

**CITY OF WOBURN  
DECEMBER 17, 2013 - 6:00 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Gaffney	Raymond
Denaro	

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

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**MAYOR'S COMMUNICATIONS:**

A communication dated December 12, 2013 with attachments was received from His Honor the Mayor Scott D. Galvin as follows:

Dear President Denaro and Members of the Woburn City Council:

I am forwarding a capital outlay appropriation request for FY2014 in the amount of \$2,684,500 to be funded through free cash.

In addition, I have included a five-year Capital Outlay Plan, which also includes various funding sources. The major outlays requiring bond authorizations include the construction of a new Wyman/Hurld Elementary School, the construction of a new Fire Station, the renovation/addition to the Woburn Public Library, the construction of a parking garage, and the site cleanup and upgrades to Leland Park.

I have provided the City Council with hypothetical debt service schedules for the five projects. The City will not see a meaningful decrease in our existing debt service schedules until FY2019, however, the principal and interest payments on those five projects are still significantly greater than our expected decrease in FY2019 debt payments.

I believe these projects are important for the continued growth of the City. However, like many of you I remain cautious about the debt service these projects will add to our budget, as well as budget increases due to continued escalation in our health insurance, pension, OPEB and Special Education costs.

I look forward to working with the City Council on solutions to complete the important projects.

Sincerely, s/Scott D. Galvin

Attached thereto was the following Order:

ORDERED That the amount of \$2,684,500.00 be and is hereby appropriated from Unreserved Fund Balance Acct #01-359600 \$2,684,500.00 to Various Capital Projects (see attached breakdown) \$2,684,500.00

I hereby recommend the above: s/Scott D. Galvin, Mayor  
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/Alderman \_\_\_\_\_

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ORDERED That the amount of \$3,000,000.00 be and is transferred as follows: From Unreserved Fund Balance Acct #01-359000 \$3,000,000.00 to Stabilization Fund Acct 3704048-480000 \$3,000,000.00

I hereby recommend the above: s/Scott D. Galvin, Mayor  
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/Alderman \_\_\_\_\_

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ORDERED That the amount of \$75,000.00 be and is transferred as follows: From BLS Receipts Acct #31359-595000 \$75,000.00 to Fiore Ambulance Salary Acct #0122051-511500 \$75,000.00

I hereby recommend the above: s/Scott D. Galvin, Mayor  
I hereby approve the above: s/Timothy J. Ring, Chief, Fire Department  
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/Alderman \_\_\_\_\_

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ORDERED That the Woburn City Council hereby authorizes the Historical Commission to utilize a Departmental Revolving Fund under M.G.L. Chap. 44, Sec. 53E1/2. The Historical Commission may spend funds received without further appropriation during Fiscal Year 2014 for the purpose of expending for Historical Plaques. The "Historical Commission Revolving Fund", is to be credited for all gifts, charges and donations not to exceed \$3,000.00 received during Fiscal Year 2014. Any remaining balance at June 30, 2014

is to revert to the General Fund, unless the fund is re-established. The limit on the total amount which may be expended from the Historical Commission shall not exceed \$3,000.00. The "Historical Commission Revolving Fund", under M.G.L. Chap. 44, Section 53E½ must be re-established on a year-to-year basis. The City Council, upon recommendation of the Mayor, must have an annual vote prior to the start of the Fiscal Year. This authorization makes the approved Revolving Fund effective for the ensuing Fiscal Year only.

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

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**PUBLIC HEARINGS:**

On the petition by OL Fresh, LLC, 22 Noble Hill Road, Beverly, Massachusetts 01915 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.29 and 12 to allow for a fast food restaurant at 307 Main Street and 6 High Street within the Groundwater Protection District. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass, with the following nine conditions:

1. That all unneeded existing water or sewer services shall be capped as required by the Engineering Department;
2. The petitioners shall conduct a test pit and perc test where the infiltration system is to be installed to confirm the soil conditions and infiltration rates are adequate and to the satisfaction of the engineering department;
3. A detail of the infiltration system and downspout connections shall be shown on a plan and approved by the engineering department prior to issuance of a building permit;
4. That the parking shall be in accordance with the plan dated Oct. 29, 2013 by Millennium Engineering, Inc.
5. That all parking shall be in compliance with Section 8.4.2.4;
6. That the location of the dumpster shall not interfere with the access and egress to the parking spaces;
7. That the hours of operation shall be Sunday through Thursday from 8:00 am to 10:00 pm, and Fridays and Saturdays 8:00 am to 11:00 pm;
8. That dumpster(s) shall be screened; and
9. That this Special Permit shall be non-transferrable with respect to the fast food aspect of said permit."

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On the petition by Ryeknot Properties – Woburn LLC, 278 High Street, Newburyport, Massachusetts 01950 for a special permit pursuant to 1985 Woburn Zoning Ordinances,

as amended, Sections 5.1.5, 12 and 15 to allow for seven (7) residential dwelling units above the first story in a commercial structure at 307 Main Street and 6 High Street within the Groundwater Protection District. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: “ought to pass, with the following nine conditions:

1. That all unneeded existing water or sewer services shall be capped as required by the Engineering Department;
2. The petitioners shall conduct a test pit and perc test where the infiltration system is to be installed to confirm the soil conditions and infiltration rates are adequate and to the satisfaction of the engineering department;
3. A detail of the infiltration system and downspout connections shall be shown on a plan and approved by the engineering department prior to issuance of a building permit;
4. That the parking shall be in accordance with the plan dated Oct. 29, 2013 by Millennium Engineering, Inc.
5. That all parking shall be in compliance with Section 8.4.2.4;
6. That the location of the dumpster shall not interfere with the access and egress to the parking spaces;
7. That the hours of operation shall be Sunday through Thursday from 8:00 am to 10:00 pm, and Fridays and Saturdays 8:00 am to 11:00 pm;
8. That dumpster(s) shall be screened; and
9. That this Special Permit shall be non-transferrable with respect to the fast food aspect of said permit.”

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On the petition by Benchmark Senior Living, 40 Williams Streets, Wellesley, Massachusetts 02481-3904, Petitioner, and Lindquist Realty Trust, 320 Salem Street, Woburn, Massachusetts 01801, Landowner, to amend the Zoning Map of the City of Woburn by amending the zoning district for the property identified on Assessors Map 32, Block 04, Lot 01 known as 320 Salem Street containing an approximately 4.43 acre parcel from the R-1 zoning district to the R-3 zoning district. PUBLIC HEARING OPENED. A report was received from the Committee on Ordinances as follows: “ought to pass with the following amendments:

1. Motion was made and seconded that the Declaration of Restrictive Covenant be finalized and recorded at the Registry of Deeds. The Vote was all in favor, 5-0.
2. Motion was made and seconded to amend the 1985 Woburn Zoning Ordinance by revising the definition of “Extended Care Facility contained in Section 2 as follows: the “period” after “rest homes” shall be deleted and the following language be added: “and Assisted Living residences”. The Vote was all in favor, 5-0.
3. Motion was made and seconded to amend the 1985 Woburn Zoning Ordinance to revise Section 6.1 (Table of Dimensional Regulations) by adding a new footnote #9 to read as follows: “9. Assisted Living residences located in the Residential-Three (R-3)

zoning district boundary lines in the City of Woburn shall have a maximum height of 42 feet and/or 3 stories; Assisted Living residences located in the R-2, R-3, R-4, B-H, B-I, and S-1 zoning districts shall have a Minimum lot area of 1 acre; a Minimum Lot frontage of 125 feet; a Minimum side yard setback of 25 feet; a Minimum rear yard Setback of 30 feet; and that the maximum number of residential units shall be not more than 1 bedroom per 1,000 square feet of gross lot area not including the area assigned to rivers or canals that may be on the lot and that an Alzheimer room/bed shall be construed to be a bedroom.” The Vote was all in favor, 5-0.

4. Motion was made and seconded to amend to revise Section 8.2.5 (Schedule of minimum numbers of Required Off Street Parking Stalls) for Extended Care Facility by adding the following language after “1.8 space per dwelling unit” as follows: “, provided that Assisted Living residences shall have 0.70 space per unit and 1 visitor space per 10 units.” The Vote was all in favor, 5-0.
5. Motion was made and seconded to send both petitions back Ought-To-Pass subject to the recording of the Declaration of Restrictive Covenant at the Registry of Deeds. The Vote was all in favor, 5-0.”

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On the petition by Benchmark Senior Living, 40 Williams Streets, Wellesley, Massachusetts 02481-3904, Petitioner, and Lindquist Realty Trust, 320 Salem Street, Woburn, Massachusetts 01801, Landowner, to amend the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. By revising the definition of “Extended Care Facility” contained in Section 2 as follows: the “period” after “rest homes” shall be deleted and the following language added: “and Assisted Living residences”, 2. By revising Section 6.1 (Table of Dimensional Regulations) by adding a new footnote #9 to read as follows: “9. Assisted Living residences located in the Residential-Three (R-3) zoning district boundary lines in the City of Woburn shall have a maximum height of 42 feet and/or 3 stories.”, and 3. By revising Section 8.2.5 (Schedule of minimum numbers of Required Off Street Parking Stalls) for Extended Care Facility by adding the following language after “1.8 space per dwelling unit” as follows: “, provided that Assisted Living residences shall have 0.50 space per unit and 1 visitor space per 10 units.” PUBLIC HEARING OPENED. A report was received from the Committee on Ordinances as follows: “ought to pass with the following amendments:

1. Motion was made and seconded that the Declaration of Restrictive Covenant be finalized and recorded at the Registry of Deeds. The Vote was all in favor, 5-0.
2. Motion was made and seconded to amend the 1985 Woburn Zoning Ordinance by revising the definition of “Extended Care Facility contained in Section 2 as follows: the “period” after “rest homes” shall be deleted and the following language be added: “and Assisted Living residences”. The Vote was all in favor, 5-0.
3. Motion was made and seconded to amend the 1985 Woburn Zoning Ordinance to revise Section 6.1 (Table of Dimensional Regulations) by adding a new footnote #9 to read as follows: “9. Assisted Living residences located in the Residential-Three (R-3) zoning district boundary lines in the City of Woburn shall have a maximum height of 42 feet and/or 3 stories; Assisted Living residences located in the R-2, R-3, R-4, B-H, B-I, and S-1 zoning districts shall have a Minimum lot area of 1 acre; a Minimum Lot

frontage of 125 feet; a Minimum side yard setback of 25 feet; a Minimum rear yard Setback of 30 feet; and that the maximum number of residential units shall be not more than 1 bedroom per 1,000 square feet of gross lot area not including the area assigned to rivers or canals that may be on the lot and that an Alzheimer room/bed shall be construed to be a bedroom.” The Vote was all in favor, 5-0.

4. Motion was made and seconded to amend to revise Section 8.2.5 (Schedule of minimum numbers of Required Off Street Parking Stalls) for Extended Care Facility by adding the following language after “1.8 space per dwelling unit” as follows: “, provided that Assisted Living residences shall have 0.70 space per unit and 1 visitor space per 10 units.” The Vote was all in favor, 5-0.
5. Motion was made and seconded to send both petitions back Ought-To-Pass subject to the recording of the Declaration of Restrictive Covenant at the Registry of Deeds. The Vote was all in favor, 5-0.”

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On the petition by 508 Main Street LLC, 508 Main Street, Woburn to amend the Zoning Map of the City of Woburn by amending the zoning district for the property identified on Assessors Map 43, Block 17, Lot 16 being the entire parcel of land known as 506 Main Street a/k/a 508 Main Street and 6-14 Hovey Street containing approximately 0.57 acres of land from the R-4/B-D zoning district to the B-D zoning district. PUBLIC HEARING OPENED. A report was received from the Committee on Ordinances as follows: “ought to pass subject to final review and recording of restrictive covenant.”

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On the petition by Alderman Drapeau concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 4 Pheasant Lane, 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 December 9, 2013 was received from Thomas C. Quinn, Jr., Building Commissioner, Department of Inspection Services as follows:

Re: 4 Pheasant Lane, Woburn

With regard to the above referenced address that is currently the subject of a nuisance hearing with the City Council, I have conducted an additional site visit to the locus on December 3, 2013, the structure currently is inhabitable as utilities have been disconnected, this was required when the owner was issued a demolition permit in November 2012, discussions have been ongoing with current owner as to the status of obtaining a building permit to construct a new single family home and he has informed me that there is an issue that needs to be resolved between he and the Woburn Public Works Department.

As of this time I would advise that since this issue was brought to my attention by Alderman Drapeau periodic site visits have been conducted and communications with current owner have been ongoing.

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

s/Thomas C. Quinn, Jr., Building Commissioner

A communication dated December 4, 2013 with attachment was received from John R. Fralick Health Agent, as follows:

Re: 4 Pheasant Lane

This inspection and list of violations is for city council's information for their upcoming hearing and was not done for enforcement of the State Sanitary Code.

As requested by the Woburn City Council, the property at 4 Pheasant Lane was inspected by the Board of Health. Please be advised that this inspection was done from off the property. No access to the property was requested. No attempt was made to enter the dwelling. This property is in an obvious state of disrepair and currently unfit for human habitation. There are numerous violations of the State Sanitary Code, 105 CMR 410. Attached please find a list of these violations.

Please be advised that this property has an open demolition permit and the dwelling is not occupied. The noted violations will not require repair if the demolition occurs.

Please feel free to contact me if you have any questions.

s/John R. Fralick, Health Agent, Woburn Board of Health

A communication dated December 12, 2013 was received from City Solicitor Ellen Callahan Doucette as follows:

Re: 4 Pheasant Lane, Woburn – Nuisance Hearing/Drainage Requirements

This memorandum is in response to the City Council's request for a legal opinion regarding two questions that arose during a public hearing held to determine if the property at 4 Pheasant Lane (the "Property") constitutes a nuisance within the meaning of M.G.L. c.139, §1. A copy of the City Council's request is attached hereto for reference.

The first question is whether the hearing notice was properly served on the owner of record and if not, what action must the City Council take to remedy the situation. The second question, which appears unrelated to the nuisance issue, is whether the Superintendent of Public Works' ("Superintendent") requirement that the owner undertake appropriate drainage mitigation measures is "proper".

## Hearing Notice

M.G.L. c.139, §1 provides that “[t]he aldermen . . . may, after written notice to the owner of a burnt, dilapidated or dangerous building or other structure, . . . and after a hearing, make and record an order adjudging it to be a nuisance . . .” Upon information and belief, the City Clerk mailed the requisite notice to Claire M. Tracey who is the owner of record per the Assessor’s Office. However, according to the Middlesex South Registry of Deeds, Ms. Tracey conveyed the Property to James M. Calvey by a deed recorded on September 28, 2012. Pursuant to M.G.L. c.59, §11, cities and towns are required to assess real estate taxes to the owner of record as of January 1 according to the records of the county Registry of Deeds. It is not known why the Assessors’ records were not revised to reflect the change of ownership in this case, but it is strongly recommended that when notice is required, the identity of the owner be determined by checking the records of the Registry of Deeds which are easily accessible online.

As notice was not given to the owner of record, due process considerations require that a new hearing be scheduled with notice sent to Mr. Calvey. Sending the owner a DVD of the November 19, 2013 meeting will not cure deficiencies in the notice.

## Stormwater Management

I am well aware that Mr. Calvey has an ongoing disagreement with the Superintendent over the requirement that an on-site drainage infiltration system be installed, and that this disagreement is the likely reason for the delay in demolishing the dwelling on the Property. I am also aware that the Superintendent has consistently required the installation of on-site drainage systems in similar cases, and that property owners have complied with that requirement.

According to the minutes of the November 20, 2006 meeting of the City Council’s Committee on Ordinance, when proposed revisions to Title 13 were being discussed, the City Engineer informed the Committee that, “Title 13 is archaic, goes back to the 30’s, updated periodically for rates but never details for the types of construction we have today. We did the sewer portion of Title 13 two years ago, within the last four years we have done two other things, stormwater management to EPA requirements phase II [small municipal storm sewer systems or MS4s] . . . some of the measures required of the stormwater management were also put into Title 13 under the drain portion.” (emphasis supplied)

The Superintendent’s position is based upon what he perceives to be a proper exercise of his authority pursuant to Title 13, Section IV. Drainage System, of the Woburn Municipal Code specifically, Section 13.4.4, Regulations, which provides in pertinent that, “[t]he Superintendent of Public Works may promulgate rules and regulations to effectuate the purpose of this ordinance.” On January 1, 2012, the Superintendent adopted “Regulations for Plot Plans, Building Permits and Street Opening Permits for DPW Signature” (“Regulations”) which are available on the DPW’s webpage under “Permits and Policies”. Paragraph 5 of the Regulations establishes plan requirements to address

drainage issues which must be presented to the Superintendent before he will sign off on a building permit. A copy of the above referenced Regulations is also attached hereto.

It is also the Superintendent's position that on-site drainage mitigation requirements are necessary in order that the City maintain compliance with the DEP's Order of Conditions requiring a Stormwater Management Plan, and for compliance with EPA guidelines for Stormwater Management. It is the Superintendent's concern that non-compliance may leave the City vulnerable to situations that may result in additional Administrative Consent Orders ("ACO").

I understand that Mr. Calvey takes the position that the Regulations do not apply because the Massachusetts Stormwater Management Handbook exempts single family homes from its application. However, the City Council did not provide for such an exemption when it adopted Title 13, Section IV. Drainage System.<sup>1</sup> Certainly the City Council may amend Section 13.4.4, or adopt a more specific stormwater management ordinance; to provide a specific exemption for single family homes should it choose to do so.

Further to this question, I can offer my legal opinion that the Superintendent properly exercised his authority in adopting the Regulations in furtherance of the purposes of the Section IV of Title 13. As I believe he has done so, then it was and is proper to require on-site drainage mitigation for this Property.

If you have additional questions or require further assistance regarding this matter, please don't hesitate to contact me.

<sup>1</sup> The Massachusetts Stormwater Management Handbook and the DEP's Stormwater Standards are automatically applicable on the local level only for projects requiring approval under M.G.L. c.131, the Wetlands Protection Act.

Very truly yours, s/Ellen Callahan Doucette

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On the petition by Seaver Properties LLC, 215 Lexington Street, Woburn, Massachusetts 01801 for a special permit 1985 Woburn Zoning Ordinances, as amended, Sections 25E.(c) and (d) and E.3 UMS District to allow for fifty-seven (57) residential units (elevator apartments) with an accessory clubhouse at 1071R Main Street and Virginia Avenue. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "back for action". A copy of a communication dated December 2, 2013 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 1071 Main Street Special Permit  
Materials: Revised Plans Dated October 21, 2013 – Development Impact Statement  
Dated August 26, 2013 – Construction Cost Estimate for mitigation, undated, received  
December 2, 2013

The applicant is seeking permission to construct a four story 57 unit condominium with a clubhouse at the above referenced location.

The engineering department submitted a technical review memorandum, dated October 29, 2013 in which we noted questions and concerns.

Since that time we have had a telephone conversation with the applicant's engineer indicating the an overflow for the drainage system would be included as part of the project and that revised plans would be submitted.

Additional, we have received a construction cost breakdown from the applicant with a description of the mitigation to be provided. The mitigation costs should be broken down by unit costs and quantities with a detailed description of what is being proposed. The costs are too general to comment on at this time.

A copy of a communication dated October 29, 2013 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 1071 Main Street Special Permit - Revised Plans Dated October 21, 2013 -  
Development Impact Statement Dated August 26, 2013

The applicant is seeking permission construct a four story 57 unit condominium with a clubhouse at the above referenced location.

Based on a review of the submitted materials, this office offers the following comments.

#### Water

The plans show that the site will be serviced by an 8" CLDI water main off of Massachusetts Ave and being looped to Virginia Ave eliminating two dead end water mains. The main building will have separate domestic and fire protection services and the clubhouse with a 1" water service.

Fire flow test data has not been submitted for review. Fire flow data is necessary to properly size the fire suppression system connection and determine domestic pressure.

A gate valve should be shown on the fire hydrant that is located behind the condominium building.

The existing water service must be cut and capped at the main pursuant to DPW requirements.

#### Sewer

The plans show that the building and clubhouse will have individual 6" PVC sewer service connections to an existing 10" AC sewer main that runs through the site. The

DPW has requested that the existing line be inspected with television camera and that any cleaning of the line be performed by the applicant.

In areas that water and sewer connections cannot meet a 15" vertical separation, the sewer shall be encased in concrete for a distance of 5 feet on either side of the crossing.

#### Drainage

The proposed stormwater will be mitigated by a series of catch basins on the site which connect to several underground infiltration systems. The catch basins have 4 foot sumps and have hoods to improve stormwater quality prior to discharging into the infiltration system. Oil and water separator hoods are also being provided.

The submitted drainage calculations demonstrate that the post development conditions will be reduced from pre development conditions.

Although the drainage computations indicate that the system will handle stormwater runoff from the site, the system will be completely self contained with no overflow to the municipal system. Failure to properly maintain the system would result in flooding of the property due to the grading.

There are opportunities for the applicant to discharge drainage to the municipal drain on Virginia Ave., however the applicant does not desire to make this connection.

A drainage operations and maintenance plan should also be submitted for the project.

#### Traffic

The applicant has submitted a traffic report which outlines the traffic patterns associated with the proposed use. Site distances have been noted in the report as being adequate in both directions.

The report summarized that the traffic study was conducted in August 8, 2013 and has determined the peak AM and PM hours, however there does not appear to be any seasonal adjustment noted in the summary.

The proposed site will have 394 vehicle trips a day with the AM peak (7:00am-8:00am) having 33 trips and the PM peak (4:30pm-5:30pm) having 38 trips.

#### Miscellaneous

Sheet 3 notes handicap ramps to be located at the driveway entrance; however the ramps are not shown.

Any existing water and sewer services that are not being reused will need to be cut and capped at their respective mains.

Main St. along the frontage of the property is under MassDOT jurisdiction. On this basis, curb cuts and utility connections in Main St. will require a MassDOT permit.

### Mitigation

This project is subject to the mitigation ordinance and as yet, no project cost data has been submitted for evaluation.

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

A communication dated December 11, 2013 with attachment was received from Frederick W. Russell, P.E., 154 Aldrich Road, Wilmington, Massachusetts 01887 as follows:

Subject: 1071 Main Street

The following is in response to your memorandum to the Woburn Planning Board dated November 27, 2013:

### Water:

The proposed water loop from Massachusetts Avenue to Virginia Avenue is contained within a 20-foot wide easement, which can be clearly seen on the "Property Rights Plan", Sheet 1 of 8. In addition, it was my recollection at your meeting with you and the City Engineer, that that new water main loop would ultimately be owned and operated by the City of Woburn, not the Homeowners Association, as it will be connecting two City-owned water mains. Fire flow and static pressure for Breed Avenue is attached herewith.

### Sewer:

As noted, we unsuccessfully attempted to CCTV the existing cross-country sewer main through the property due to excessive grease build-up. However, we have included \$50,000.00 of mitigation money to heavy clean and slip-line (Insituform©) this sewer main; approximately 820 linear feet.

### Drain:

Field survey information was obtained by Keenan Survey for Virginia Avenue and North Maple Street. As suggested, a 6" PVC overflow is not proposed to Virginia Avenue. The invert of the overflow pipe was set approximately two-inches above the 100-year flood elevation. In other words the HydroCAD model calculates a 100-year storm elevation of 84.65. The invert of the overflow pipe was set at 85.85 (two lengths above the 100-year flood elevation). Therefore, discharge from the system to Virginia Avenue drain system will not occur, unless we experience a storm event larger than the 100-year storm.

### Curbs and grading:

MassDOT permit will be obtained as required.

### Roadway Improvements and other utilities:

Will comply with local and MassDOT regulations.

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On the petition by Alderman Michael Anderson to amend Section 5.8 Interim Regulations for Medical Marijuana Treatment Centers, of the 1985 Woburn Zoning Ordinances as amended, by deleting Section 5.8.5 and replacing same with the following: “6) Expiration This section shall be effective until December 31, 2014, or until such future time as when the Woburn City Council enacts superseding zoning ordinances that set forth the allowed zoning districts, dimensional, parking and other requirements applicable to medical marijuana treatment centers and their related uses.” PUBLIC HEARING OPENED. A communication dated December 9, 2013 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Alderman Michael Anderson – Zoning Ordinance Amendment – To Amend Section 5.8.5 Expiration, by deleting said Section and replacing with a new Section 5.8.6 Expiration

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on December 3, 2013, the Board voted to forward a favorable recommendation to the City Council regarding the zoning amendment to extend the expiration date of the zoning moratorium for Medical Marijuana Treatment Centers until December 31, 2014 by deleting Section 5.8.5 Expiration and replacing it with a new Section 5.8.6 Expiration.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

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**CITIZEN’S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**FINANCE:**

On the Order to transfer the sum of \$1,452.72 from Ward 5 Infrastructure Acct, \$12,005.00 from Sewer Project Acct, \$2,950.00 from Install Scada Equip-Sewer Acct, \$5,033.00 from Sewer System Installation Acct and \$3,413.00 from Sturgis Street Sewer Acct and \$24,853.72 to Dewey Ave Sewer Improvements Acct, committee report was received “ought to pass”.

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On the Order to transfer the sum of \$25,326.00 from Dewey Ave Acct to Cummings Property Mitigation Acct, committee report was received “ought to pass”.

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On the Order to rescind the authorized and unissued bond authorizations for the Goodyear Elementary School, Joyce Middle School Roof and Kennedy Middle School, committee report was received “ought to pass”.

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**ORDINANCES, CHARTER AND RULES:**

On the Order to amend 1989 Woburn Municipal Code, as amended, Title 7 Wetlands Protection and Conservation relative to consultant fees, committee report was received “back for action”.

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**PUBLIC SAFETY AND LICENSES:**

On the Petition for renewal of First Class Motor Vehicle Sales License by Northeast Tree, Inc., committee report was received “ought to pass”.

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On the Petition for renewal of Second Class Motor Vehicle Sales Licenses by Anchor Auto Sales, Inc.; EC Inc. dba Xpress Fuel; Enterprise Rent-a-Car Company of Boston, LLC; Jeffrey Pollock dba Exclusive Automobiles; George J. Hamilton dba George’s Auto Body; Joseph P. Mahoney Company, Inc.; Robert Khouzami; Larade’s Collision Repair Center, Inc.; McSheffrey Auto Sales, Inc.; Nicolas Saba dba Montvale Service; Velozo Enterprises, Inc. dba Rogers Radiator; Francis Garbino dba Tom’s Auto Body; Tracy M. Batten dba Tracy’s Auto; Louis Jean Brunet dba Woburn Motors; and Wassim (Sam) Nicolas dba Woburn Square Mobil, committee report was received “ought to pass”.

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**NEW PETITIONS:**

Petitions for renewal of Second Class Motor Vehicle Sales Licenses by Murray’s Enterprises, Inc. dba Murray’s Auto & Truck Sales, 88 Winn Street; and Woburn Auto Sales, LLC dba Woburn Auto Sales.

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Petition by Robert McSheffrey d/b/a Bob McSheffrey Auto Sales, 880 Main Street to amend the Second Class Motor Vehicle Sales License to allow two (2) vehicles on site.

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Petition by NStar Electric Company for a grant of right in a way to install approximately 48 feet of conduit westerly on Jericho Road from pole #242/34 at the intersection of

Wyman Street and to install approximately 212 feet of conduit easterly on Wyman Street from pole #242/32 approximately 230 feet east of Jericho Road.

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Petition by NStar Electric Company for a grant of right in a way to install approximately 55 feet of conduit south on Water Street northeasterly from pole #299/12 at the intersection of Woburn Parkway and install approximately 890 feet of conduit and also installing two (new) manholes (MH29735 and MH29736) in Woburn Parkway northerly at the intersection of Water Street.

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Petition by Herb Chambers 128, Inc., c/o The Herb Chambers Companies, 47 Eastern Boulevard, Glastonbury, Connecticut 06033 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended Section 5.1.71 to allow for a commercial parking lot at 400 Unicorn Park Drive.

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**COMMUNICATIONS AND REPORTS:**

A communication dated November 25, 2013 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 November 2013.

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**UNFINISHED BUSINESS OF PRECEDING MEETING:** None.

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**APPOINTMENTS AND ELECTIONS:**

A communication dated December 4, 2013 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint John J. Ryan III, 12 Myrtle Street, to the Woburn Board of Appeals, subject to approval by the City Council, with a term to expire May 31, 2016.

Respectfully, s/Scott D. Galvin, Mayor

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A communication dated December 4, 2013 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint the following members of the Woburn Council on Aging to another three-year term, set to expire on December 31, 2016; subject to approval of the City Council: Angela Amato, 289 Washington Street; Eleanor Camillieri, 200 Bedford Road; Dorothy Capone, 7 Maura Drive; Francis Hancock, 13 Pearl Street; Jack Kelly, 20 Barbara Circle; Barbara Ridley, 129 Place Lane; and Doris Stanton, 18 Nichols Street Extension.

Respectfully, s/Scott D. Galvin, Mayor

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**MOTIONS, ORDERS AND RESOLUTIONS:**

From Woburn Traffic Commission:

ORDERED OLD MISHAWUM ROAD – No parking both side the entire length.

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From Woburn Traffic Commission:

ORDERED MISHAWUM ROAD – No parking both sides from the intersection with Ryan Road to the intersection with Industrial Parkway.

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RESOLVED That the Superintendent of the Department of Public Works design and execute a plan to fix the serious drainage problem at 43 Lowell Street.

s/Alderman Gately

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Motion made and 2<sup>nd</sup> to ADJOURN.