

**CITY OF WOBURN  
SEPTEMBER 2, 2014 - 7:00 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gaffney
Concannon	Gately
DiTucci	Mercer-Bruen
Drapeau	Raymond
Haggerty	

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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 August 11, 2014 with attachments was received from His Honor the Mayor Scott D. Galvin as follows:

Please forward to members of the City Council for their review.

Attached thereto was the following:

To whom in may concern:

My sister-in-law Diane Nolan at 4 Mt. Pleasant Court would like to donate this rock (see attached) to Horn Pond. We visit there all the time and see the beautiful landscape there and though how pretty this rock would look there.

Thank you in advance.

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**PUBLIC HEARINGS:**

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 Zoning 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 report was received from the Committee on Special Permits as follows: “ought to pass, as amended, with the conditions as follows:

1. The Plan of Record shall be “Site Development Plans for Wendy’s prepared by Bohler Engineering, P.C., 352 Turnpike Road, Southboro, Massachusetts 01772, dated May 15, 2014 (the “Plan”).
2. The façade shall be renovated consistent with the Plan entitled “NRE Standard Remodel Blade Forward Spandrel, Exterior Renderings” dated April 23, 2014.
3. That the free-standing sign shall be no more than 16.8 feet in height and 48.89 square feet in size.
4. Condition 22 requiring all signs to be externally illuminated shall be deleted. All sign illumination shall comply with Section 13.4.5 of the 1985 City of Woburn Zoning Ordinance as amended (the “WZO”).
5. Condition 26 shall be amended by substituting the following: “All signage except as set forth in in Condition 3 above shall comply with Section 13 of the WZO.”
6. Except as modified by this Decision all Conditions set forth in the Landowner’s Decision and Notice of Special Permit dated December 30, 2014 shall remain in full force and affect.
7. Upon completion of proposed work, the sound box will be tested from the abutting owners’ property (13 Albany Street) to insure compliance with applicable Code(s).
8. That additional evergreen shrubs consisting of 3-4 plants of 6’-8’ in height shall be installed along the abutting property (13 Albany Street) and maintained in perpetuity.”

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On the petition by KEG Realty LLC, George Hamilton, Manager, 19 Jefferson Avenue, Woburn, Massachusetts 01801 for two special permits pursuant 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Pursuant to Section 7.3 to allow alteration of a pre-existing nonconforming structure to allow for a 38 foot by 12 foot two-story addition, and 2. Pursuant to Section 15 to allow enlargement of an existing use to allow for a 38

foot by 12 foot addition in Ground Water Protection District, at 19 Jefferson Avenue. PUBLIC HEARING OPENED. A communication dated August 27, 2014 with attachment was received from Tina P. Cassidy, Director, Woburn Planning Board as follows:

Re: Planning Department Comments on Special Permit Application for 19 Jefferson Avenue

Dear Honorable Council:

The Planning Department has reviewed the plans and application for special permits under Section 7.3 (alteration of an existing non-conforming structure) and Section 15 (Groundwater Protection District).

In summary, the owner of the current business at this location (George's Auto Repair) seeks permission to construct a two-story addition to the rear of the existing building. The existing building is approximately 14,000 sq. ft. in size and the addition would have a total of 912 sq. ft. (456 sq. ft. on each of two floors). The addition would "follow" the existing building face, meaning the addition would not be any closer to any property line than is the existing building.

Please see the attached letter dated August 20, 2014 from Attorney Mark Salvati. In it, the applicant represents that the addition will only be used for storage and will only be accessible from the exterior of the building. At present, used car parts related to the auto repair operation are stored outside the building during the day and are moved/stored inside at night. The addition will enable the owner to store the materials inside the building at all times. The applicant indicates that the addition will not have, nor will it be used as, an auto repair bay.

There are no off-street parking requirements specifically listed for auto repair facilities so the Council will need to determine the number of parking spaces that will be required. The August 2014 letter from Salvati indicates there are twenty-five (25) spaces existing on the site, space for an additional eighty (80) vehicles inside the building, and that the business currently has fifteen (15) employees.

The letter further commits to showing the location of a snow storage area and of two (2) small existing Dumpsters which the applicant says will remain in their present locations. The letter also indicates there will not be any new lighting added to the exterior of the building or to the site itself.

If the City Council elects to grant the requested special permits, the Planning Department recommends the City Council consider imposing the following as conditions of approval of the special permit requested under Section 7.3 (alteration of a non-conforming structure):

1. Limit use of the floor space in the addition to the purpose stated (storage), and require the applicant to apply for a modification to the special permit if another use is contemplated for the addition in the future;
2. Reiterate that all storage in the facility – both in the existing building and the proposed addition - must meet the requirements of the City’s groundwater protection district including the prohibitions/restrictions set forth in Section 15-3.6.B. (Prohibited Uses);
3. Require the applicant to provide revised plans showing the exterior parking areas on site, proposed snow storage area(s), and Dumpster locations;
4. Require that any customer vehicles remaining on site at the end of a workday must be stored inside the building;
5. Restrict the height of the two (2) new overhead doors proposed for the rear and side façades of the addition to a maximum of eight (8) feet, to discourage/preclude their use for purposes other than storage; and
6. Cite all final plans in the decision so that future changes to the building or site (i.e. addition of new exterior lighting or relocation of a Dumpster) will require additional Council review and approval.

I defer to the Engineering Department with respect to commentary on the Groundwater Protection District special permit request. I do note the addition would be placed over an area that is already impervious (e.g. has already been paved).

Please feel free to contact me at (781) 897-5818 if you have any questions regarding this recommendation.

Respectfully, s/Tina P. Cassidy, Director

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On the petition by Johnson Woods Realty Corporation, c/o Glover Property Management, Inc., 8 Doaks Lane, Marblehead, Massachusetts 01945 for a special permit to modify a special permit dated April 7, 2005 as extended by notices of extension issued on December 21, 2006 and January 8, 2009 as further amended by special permit dated April 28, 2011 (collectively the “Decision”) which Decision allowed for thirty-four (34) condominium units to modify by modifying the following conditions to allow forty-four (44) residential units pursuant to Section 5.1.4 of the 1985 Woburn Zoning Ordinances, as amended: 1. That Condition 1 be amended by replacing the existing language which states: 1. The Plans of record shall be the Plans entitled: “Avalon Inwood, Woburn, Massachusetts, Applicant/Owner Avalon WFS, LLC c/o Avalon Bay Communities, Inc., Boston, MA 02210” prepared by Hayes Engineering Inc., 603 Salem Street, Wakefield, MA 01880, dated January 25, 2011 consisting of Sheets C1, C2, C 3, C4, C5, C6 and C7; “Avalon Inwood Phase 2, Woburn, Massachusetts” prepared by Niles Bolton Associates,

Inc., 1 Buckhead Plaza, 3060 Peachtree Road NW, Suite 600, Atlanta, Georgia, dated 02/25/2011 consisting of A0.00, A2.01, A2.02, A2.03, A2.04, A2.05, A2.06, A4.01, A4.02, A5.01, A5.02, A5.03, A5.04, A5.05 and A5.05A; and “Avalon Inwood Phase 2, Inwood Drive, Woburn, Massachusetts, For: Avalon Bay Communities, Boston, Massachusetts” prepared by Hawk Design, Inc., Landscape Architecture, Land Planning, Boston, MA, dated 01/25/2010 stamped 2/24/11 consisting of L1” with a new Plan of Record entitled “Johnson Woods at Inwood, Woburn, Massachusetts, Applicant Johnson Woods Realty Corporation, Glover Property Management, Inc., 8 Doakes Lane, Marblehead, MA 01945, Owner: Inwood Development, LLC c/o UDR, Inc., 7 Harcourt Street, 2<sup>nd</sup> Floor, Boston, MA 02116” prepared by Hayes Engineering, Inc., 603 Salem Street, Wakefield, MA 01880 dated July 2, 2014; 2. That Condition 22 which states: “The number of units shall be limited to 34 units” be modified by replacing “34 units” with “44 units”, at 0 Inwood Drive, Lot 1, Woburn, Massachusetts. PUBLIC HEARING OPENED. A communication dated August 27, 2014 was received from Tina P. Cassidy, Director, Woburn Planning Board as follows:

Re: Planning Department Comments on Special Permit Application for Lot #1 at 0 Inwood Drive

Dear Honorable Council:

The Planning Department has reviewed the plans and special permit application to modify previous special permits for the above-referenced property that were granted in accordance with Section 5-1.4 of the Zoning Ordinance (elevator apartments in the S-2 Zoning District).

In summary, the petitioner is asking for permission to increase the number of units from 34 to 44 and to revise the special permit decision to reflect the plan revisions associated with that change.

The initial special permit granted for this project authorized forty-four (44) units. A subsequent amendment in 2011 reduced the number of units to thirty-four (34). The current petitioner acquired the site after 2011 and wishes to build the number of units originally permitted.

The 44-unit building now being proposed actually has a smaller footprint than the 34-unit building that was previously permitted. The plans indicate the building and lot meet the minimum lot size, frontage, setback, height, and lot coverage requirements of zoning. Eighty-eight (88) parking spaces must be provided for forty-four (44) units, and the plans show that 88 spaces will be provided. Most of the spaces (64) will be enclosed on the lowest level of the building and the remainder (24) will be provided outside the building.

The plans accompanying this special permit application contain detailed information as to the types, locations, and quantities of proposed landscaping materials and plants (Sheet L1). The existence of this information seems to negate the need for condition #19 of the April 7, 2005 Decision and Notice of Special Permit which states “That a landscaping

plan shall be submitted to the Planning Board for their approval and the Planning Board shall retain jurisdiction over the landscaping”.

If the City Council elects to grant the requested special permit modifications, the Planning Department recommends the City Council consider imposing the following as conditions of approval of the request:

1. That all proposed compact parking spaces be clearly identified with signage and/or pavement markings, in accordance with Section 8-3 of the Zoning Ordinance; and
2. That Conditions #19 of the Council’s April 7, 2005 Decision and Notice of Special Permit be deleted. (Note that the Planning Board would still retain jurisdiction over the landscaping by virtue of the “new” condition imposed by the Council in its April 28, 2011 Decision and Notice of Special Permit).

Please feel free to contact me at (781) 897-5818 if you have any questions regarding this recommendation.

Respectfully, s/Tina P. Cassidy, Director

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On the petition by Flyers Unlimited, 271 Salem Street, Unit J, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.45 of the 1985 Woburn Zoning Ordinances, as amended, to allow the sale or rental of automobiles, trucks, truck trailers, and motorcycles, including accessory repair and storage facilities (U-Haul trucks) at 271 Salem Street. PUBLIC HEARING OPENED. A communication dated August 28, 2014 was received from Erin Wortman, City Planner, Grant Writer, Woburn Planning Board as follows:

Re: Planning Department Comments on Special Permit Application for Flyer’s Unlimited at 271 Salem Street

Dear President Haggerty and Aldermen:

The Planning Department has reviewed the request to allow for the sale or rental of automobiles, trucks, truck trailers, and motorcycles, including accessory repair and storage facilities pursuant to Section 5.1.45. The property is located in an I-G zoning district. The requested use is allowed by City Council special permit in the I-G district.

Respectfully, this office cannot perform a thorough analysis at this time. Based on the application, the petitioner has not indicated if they are seeking to sell or rent vehicles, conduct accessory repair or use the property as a storage facility. The petitioner did not provide a site plan, a parking plan or any information on the details of the intended use(s) of the building or the site.

If you have any questions or comments, please do not hesitate to contact me.

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

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On the petition by Diane R. Kurkjian dba Everydog LLC, 441 West Street, Reading, Massachusetts 01867 for a special permit pursuant to Section 5.1.35 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a kennel at 271 Salem Street, Units C and D. PUBLIC HEARING OPENED. A communication dated August 28, 2014 was received from Erin Wortman, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department Comments on Special Permit Application for Diane R. Kurkjian dba Everydog, LLC at 271 Salem Street, Units C & D

Dear President Haggerty and Aldermen:

The Planning Department has reviewed the request to allow for a kennel pursuant to Section 5.1.35. The property is located in an I-G zoning district. The requested use is allowed by City Council special permit in the I-G district. Based on the application, the petitioner indicated that this business will primarily host dog training classes. The types of classes will include basic obedience, puppy and various sport classes. Most of the classes will be held on the evening and weekends with the additional class being held during the day. This will include a small retail area for selling training supplies as well. The applicant stressed that this business will not board, breed, sell or keep dogs on the premises. Further, all classes and training will occur indoors and this use should not produce any additional noise to the neighborhood.

The proposed use has low parking and traffic impact with a maximum of three staff members and a dozen students at the facility at any given time. The petition states that their business will be the busiest during the early evenings and on weekends, when the rest of the businesses on-site are closed. Weekend events such as a seminar or a dog show tend to bring in fifty attendees who will arrive in the morning and depart in the afternoon. There appears to be adequate parking to address all types of business with this proposed use.

In the application, the petitioner stated that she will negotiate with the landlord a suitable area for the dogs to relieve themselves. It's imperative that the petitioner addresses any waste produced by this business. The Planning Department recommends that two conditions be included in this special permit approval that the business must comply with Section 6.4 of the Woburn Municipal Code, and all dumpsters must be screened by impervious fencing.

If you have any questions or comments, please do not hesitate to contact me.

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

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On the petition by The Woburn Armory LLC, 175 Summer Street, Somerville, Massachusetts 02145 for a special permit pursuant to Sections 5.1.5, 7.3, 12 and 15 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the alteration of the existing Woburn Armory for eighteen (18) residential dwelling units above the first story in a commercial structure at 286 Main Street a/k/a 320 Main Street within the Groundwater Protection District. PUBLIC HEARING OPENED. A communication dated August 28, 2014 was received from Erin Wortman, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department Comments on Special Permit Application for the Woburn Armory LLC at 280 Main Street a/k/a 320 Main Street

Dear President Haggerty and Aldermen:

The Planning Department has reviewed the request to allow for the alteration of the existing Woburn Armory for eighteen (18) residential dwelling units above the first story in a commercial structure at 286 Main Street a/k/a 320 Main Street within the Groundwater Protection District pursuant to Section 5.1.5, Section 7.3, Section 12 and Section 15. The requested use is allowed by City Council special permit in the B-D zoning district. Additionally, this project triggers the Site Plan Review process which involves any construction project which involves the construction of fifteen thousand (15,000) or more square feet gross floor area, or an increase in gross floor area of 5,000 square feet or more, or any increase in gross floor area individually or collectively, which would cause a building with gross floor area of less than fifteen thousand (15,000) square feet to exceed fifteen thousand (15,000) square feet of gross floor area, or results in the creation of 100 or more parking spaces.

The Planning Department has reviewed the following material:

Site Plan for Woburn Armory, Sheets C1, C1.1, C2, C3, dated March 3, 2014 and Sheets EX1, EX2, L1, A0, A1, A2, A3, A4, A5, A6 dated June 4, 2014 by Janovsky/Hurley Architects, Inc, 37 Walnut Street, Wellesley Hills, MA 02481  
Storm water Report for 286 Main Street, dated March 3, 2014  
Memorandum by Design Consultants, Inc. dated April 25, 2014  
Development Impact Statement by Design Consultants, Inc dated April 2014

On August 27, 2014, Planning, Engineering, Fire Prevention and Building Department met with the applicant and their attorney on to go over the proposal in greater detail. The proposed use is seeking eighteen total units with 16 (sixteen) two bedroom units and 2 (two) one bedroom units with the density for this project at 20.5 units per acre and an increase of 17% impervious surface area. The petitioner has provided 45 (forty-five) parking spaces on-site with 31 (thirty-one) spaces in the ground floor garage and 14 (fourteen) exterior spaces. Based on the Woburn Zoning Ordinance, 45 (forty-five) parking spaces are required for this use with 9 (nine) spaces for the 3,000 (three thousand) square feet of office space and 36 (thirty-six) for the 18 (eighteen) residential

units. After review of the Plan, the Planning Department observed that multiple parking stalls within the garage do not meet the design standard in the Woburn Zoning Ordinance. Additionally, the garage parking aisles measure at 22 and 23 feet in width with the design standard being 24 feet. It should be noted that the property is located within 500 feet of a municipal lot and the municipal parking facility may be substituted of the use to be served. Site lighting of the property, specifically within the parking areas, will need to be defined and provided according to code as well. Based on the proposed plan, there is no ADA accessibility from the sidewalk into the front of the building unless one travels up the driveway and through the parking lot.

In summary, the Planning Department recommends that the following items be addressed prior to the City Council rendering a decision on the special permit:

- Resolution of ground floor garage parking aisle width and size of parking spaces;
- Building ADA accessibility
- Site lighting of the property
- Applicability of affordable housing
- Site impact mitigation
- Peer traffic review

Other outstanding items include snow removal plans, landscaping, condominium association document approval, and need for an oil/water separator within the parking garage, all which can be conditioned within an approval.

If you have any questions or comments, please do not hesitate to contact me.

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

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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 August 27, 2014 was received from Tina P. Cassidy, Director, Woburn Planning Board as follows:

Re: Proposed Zoning Amendments Regarding Re-Use of Former Church Buildings

Dear Members of the Council:

Please be advised that at its meeting on Tuesday, August 26, 2014 the Planning Board voted unanimously to continue its public hearing on the above-referenced petition to the Planning Board meeting on Tuesday, September 23, 2014.

You will recall that the Planning Board previously voted to seek the opinions and recommendations of the Zoning Ordinance Review Committee (ZORC) on this matter.

The Committee was unable to schedule a meeting prior to this week, which in part prompted the Board's decision to continue its public hearing.

A meeting of the Zoning Ordinance Review Committee has since been scheduled for Wednesday, September 10, 2014 at 6:00 p.m. and will be held in the City Council Chamber.

The Planning Board will provide you with an updated letter (and its recommendation on the proposed zoning change) as soon as it is available.

Respectfully, s/Tina P. Cassidy, Director

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**PERSONNEL:**

On the appointment of a new Human Resources Director a report was received from the Committee on Personnel as follows "After review the Committee sends the names of Theresa Kelly and Raymond Santilli as finalists for consideration by the full City Council."

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**PUBLIC SAFETY AND LICENSES:**

On the petition by Children's Dyslexia Center – Boston North for a Special Event Permit to allow a fundraising walk in the Horn Pond area on October 5, 2014, committee report was received "ought to pass".

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On the petition by Woburn Truck and Auto, Inc. for renewal of a Third Class Motor Vehicle Sales License at 1095R Main Street, committee report was received "ought to pass, as amended, with the condition as follows: 1. That there is not to be a scrap metal operation on site other than motor vehicle scrap."

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**NEW PETITIONS:**

Petition by Woburn Friends of VNA Hospice Care, Inc., 100 Trade Center Park, G-500 for a special event permit to allow a walk/race in the area of Main Street, Lake Avenue and Horn Pond on October 5, 2014.

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Petition by Woburn Cab Co. Inc., 100 Ashburton Avenue, Woburn for a new Taxi Cab License for one (1) vehicle.

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Petition by Verizon New England, Inc. for a grant of right in a way to install a new 2 foot by 3 foot handhole and approximately 50 feet of 2 inch to 4 inch PVC from the proposed handhole to relocated joint occupancy pole P105/2 on High Street.

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Petition by NSTAR Electric Company for a grant of right in a way to install conduit westerly from Pole 239/7 approximately 97 feet south of Poole Street a distance of about six feet on Winter Street.

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**COMMUNICATIONS AND REPORTS:**

A communication dated August 15, 2014 was received from Charles L. O’Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 90, Section 20½, I am submitting this report to you on the parking violations within the city of Woburn for the period ending July 2014: number of violations issued 634, number of violations paid 327, number of violations outstanding 234, amount collected and submitted to the Collector’s Office \$28,812.20. There exists a backlog of 3,192 tickets from 1982 through 2013. Demand will be sent until all tickets have been paid. Parking fines referred to the Handicapped Commission \$5,800.00.

Respectfully submitted, s/Charles L. O’Connor, Parking Clerk City of Woburn

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A communication dated August 11, 2014 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 June 2014 and the month of July 2014.

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A copy of a communication dated August 7, 2014 with attachments was received from Treasurer/Collector Timothy Donovan in accordance with the newly adopted City of Woburn Investment Policy Statement providing the Fiscal Year 2014 Annual Report of the City’s cash and invested funds statement balances as of June 30, 2014.

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A communication dated August 25, 2014 with attachment was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Deadrick v. Zoning Board of Appeals of Chatham – Section 7.3 Special Permits

The purpose for this memorandum is to inform the City Council and Board of Appeals regarding the recent Massachusetts Appeals Court decision, *Deadrick v. Zoning Bd. of Appeals of Chatham*, 85 Mass. App. Ct. 539 (2014), wherein the Appeals Court revisited and reconsidered its decision in *Gale v. Zoning Bd. of Appeals of Gloucester*, 80 Mass.App.Ct. 331 (2011). A copy of the *Deadrick* decision is attached hereto.

In its *Gale* decision, the Appeals Court ruled that where the reconstruction of a nonconforming single [or two-family] structure increased or intensified existing nonconformities, and a special permit was granted after finding that the reconstruction was not substantially more detrimental to the neighborhood, it was not necessary for the property owner to also apply for and receive a variance or variances for those increased or intensified nonconformities. Though *Gale* did not specifically address the situation where a new nonconformity was created, it has nevertheless been viewed as applicable in such situations.

In *Deadrick*, the Appeals Court reconsidered its decision in *Gale*, and have now made clear that where the change, extension, alteration or reconstruction of a nonconforming single or two-family structure creates new nonconformities, the issuance of a special permit after a finding of no substantial detriment does not extend to protect those new nonconformities. In such cases, the property owner must apply for and receive a variance or variances as to the new nonconformity

I am available to discuss if there any questions regarding any or all of the above, or in the event that an issue arises in the context of a petition filed pursuant to Section 7.3 for a single or two-family structure.

Very truly yours, s/Ellen Callahan Doucette

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A communication dated August 27, 2014 with attachment was received from City Clerk William C. Campbell as follows:

Re: Taxi Cab and Livery Licenses – Insurance Requirements

A provision of the recently revised ordinances relative to taxi cab and livery license holders establish minimum insurance requirements. License holders were required to come into compliance with the ordinance as to insurance requirements by August 18, 2014.

This office undertook a review of the twelve current license holders to determine compliance with the ordinances. Enclosed is a list of the license holders and the status of their files. Out of twelve license holders, only five have filed certificates of motor vehicle insurance with this office. Of those five, three appear to have limits of insurance less than that required by the ordinance and two certificates of insurance raise uncertainty as to whether there is compliance.

Section 5-77 of the Woburn Municipal Code requires the following: “In addition to any insurance requirements established by state law or regulation, the following minimum insurance coverage shall be obtained by any person seeking a license to operate within the City of Woburn:

Taxis	\$50,000 per occurrence/\$100,000 annual aggregate
Private Livery	\$75,000 per occurrence/\$150,000 annual aggregate
Limousines	\$100,000 per occurrence/\$300,000 annual aggregate”

It has been pointed out by one of the license holders that the standard in the ordinance “per occurrence/annual aggregate” is not the typical standard for motor vehicle insurance. The phrase commonly used is “per person/per accident”. The ordinance also does not make clear whether this standard applies to only bodily injury, to only personal property damage, or to both bodily injury and personal property damage. The distinction between “private livery” and “limousine” also creates uncertainty as a livery license holder could perform both types of services for different clients although different minimum insurance requirements are established.

This office will continue to follow-up with the license holders. In the meantime, review by the Committee on Ordinances of the section may be beneficial.

s/William C. Campbell, City Clerk

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A communication dated July 18, 2014 was received from Maqsud Shaikh, Bombay Taxi, Inc., 165U New Boston Street, Suite 275, Woburn as follows:

Re; Article II Taxis and Liveries changes to local ordinance

Dear Sirs:

Article II, Section B, Part 4, states: “have vehicles with a two-way radio dispatching or two-way computerized dispatching communications system with said base of operations;”

I am an owner/operator of a taxi cab in the City of Woburn. I do not have any employee. Currently, I receive business calls directly on my cell phone. I answer my cell phone myself. I then provide taxicab services to the customer who has called me. I have neither need or a two-way radio dispatching system nor a two-way computerized dispatching communications system.

If the City of Woburn forces me:

1. to purchase a two-way radio dispatching system,
2. to leave my cell phone at the office in the morning,

3. to hire some one to sit in my office answering my cell phone (my cell phone number is my business number),
4. and then using the two-way radio to notify me that a fare has called my cell phone and requires taxicab services.
5. I will be forced out of business.

Please either amend Article XII to exempt owner/operators from this requirement or please grant me a waiver from this requirement.

Thank you.

If you have any questions or comments, please contact me.

Sincerely, s/Maqsud Shaikh

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

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**APPOINTMENTS AND ELECTIONS:** None.

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**MOTIONS, ORDERS AND RESOLUTIONS:**

ORDERED That the Mayor be and is hereby authorized to accept in the name of the City of Woburn a deed in lieu of foreclosure pursuant to M.G.L. c.60, §77C for the following parcel:

MAP/BLOCK/PARCEL 38/02/31

LOCATION: Bird Street

ASSESSMENT: \$16,900.00

TAXES OWED: \$13,996.33

s/President Haggerty

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ORDERED That the Committee on Ordinance review the salary of the Human Resources Director.

s/Alderman DiTucci

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ORDERED That the Committee on Ordinances review the salaries of the following non-union Department Heads: City Auditor, City Clerk, City Solicitor, Library Director and Superintendent of Public Works.

s/Alderman DiTucci

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ORDERED That the Committee on Public Safety review the insurance requirements for taxi cabs and livery vehicles.

s/President Haggerty

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ORDERED Be it ordained by the City Council of the City of Woburn that Title 2, Section 2-19 of the 1989 Woburn Municipal Code, as amended, be further amended by adding the following third sentence:

“The City Clerk shall notify the City Council of any summons pertaining to a federal or state court proceeding served on the city in care of the City Clerk within 48 hours of service.”

s/President Haggerty

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