.

Section 5.

If a license granted under this section is revoked or no longer in use at the location of original issuance, it shall be returned physically, with all of the legal rights and privileges pertaining thereto, to the licensing authority which may then grant the license to a new applicant only at the same location under the same conditions as specified in the act provided that the applicant files with the licensing authority a letter from the Department of Revenue and a letter from the Division of Unemployment Assistance indicating that the license is in good standing

with those entities and that all applicable taxes, fees and contributions have been paid.

Section 6.

This Act shall take effect upon its passage.

s/President Haggerty, Alderman Gately and
Alderman Mercer-Bruen

ORDERED Be it ordained by the City Council of the City of Woburn that Title 3, Revenue and Finance, of the Woburn Municipal Code be amended by adding the following new Article and Section:

VI. Demand Fees – Unpaid Taxes

3-34 The Treasurer/Collector shall charge a fee of \$10.00 for each written demand issued for unpaid real estate, personal property and excise tax, which fee is to be added to and collected as part of the tax, as authorized by M.G.L. c.60, §15, effective as of July 1, 2014.

s/President Haggerty
Per request of Mayor and
Treasurer/Collector

Motion made and 2nd to ADJOURN.