

**CITY OF WOBURN
FEBRUARY 3, 2015 - 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 sum of \$750.00 be and is hereby appropriated from Cemetery Interest Fund to the Cemetery Salary Acct 0149051-511000

I hereby approve the above: s/William E. Kerns, Chairman

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

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

s/Alderman _____

ORDERED That the sum of \$13,000.00 be and is hereby transferred as so stated from Unemployment Compensation Acct #0198051-517300 \$13,000.00 to Mayor's Salary 0112151-511000 \$8,000.00, Mayor's Maintenance 0112154-542010 \$2,000.00, Law Dept Salary Acct #0115151-511000 \$3,000.00, Total \$13,000.00 – Purpose: Community Drug Outreach

I hereby approve the above: s/Scott D. Galvin

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

s/Alderman _____

ORDERED That the amount of \$25,000.00 be and is hereby appropriated from BLS/Ambulance Receipts Acct #31359-590000 \$25,000.00 to Fire/Ambulance Maintenance Acct #0122054-544300 \$25,000.00

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

I hereby approve the above: s/Timothy J. Ring, Chief, Fire Department
I have reviewed the above: s/Gerald W. Surette

s/Alderman _____

ORDERED That the following authorized and unissued bond authorization be and is hereby rescinded:

Original Purpose: Leland Park Remediation and Construction of a
Splash Park

Original Date Authorized: 4/1/2014

Original Amount Authorized: \$1,300,000.00

Amount to be rescinded: \$1,300,000.00

This is a duplicate authorization and is hereby rescinded.

s/Mayor Scott Galvin
s/City Auditor Gerald Surette

s/Alderman _____

PUBLIC HEARINGS:

On the petition by Jennifer Hardin and Scott Hardin, 35 Avalon Road, Reading, Massachusetts 01867 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended to allow for the change, extension and alteration of the existing nonconforming structure and nonconforming use (three residential units within two structures on one lot) to allow for the addition to one of the structures to provide for a total of four (4) dwelling units (two in each structure) and for a finding the such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood, at 19 Traverse Street. PUBLIC HEARING OPENED. A communication dated January 22, 2015 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 Jennifer and Scott Hardin, 19 Traverse Street, Woburn, MA

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for February 3, 2015 be continued to the City Council meeting on February 17, 2015. If you need any further information, please contact me. Thank you.

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

On the petition by Oclen Realty LLC, an individual owning land to be affected by change or adoption, and Seaver Properties LLC to amend the Zoning Map of the City of Woburn by changing the zoning district for the property located at 98 and 100 Baldwin Avenue, Dexter Avenue and Warren Avenue; referenced on the Assessors Maps at Map 09, Block 13, Lot 01; Map 09, Block 12, Lot 02; Map 09, Block 12, Lot 01; Map 09, Block 11, Lot 02 and Map 09, Block 11, Lot 01; and further described as the entire parcel of land known as 98 and 100 Baldwin Avenue, to the centerlines of Chester Avenue, Dexter Avenue and Monks Street containing approximately 253,214 square feet of land as shown on a plan by Keenan Survey entitled "Proposed Rezoning Plan in Woburn, Massachusetts" dated October 17, 2014 from R-2/OP zoning district to R-3 zoning district. PUBLIC HEARING OPENED. A communication dated January 14, 2015 was received from Tina Cassidy, Planning Director, Planning Board as follows:

Re: Oclen Realty Trust – zoning map amendment request to rezone five parcels of land on Baldwin Ave., White Street, Monks Street, Dexter Ave. Warren Ave. and Chester Ave. and portions of Monks Street, Warren Ave., Chester Ave. and Dexter Ave. from O-P and R-2 Zoning Districts to the R-3 Zoning District

Dear Honorable Council:

At a meeting held on December 16, 2014, the Planning Board conducted a public hearing on the above referenced zoning map change. The Board also conducted a site visit to the property and the immediate vicinity on January 10, 2015.

Please be advised that following the Board's deliberations, the Planning Board voted unanimously to recommend to the City Council that the proposed amendment to the zoning map be adopted.

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

Respectfully, s/Tina Cassidy, Planning Director

A communication dated January 28, 2015 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Petition of Amend Zoning Map/Oclen Realty LLC/Seaver Properties LLC/Bladwin Avenue/Dexter Avenue/Warren Avenue, Woburn, MA

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for February 3, 2015 be continued to the City Council meeting on February 17, 2015. 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 conduit a distance of about 40 feet in Wyman Street southwesterly from pole 242/20 approximately 37 feet north of Brae Circle, to install conduit a distance of about 22 feet in Wyman Street easterly from pole 242/21 approximately 25 feet west of Brae Circle, and to install conduit a distance of about 2274 feet in Brae Circle at and southerly at intersection of Wyman Street. PUBLIC HEARING OPENED.

On the petition by NSTAR Electric Company for a grant of right in a way to install conduit in Wyman Street easterly from pole 242/33 approximately 110 feet east of Jericho Road a distance of about 112 feet continuing northerly a distance of about 36 feet PUBLIC HEARING OPENED.

On the petition by NASDI, LLC, 39 Olympia Avenue, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.57a, 5.1.57b, 7.3 and 9 of the 1985 Woburn Zoning Ordinances, as amended to allow for the outside storage and parking of commercial motor vehicles, commercial trailers, trucks and contractor's equipment within the Flood Plain District at 39 Olympia Avenue. PUBLIC HEARING OPENED. A communication dated January 28, 2015 was received from Neil Cronin, Planner, Woburn Planning Board as follows:

Re: Planning Department Comments on Special Permit Application for NADSI, LLC at 39 Olympia Avenue

Dear President Haggerty and Aldermen:

The Planning Department has reviewed the request to allow for the outside storage and parking of commercial motor vehicles, commercial trailers, trucks and contractor's equipment within the Flood Plain District at 39 Olympia Avenue pursuant to Sections 5.1.(57a), 5.1.(57b), 7.3 and 9 of the Woburn Zoning Ordinance. The property is located in the I-P zoning district and the requested uses are allowed by City Council special permit.

After a discussion with the petitioner's attorney and review of the provided plan, the proposed use would allow the petitioner to park commercial vehicles and contractors' equipment used in conjunction with his demolition, abatement, and remediation business. The petitioner requests permission to park commercial vehicles consisting of vans, trucks, and trailers and equipment consisting of generators, lifts, dumpsters, and

excavators outside of the existing building. The parking area will be secured by an electric gate and inaccessible by the public. In addition, the area will be screened from the public by existing landscaping, and 350 Series Commercial 90% Privacy Gold Fence Screen or approved equal. The applicant is requesting that the Council find this screening to be sufficient to address the requirement that outside refuse areas be screened with a sight-impervious fence.

The Planning Department recommends the following conditions:

1. An updated plan of record be prepared that identifies adequate snow storage area(s). Once the plans have been revised to depict adequate and appropriate snow storage areas, the plans so revised should be cited in the blank space in the following recommended condition of approval:

“Unless otherwise authorized, all construction shall conform to the Plan of Record which for this project shall be “_____”.

2. If the Council chooses to grant the special permit in accordance with Section 5.1.57a (use of accessory storage or parking of storage container, storage trailer, commercial trailer or semi trailer) the authorization should only be granted for a period of time not to exceed one year per Section 5, Note 17 of the Woburn Zoning Ordinance. It should be noted that the Woburn Zoning Ordinance does not impose the same time restrictions for uses granted a special permit under Section 5.1.57b.
3. All vehicles that will be parked on site overnight must be registered in the City of Woburn.
4. All signage must comply in all respects with the provisions of Section 13 (Sign Regulations) of the Woburn Zoning Ordinance. All signage is subject to a separate application and approval process by the Department of Municipal Inspections.
5. Section 8.5.1. of the Zoning Ordinance requires security lighting for all parking facilities “which are used at night”. If the Council determines that the overnight parking of vehicles equates to the lot being “...used at night”, then the following condition of approval should be included:

“The plans should be revised to incorporate details of security lighting.”
6. There shall be no exterior washing of vehicles or equipment on site and no interior washing of vehicles or equipment unless an oil-water separator is installed in the building.
7. Any debris or processed materials that will be stored on site shall be stored in accordance with all applicable state and local regulations.

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

Sincerely, s/Neil Cronin, City Planner

On the petition by Nicole Russo, 16 Otis Street, First Floor, Wakefield, Massachusetts 01880 for a special permit pursuant to Section 5.1.33b of the 1985 Woburn Zoning Ordinances, as amended, to allow muscular therapy at 320 Washington Street, Suite 3950 PUBLIC HEARING OPENED. A communication dated January 16, 2015 was received from Tina P. Cassidy, Planning Director, Planning Board as follows:

Re: Planning Department Comments on Special Permit Application for Muscular Therapy at 320 Washington Street, Suite #3950

Dear President Haggerty and Aldermen:

The Planning Department has reviewed the request for a special permit to allow for a muscular therapy business at 320 Washington Street pursuant to Section 5.1.33(b) of the Woburn Zoning Ordinance. The property is located in an OP (Office Park) zoning district and the requested use is allowed by City Council special permit.

The application indicates that the therapist and petitioner, Nichole Russo, is a massage therapist licensed with the Massachusetts State Licensing Board of Massage Therapy. The business (Skin to Soul Massage) is currently located at an office building at 38 Montvale Avenue and would relocate to 320 Washington Street if the special permit is approved.

The proposed use would occupy a 3,423 sq. ft. suite of offices staffed by seven (7) therapists and an office manager. The application indicates that an average of fifty (50) clients per day would receive preventative health and pain relieving treatments at the location.

The proposed location on Washington Street has sufficient parking available for this use. The Planning Department believes the proposal will have a negligible impact on traffic or parking and therefore takes no exception to the special permit request. It does recommend the Council consider imposing the following as a condition of approval of the special permit:

1. That the Plan of Record shall be "Lease Plan, Nicole Russo d/b/a Skin to Soul Message (sic), 800 West Cummings Park Suite 3950, Woburn, MA; Scale: 1"=10'; Date: 11/26/14, revised 11/28/14; LSF: 3,423±; Drawn by: RM."

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

Respectfully, s/Tina P. Cassidy, Director

On the petition by Capco Energy Supply Inc., 10 Industrial Parkway, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.42, 5.1.57b, 7.3, 8.63 and 12 to allow for alteration of existing nonconforming use and structure as follows: 1. Continuation of preexisting nonconforming use as a distribution business; 2. Overnight parking of commercial vehicles; 3. Construction of an addition containing approximately 3,888 square feet to rear of existing building; 4. Elimination of one (1) of the three (3) loading docks in front of the building; and 5. Allow for continuance of existing area and landscaping requirements, at 3 Rath Road. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass conditioned upon the comments from the Planning Board (per letter dated December 30, 2104) along with additional conditions as follows: 1. That the oil-water separator installation shall be subject to the approval of the Building Department; 2. That as part of the elimination of one loading dock, said extra door shall be bricked in; 3. That commercial vehicles shall be parked inside; 4. That all commercial vehicles shall be registered in the City of Woburn; and 5. That the above-ground oil tank on the south side of building be removed when the gas services are in place.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

PERSONNEL:

On the appointment of Michael McDonough as a Member of the Woburn Golf and Ski Authority, committee report was received "ought to pass".

On the appointment of Michael P. Higgins as a Member of the Woburn Golf and Ski Authority, committee report was received "ought to pass".

On the re-appointment of Santo Bernardo as a Member of the Woburn Golf and Ski Authority, committee report was received "ought to pass".

On the re-appointment of Catherine B. Shaughnessy as a Member of the Woburn Board of Cemetery Commissioners, committee report was received "ought to pass".

On the re-appointment of John D. Ray as a Member of the Woburn Board of Appeals, committee report was received "ought to pass".

PUBLIC SAFETY AND LICENSES:

On the petition by Kelley Towncar, Inc. for a new Livery License for two vehicles, committee report was received “ought to pass”.

ORDINANCES:

On the Order to amend the 1989 Woburn Municipal Code, as amended, Title 2 relative to Mayor’s Substance Abuse Task Force Coordinator, committee report was received “ought to pass”.

NEW PETITIONS:

Petition by St. Mary’s School, 162 Washington Street, Winchester, Massachusetts 01890 for a Special Event Permit to allow a walk-a-thon and field day at Horn Pond on April 11, 2015.

Petition by Burns Landscaping & Construction, LLC, 68 Delwood Drive, Tewksbury, Massachusetts 01876 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.57a, 5.1.57b and 7.3 to allow for the outside storage and parking of commercial motor vehicles, commercial trailers, trucks, storage containers and contractor’s equipment at 1095R Main Street.

COMMUNICATIONS AND REPORTS:

A communication dated January 15, 2015 was received from Charles O’Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

Council Members,

In accordance with Massachusetts General Laws Chapter 90, Section 20½ I am submitting the following parking ticket report. The following figures represent year to date totals for 2014: Number of violations issued 1151, Numbers of violations paid 596, Number of violations outstanding 405, Amount collected and submitted to Collectors Office \$49,715.20, Parking fines referred to the Handicap Commission \$12,500.00.

There is a 10 year backlog of 1782 unpaid tickets dating from 01/01/14-12/31/14. A 21 day late notice is sent to vehicle owners who have not paid the fine. After 28 days, if the fine still has not been paid, that information is forwarded to the Registry of Motor Vehicles for administrative action.

Respectfully submitted, s/Charles O’Connor, Parking Clerk

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated January 20, 2015 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 David Gilgun, 8 Mishawum Road, to the Woburn License Commission, subject to approval by the City Council with a term to expire June 30, 2020.

Respectfully, s/Scott D. Galvin, Mayor

A communication dated January 20, 2015 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 Kerns, 160 Salem Street, to the Woburn Board of Cemetery Commissioners, subject to approval by the City Council, with a term to expire April 1, 2017.

Respectfully, s/Scott D. Galvin, Mayor

A communication dated January 20, 2015 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 Sawyer, 14 Frank Street Court, to the Woburn Board of Cemetery Commissioners, subject to approval by the City Council, with a term to expire March 18, 2017.

Respectfully, s/Scott D. Galvin, Mayor

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED WHEREAS, there presently exists a structure or structures located in the City of Woburn, Massachusetts known and numbered as 118 Eastern Avenue; and

WHEREAS, the said building or buildings and the property is generally not being properly maintained;

NOW, THEREFORE, BE IT ORDERED be the City Council of the City of Woburn that the City Clerk and Clerk of the City Council schedule a public hearing pursuant to Mass. General Laws Ch. 139, Sec. 1, et. seq., and give notice thereof to the owner of said building or buildings, said hearing to be conducted for the purposes of determining whether said building or buildings are a nuisance, a nuisance to the neighborhood, dilapidated or dangerous building or buildings or other structure or structures, as said terms are used in Mass. 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.

s/Alderman Gately and President Haggerty

ORDERED Be it ordained by the City Council of the City of Woburn, that Section 2-190 (A) and (B) of the Municipal Code of the City of Woburn be amended by deleting the phrase “except for the City Solicitor” from each subsection, so that the each shall read as follows:

2-190 Sick leave, attendance records, vacation and other incentives.

- A. All full time non-union employees, except for department heads, will be entitled to the Vacation Leave, Bereavement Leave, Personal Days and Education Incentive Benefits as negotiated in the City Hall Workers Union Contract. All non-union department heads who are not under written personal contract shall be entitled to the Vacation Leave, Bereavement Leave, Personal Days and Education Incentive Benefits as negotiated in the Department Head Union Contract.
- B. All full time non-union employees will be entitled to the Sick Leave, Accumulation of Sick Leave and Buy Back of Sick Leave as negotiated in the City Hall Workers Union Contract. All non-union department heads, who are not under written personal contract shall be entitled to the Sick Leave, Accumulation of Sick Leave and Buy Back of Sick Leave as negotiated in the Department Head Union Contract for all days earned on or after January 1, 2014. All days accumulated prior thereto shall be compensated as provided under Section 2-190(D). The effective date as to retirement shall be on or after April

12, 1986. Excluded from the provisions of this ordinance are the Police and Fire Chiefs, at their request.

s/Alderman Anderson

ORDERED Be it Ordained by the City Council of the City of Woburn that Section 2, Definitions, of the 1985 Woburn Zoning Ordinances as amended, be further amended by adding the definition “MEDICAL MARIJUANA TREATMENT CENTER” between the definition of “Massage Therapist” and “Menu Board/Order Board” as follows:

MEDICAL MARIJUANA TREATMENT CENTER: An establishment that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana or products containing marijuana and/or related supplies, for medical purposes;

and further, to amend Section 5.1 – Table of Use Regulations of the 1985 Woburn Zoning Ordinances, as amended, by inserting a new line “33c MEDICAL MARIJUANA TREATMENT CENTER” after “33b Muscular Therapy” as follows:

		R-1	R-2	R-3	R-4	B-N	B-H	B-D	B-1	I-P	IP-2	I-G	S-1	S-2	O-P	OP-93	O-S	Notes
33c	MEDICAL MARIJUANA TREATMENT CENTER	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	19b

and to further amend Section 5.1, Table of Use Regulations by adding Note 19b as follows:

- 19b. No MEDICAL MARIJUANA TREATMENT CENTER shall be allowed:
- A. Within one thousand feet of a residential zoning district, public or private school, or church or other structure used in whole or in part all the time or part of the time for religious or spiritual services;
 - B. Within one thousand feet of any facility where large numbers of minors regularly congregate;
 - C. Within two thousand feet of a public park, playground, nursery school or day care center.

s/Alderman Anderson

RESOLVED That His Honor the Mayor organize a meeting of the appropriate department heads in order to fully implement the changes to the Taxi License and Livery License requirements as established in Title 5, Article XII of the 1989 Woburn Municipal Code, as amended.

s/President Haggerty and Alderman Concannon

Motion made and 2nd to ADJOURN.