

**CITY OF WOBURN
FEBRUARY 18, 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:

ORDERED That the amount of \$30,000.00 be and is hereby appropriated from Unreserved Fund Balance Acct #01-35600 \$30,000.00 to Veteran's Cash Veteran's Cash Aid Acct 0154357-577000 \$30,000.00

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

I hereby approve the above: s/Lawrence Guiseppe, Veteran's Agent

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

s/Alderman _____

PUBLIC HEARINGS:

On the petition by Linear Retail Woburn #1 LLC, 5 Burlington Woods Drive, Burlington, Massachusetts 01803 for special permits pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.29, 5.1.63A, 7.3, 8.2.5 and 12 to allow for the alteration of an existing non-conforming structure to allow for: 1. Approximately 9,250 square feet of existing space presently occupied by one retail tenant to be divided into three (3) tenant spaces: Tenant A containing approximately 2,600 square feet more or less of gross floor area; Tenant B space containing approximately 2,500 square feet more or less of gross floor area; and Tenant C space containing approximately 4,150 square feet more or less of gross floor area; 2. A fast food restaurant in the Tenant A space with an outdoor seasonal seating area; 3. A drive thru for Tenant B space (bank); 4. A reduction in the required parking space from 171 parking spaces to 148 parking spaces; 5. Alteration of nonconforming signage; and 6. That Condition 1 to the Landowner's Decision and Notice of Special Permit dated February 20, 2011 be amended by deleting the reference to the

Plan of Record and replace with the plan entitled "Site Plans for 299 Mishawum Road, Woburn, MA 01801" dated November 30, 2013 prepared for Linear Retail Woburn #1 LLC, Five Burlington Woods Drive, Burlington, MA 01803 by Allen & Major Associates, Inc., all at 299 Mishawum Road. PUBLIC HEARING OPENED. A communication dated February 11, 2014 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows

Re: Special Permit Petition of Linear Retail Woburn #1 LLC – 299 Mishawum Road, Woburn, Massachusetts

Dear Mr. Campbell:

As you know I represent Linear Retail Woburn #1 LLC on the above-referenced matter. At the request of the Committee on Special Permits, I respectfully request that the City Council Public Hearing on this matter presently scheduled for February 18, 2014 be continued to the City Council meeting on March 4, 2014. If you need any further information, please contact me. Thank you.

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

On the 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. PUBLIC HEARING OPENED. A report was received from the Committee on Infrastructure and Public Lands as follows: "Back for action." A communication was received from Jane M. Lyman, Comcast Government & Regulatory Affairs as follows: "We should complete transfer of our wires off these poles within three (3) weeks (weather permitting). Please let me know if you have any concerns about this time." A communication dated February 13, 2014 was received from Superintendent of Public Works John Duran as follows:

Subject: NStar Petition-Wyman Street Addendum

This letter is to clarify my prior memorandum on the Wyman Estates Subdivision. Melanson Development is required to install underground power to the proposed subdivision per the City of Woburn Subdivision and Regulations and the associated Decision by the Woburn Planning Board. Nstar has a request to relocate poles and to install underground conduit to service the proposed subdivision. The plan depicts relocation of a pole on Wyman Street and associated overhead lines from the adjacent pole on Jericho Road. This pole relocation is necessitated by the proposed entrance into the subdivision for electric service. The pole appears to be positioned properly as long as the overhead wires do not sag lower than the existing wires.

The location of the proposed underground conduit from the easterly end does not clearly identify whether the conduit would be located within the shoulder of the road or within the roadway itself. The Decision dictates that a sidewalk be added for a portion of this area. I recommend that the conduit be installed under this sidewalk or in the shoulder area based upon the proximity of the adjacent water main and other utilities. This roadway is presently in the 5 year moratorium. If this work is undertaken prior to the expiration date, this work or any other openings of the paved roadway will require that the pavement be milled and inlaid with new bituminous concrete. I recommend that the proposed conduit be accurately marked in the field for site review. After an agreed upon location is determined, the proposed conduit should be added to the record plan and discussed at a preconstruction meeting prior to excavation. I recommend that this location can be field determined after site review by the DPW Superintendent or his designee. NStar should add to the plan a proposed typical trench section with depths, manhole cut sheets and specifications, as well as a proposed restoration plan for disturbance of the proposed roadway.

I have re-evaluated my opinion as a condition of this permit based upon the City of Woburn Planning Board requirement. I recommend that NStar be required to remove any double poles within a 1000 foot radius from the subdivision. This work should be completed within one year from the issuance of this permit. If no double poles exist within this area, the requirement shall be waived. Please feel free to contact me with any questions, concerns or recommendations on this matter.

On the 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. A report was received from the Committee on Infrastructure and Public Lands as follows: "Back for action." A communication was received from Jane M. Lyman, Comcast Government & Regulatory Affairs as follows: "We should complete transfer of our wires off these poles within three (3) weeks (weather permitting). Please let me know if you have any concerns about this time."

On the petition by NStar Electric Company for a grant of right in a way to install approximately 589 feet of conduit on Liberty Avenue easterly from MH22423 at the intersection of Eastern Avenue and install two new manholes (MH29793 and MH29792). PUBLIC HEARING OPENED. A communication dated February 13, 2014 was received from Superintendent of Public Works John Duran as follows:

Subject: NStar Petition-Liberty Avenue

Pursuant to the request from NStar Electric for the Grant of Way for the installation of underground conduit and manholes through the Liberty Avenue Housing Development, I recommend the following based upon review of a plan dated 12-9-14. The plan has a

disclaimer that states the information does not represent a survey. A brief site inspection was performed and the utilities generally appear to be accurately shown. However, this roadway is narrow and I recommend that a modified plan be prepared which depicts all marked out utilities by field survey with both horizontal and vertical control including all rims, inverts etc. for readily accessible structures. This would allow for a more accurate evaluation of utilities and any crossing that may be encountered in the field. This would mitigate any disturbance to residential customers in this area. The proposed locations of all conduits and manholes should be marked out on the ground for an evaluation prior to excavation and discussed at a preconstruction meeting. NStar should include a plan depicting proposed typical trench sections with depths, manhole cut sheets and specifications, as well as a proposed restoration plan for disturbance of the proposed roadway. Once a designated trench is approved by the DPW in the field, the contractor should cut the trench in a uniform manner. The roadway can then be restored properly to appropriate widths designated by the City Council or by the DPW Superintendent. I also recommend that the Woburn Housing Authority (WHA) be consulted for their input on this matter.

In my professional opinion, it should be a condition of this type of municipal permit, that NStar be required to remove 20 double poles from various ways within the City of Woburn as designated by the Superintendent of Public Works. This work should be completed within one year from the issuance of this permit. Please feel free to contact me with any questions, concerns or recommendations on this matter.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$100,000.00 from BLS/Ambulance Receipts Acct to Fire/Overtime Acct, committee report was received "ought to pass".

On the petition by Stephen Miele for an exemption pursuant to M.G.L. Ch. 268A, Sec. 29(b) to allow the provision of snowplow services to the city, committee report was received "ought to pass, with the following conditions: 1. The snowplowing services would have to be such so as to be provided outside the normal working hours of the employee; 2. The snow plowing services could not be a part of the municipal employee's regular duties; 3. The overall compensation for the snowplowing work could not exceed 800 hours during a calendar year; 4. The head of the Department of Public Works would have to file a written certification with the City Clerk that no employee of his Department is otherwise available to perform the services as part of their regular duties; and 5. The City Council would have to approve the particular exemption of any particular employee."

On the petition by David Pruyne for an exemption pursuant to M.G.L. Ch. 268A, Sec. 29(b) to allow the provision of snowplow services to the city, committee report was received "Back for action".

On the petition by Robert Pruyne for an exemption pursuant to M.G.L. Ch. 268A, Sec. 29(b) to allow the provision of snowplow services to the city, committee report was received "Back for action".

NEW PETITIONS:

Petition by Boys and Girls Club of Woburn, Charles Gardner Lane, Woburn, Massachusetts 01801 for a special events permit to allow a road race and health walk on May 4, 2014 at Library Field, Horn Pond and environs.

Petition by Shriners Hospital for Children Burn Center, 51 Blossom Street, Boston, Massachusetts 02114 for a special events permit to allow a walk on May 4, 2014 with a rain date on May 18, 2013 at Horn Pond.

COMMUNICATIONS AND REPORTS:

A communication dated January 29, 2014 with attachment was received from City Auditor Gerald Surette as follows:

Subject: Order of Appropriations of 6/21/2012

The appropriation of June 21, 2012, as a required condition, was to be closed to the general fund. The appropriations that have not been expended or encumbered have now been closed to the general fund.

If you have any questions, please feel free to contact me.

Respectfully, s/Gerald Surette, City Auditor

A communication dated January 30, 2014 was received Building Commissioner Thomas C. Quinn, Jr. as follows:

Re: 9 Forbes Road Comcast

With regard to the above referenced, the City Council at its meeting of August 6, 2013 adopted a report of the Special Permits Committee allowing for the reduction of parking for Lawless from 180 parking spaces to 70 parking spaces to accommodate a new tenant Comcast. This action was required due to condition 1 of the Special Permit granted February 5, 2013. On August 13, 2013 Comcast was issued an occupancy permit for a portion of the building as condition 1 was satisfied.

The parking requirement for the Comcast operation was calculated at 74 parking spaces with no indication from the building owner or Comcast that there would be any overnight parking. During a site visit by this writer after Comcast occupancy was issued verifying the Lawless parking count it was noticed that there were many commercial Comcast vehicles being parked overnight at this location without any approvals.

As of this time there is sufficient parking to accommodate the uses of Lawless and Comcast; however any further tenants of the building would also be required to meet the requirements of the Woburn Zoning Ordinances Section 8 and also condition one of the Lawless Special Permit of February 5, 2013.

If you have any additional concerns with this matter do not hesitate to contact me.

A communication dated February 10, 2014 with attachments was received from Human Resources Director Jan Robbins Cox as follows:

Dear President Haggerty and Members of the Council:

As recently ordered, I am providing you with a Job Description for the position of Woburn City Auditor. This is a new job description and has been reviewed with the current City Auditor to ensure it is accurate and complete.

Additionally as ordered, I am providing you with a list of salary comparisons for comparable jobs in nearby or similar municipalities. As you can see, the Woburn total compensation for City Auditor is 6.4% less than the average of the other municipalities. This is of special concern since the current incumbent in Woburn is a long-term employee.

If you have any questions or I can be of additional assistance, please let me know.

Sincerely, s/Jan Robbins Cox, Director of Human Resources

A communication dated February 5, 2014 was received from June Mackenzie, 20 Mount Pleasant Street, Woburn as follows:

Dear Council members,

As a representative of the Woburn Community Preservation Committee, I would like to request that our committee be given an opportunity to deliver a presentation on Marhc 18. We would like to get the Community Preservation Act on the ballot in November of 2014 and are hoping to have the support of the Council.

If that date is available, we would be happy to take the next available date.

Thank you very much for your consideration of our request.

Sincerely, s/June Mackenzie

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated February 13, 2014 with attachments was received from His Honor the Mayor Scott D. Galvin as follows:

Dear President Haggerty and Members of the City Council:

I am pleased to inform your Honorable Board that I have selected Tina P. Cassidy to serve as the Planning Director/Redevelopment Authority Administrator for the City of Woburn. Ms. Cassidy has extensive experience in municipal planning and most recently served as the Planning Board Director for the City of Beverly. Her experience, education and affiliations make her an ideal candidate to help the City continue to move in a positive direction, by maximizing our potential through responsible growth.

In accordance with the Woburn Municipal Code, Title 2, Article XVII, Section 2-128, I respectfully request your confirmation of Ms. Cassidy as the Planning Director/Redevelopment Authority Administrator. I have attached a copy of her cover letter and resume for your review. Please feel free to call with any questions.

Sincerely, s/Scott D. Galvin, Mayor

A communication dated February 13, 2014 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 William Callahan, 14 Kennedy Road, to serve on the Woburn Public Library Board of Trustees, with a term to expire March 2, 2016; subject to confirmation by the City Council.

Mr. Callahan's appointment fills a vacant seat on the Board.

Respectfully, s/Scott D. Galvin, Mayor

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Be It Ordained by the City Council of the City of Woburn that Title 12, Article XIV, Section 12-54 of the 1989 Woburn Municipal Code, as amended, be deleted in its entirety and replaced with the following:

12-54 Permit Application Fee.

The Permit Application Fee shall be twenty-five dollars (\$25.00) per event sponsored by non-profit entities and fifty dollars (\$50.00) per event sponsored by commercial and for profit entities. The Permit Application Fee shall be paid upon filing of the application to the City Clerk's office unless otherwise under the sole jurisdiction of the Recreation Commission in which case the fee shall be paid to the Recreation Commission. The permit application fee shall not apply to block party events.

s/Alderman Anderson

ORDERED That the City Auditor provide the City Council with a financial breakdown of the Fire Department Overtime account over the course of the last five fiscal years as well as Fiscal Year 2014.

s/President Haggerty

ORDERED That the City Auditor provide the City Council with a financial status update of the Snow and Ice Removal budget for Fiscal Year 2014.

s/President Haggerty

ORDERED Whereas, the City of Woburn acquired certain property in Woburn, Middlesex County, Massachusetts commonly referred to as Leland Park for the purpose of constructing a park or playground thereon by Order effective May 23, 1936;

Now, Be It Hereby Ordered that the land in Woburn commonly referred to as Leland Park be used for park and recreation purposes pursuant to Chapter 45, Section 14 of the General Laws.

s/Alderman _____

RESOLVED That the Committee on Public Safety and Licenses meet with the Police Chief and the Fire Chief, as their schedules permit, for the purpose of receiving an update on matters pertaining to the departments, and

Further, that the Committee on Public Safety and Licenses be and is hereby authorized to call such meetings with the Police Chief and the Fire Chief on a periodic basis as it deems necessary for the purposes of receiving continued updates on public safety issues in the city.

s/President Haggerty

Motion made and 2nd to ADJOURN.