

**CITY OF WOBURN  
MARCH 6, 2007 - 7:30 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Ciriello	Gately
Denaro	Galvin
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Doherty	

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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:**

ORDERED That the sum of \$5,000.00 be and is hereby appropriated from Cemetery Interest Fund to the Cemetery Utility Acct. 0149052-521103.

I hereby approve the above. s/Edward McGrath, Chairperson  
I hereby recommend the above. s/Thomas L. McLaughlin, Mayor  
I have reviewed the above. s/John Danizio, Auditor

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

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A copy of a communication dated February 1, 2007 with attachment from Carl R. Batchelder, Ed.D., Superintendent, Woburn Public Schools to Mayor Thomas L. McLaughlin was received as follows:

Dear Mayor McLaughlin:

At the January 31<sup>st</sup> meeting of the School Committee, it was voted to request the City Council transfer \$150,000 from the School Department Energy Receipts Reserved for Appropriation Account to the FY2007 School Department Budget Energy Account (0229604-521200).

As you are aware, this account is used to deposit payments received from Woburn Youth Hockey for the electricity and gas used at the O'Brien Ice Rink and also the energy payments by outside groups who use school building for their activities.

We do not include in our budget the cost of the utilities used by these groups, in anticipation of payments from the user, which are deposited into the Reserve Account. We pay the utility bills each month and now must recover the user receipts from the Reserve Account to fund these unbudgeted utility expenses.

It would be greatly appreciated if you would submit to the Council the attached Order so they may act on this request as expeditiously as possible.

Sincerely, s/Carl R. Batchelder, Ed.D., Superintendent

Attached thereto was the following:

ORDERED That the sum of \$150,000.00 be transferred from the School Department Energy Receipts Reserved for Appropriation Account to FY2007 School Department Budget Energy Account 0229604-521200.

I hereby approve the above. s/Carl R. Batchelder, Ed.D., Superintendent  
I hereby recommend the above. s/Thomas L. McLaughlin, Mayor  
I have reviewed the above. s/Gerald W. Surette, City Auditor

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

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ORDERED That the sum of \$186,458.33 be and is hereby appropriated as so stated from Debt Reserve Fund Acct #648059-596100 \$186,458.33 to Interest on Temporary Loans Acct #0171559-592500 \$186,458.33

I hereby approve the above: s/Thomas L. McLaughlin, Mayor  
I have reviewed the above: s/Gerald W. Surette, City Auditor

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

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ORDERED That the sum of \$23,400.00 hereby transferred as so stated from Short Term Interest Acct #0171559-592500 \$23,400.00 to Unemployment Compensation Acct #0198051-517300 \$15,000.00, Workers Compensation Acct #0198051-517100 \$8,400.00, Total \$23,400.00

I hereby approve the above: s/Thomas L. McLaughlin, Mayor  
I have reviewed the above: s/Gerald W. Surette, City Auditor

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

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ORDERED That the sum of \$340,124.09 be and is hereby appropriated as so stated from Free Cass Acct #01-356000 \$340,124.09 to Claims and Damages

Acct #0115157-576005 \$161,315.00, Police Medical Acct #0121052-530100 \$16,000.00, Northeast Regional Voc. Acct #0131052-532500 \$20,809.09, Alternative Energy Initiative Study Acct 30112158-586573 \$12,500.00, Fire Salary Acct #0112051-511000 \$57,000.00, Chain Link Fence @ C.O.A. Acct #0163058-584092 \$22,500.00, Medicare Billing Acct #0113452-530405 \$20,000.00, Preventative Maintenance Acct #64258-584018 \$30,000.00, Total \$340,124.09

I hereby approve the above: s/Thomas L. McLaughlin, Mayor  
I have reviewed the above: s/Gerald W. Surette, City Auditor

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

**PUBLIC HEARINGS:**

On the petition by National Development Acquisitions LLC, c/o National Development of New England, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 to further amend the Zoning Map of the City of Woburn as follows: By amending the present zoning district of a certain parcel of land containing approximately 5.00 acres of land at 112 Commerce Way identified on Woburn Assessors' Map 10, Block 01, Lot 02 from the IP-2 zoning district to the B-I zoning district. PUBLIC HEARING OPENED. A communication dated February 27, 2007 was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Proposed Zoning Map Amendments for 112 Commerce Way, Woburn, MA

Dear Mr. Campbell:

Due to the fact that the feasibility study requested by Alderman Bruen and Ed Tarallo, Planning Director in connection with this Petition will not be available by Tuesday, March 6, 2007, I respectfully request that the public hearing on this matter be further continued to the City Council meeting scheduled for March 20, 2007. If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

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On the petition by Nodraer Realty Corporation, 120 Commerce Way, Woburn, Massachusetts 01801 to further amend the Zoning Map of the City of Woburn as follows: By amending the present zoning district of a certain parcel of land containing approximately 3.42 acres of land at 120 Commerce Way identified on Woburn Assessors' Map 10, Block 01, Lot 03 from the IP-2 zoning district to the B-I zoning district. PUBLIC HEARING OPENED. A communication dated February 27, 2007 was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Proposed Zoning Map Amendments for 120 Commerce Way, Woburn, MA

Dear Mr. Campbell:

Due to the fact that the feasibility study requested by Alderman Bruen and Ed Tarallo, Planning Director in connection with this Petition will not be available by Tuesday, March 6, 2007, I respectfully request that the public hearing on this matter be further continued to the City Council meeting scheduled for March 20, 2007. If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

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On the petition by Manuel Jose and Marie Celeste Jose, both of 7 Dewey Avenue, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow the alteration of a pre-existing non-conforming 3-family residence to add a dormer and exterior staircases to rear of building located at 40-42 Porter Street. A communication dated February 27, 2007 was received from Brett F. Gonsalves, Senior Engineer, as follows:

Subject: 40 Porter Street – Existing Nonconforming Use Alteration – Special Permit  
Special Permit Application Dated January 30, 2007  
Structural Plans Dated January 22, 2007  
Plot Plan Dated August 21, 2006

This office has reviewed the submitted the special permit application for the above reference location and offers the following comments.

The applicant is seeking a alteration of a pre-existing nonconforming structure by installing a staircase at the rear of the building to a second story dormer addition.

Upon review of the special permit application, this office takes no exception to the plans as submitted.

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

A communication dated March 1, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Manuel and Maria Celeste Jose – 40-42 Porter St. – To alter pre-existing 3 family house to add dormer and exterior staircases to rear of building pursuant to Section 7.3

Dear Mr. Campbell and members of the City Council:

At the meeting held on February 27, 2007, the Planning Board voted to forward a favorable recommendation to the City Council on the Special Permit application of Manuel and Maria Celeste Jose subject to the following conditions:

1. That six parking spaces be provided on either side of the dwelling and no parking be allowed in front of the center core of the dwelling.
2. That the units be in compliance with fire safety recommendations of the Fire Department.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

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On the petition by Signal Communications Corporation, 4 Wheeling Avenue, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57a of the 1985 Woburn Zoning Ordinances, as amended, to allow accessory storage or parking of commercial trailer or semi-trailer, one or more, at 4 Wheeling Avenue. A communication dated February 27, 2007 was received from Brett F. Gonsalves, Senior Engineer, as follows:

Subject: 4 Wheeling Avenue – Commercial Vehicle Parking Special Permit  
Special Permit Application Dated February 1, 2007  
Plan Dated December 14, 1988

This office has reviewed the submitted the special permit application for the above referenced location and offers the following comments.

The applicant is seeking a special permit to park commercial trailer or semi trailer onsite. The plan that accompanies the special permit application denotes the locations of these trailers.

The sizes of the proposed trailers are not shown on the plans and placement should not impeded turning movements of vehicles from entering, exiting or maneuvering around the site.

This office takes no exception to the special permit application as submitted.

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

A communication dated March 1, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Signal Communications Corporation – 4 Wheeling Avenue – Special Permit to allow accessory storage or parking of commercial trailer or semi-trailer, one or more in accordance with Section 5.1 Line 57a

Dear Mr. Campbell and members of the City Council:

At the meeting held on February 27, 2007, the Planning Board voted to forward a favorable recommendation to the City Council on the Special Permit application of Signal Communications Corporation subject to the following conditions:

1. That the Special Permit be limited to one trailer being the trailer on the east side of the loading dock as shown on the plan submitted entitled “Instrument Survey Plan” dated December 14, 1988.
2. That the special permit shall be limited to one (1) year from the date of issuance.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

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On the petition by Extra Space Storage, 15 Olympia Avenue, Woburn, Massachusetts 01801 for a special permit to modify the hours of operation condition on a prior special permit issued on February 8, 1989 pursuant to Section 11.3.12 of the 1985 Woburn Zoning Ordinances, as amended at 15 Olympia Avenue. A communication dated February 27, 2007 was received from Brett F. Gonsalves, Senior Engineer, as follows:

Subject: 15 Olympia Avenue – Modification of Business Hours Special Permit  
Special Permit Application Dated January 25, 2007

This office has reviewed the submitted the special permit application for the above referenced location and offers the following comments.

The applicant is seeking a modification to an existing special permit that was granted in 1989. The modification is for a condition that was previously placed on the hours of operation. Upon review of the permit, this office takes no exception to the information that has been submitted.

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

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**CITIZEN’S PARTICIPATION:**

Petition by Christopher Bortlik, 59 Harold Avenue, Woburn to address the City Council under Citizen's Participation Time relative to sound barriers along Route 128 and Route 93 in Woburn.

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**COMMITTEE REPORTS:** None.

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**NEW PETITIONS:**

Petitions for renewal of Livery Licenses by Woburn Cab Co. Inc., 100 Ashburton Avenue; Hollywood Limousine, 4 Skyview Lane; and Professional Livery, 4 Maura Drive.

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Petition by Woburn Cab Co Inc. for renewal of Taxi Cab License, 100 Ashburton Avenue.

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Petition by Boston Tours Inc, 56 Williams Street for renewal of Common Carrier License.

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Petition by Shawn McSheffrey, McSheffrey Auto Sales, 878 Main Street, Woburn, Massachusetts 01801 for a special permit to allow for the alteration of a pre-existing non-conforming sign under Section 13.5 and Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended at 878 Main Street.

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**COMMUNICATIONS AND REPORTS:**

A communication dated February 22, 2007 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 20A½, I am submitting a report to you on the parking violations in the City of Woburn for the period ending January 2007: number of tickets issued 316, number of tickets paid 197, number of hearings scheduled 90, number of tickets voided or dismissed 12, number of tickets outstanding 159, number of tickets issued by motorcycle officers 0, total dollar amount collected and turned into the Treasurer's Office \$7,378.60. There exists a backlog of 4,892 tickets for 1982 through 2006. Demands will be sent out until all tickets have been cleared. Parking violations turned over to Handicap Commission to date \$900.00.

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

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A communication dated February 21, 2007 was received from Attorney Lauren F. Goldberg, Kopelman and Paige relative to recent amendments to the Community Preservation Act and the Municipal Affordable Housing Trust Fund Act.

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A communication dated February 15, 2007 was received from Charles Culhane, Veterans Agent as follows:

I have received a request to designate Darling Drive (formerly 84 Lowell Street) as a Memorial Square for PFC William B. Darling, Jr. the first soldier killed in action from Woburn in WWII during the Battle of Guadalcanal in the Solomon Islands.

The request was made by Mr. Robert W. Dunnigan, Sr. nephew of PFC William B. Darling, Jr. and Mrs. Rose Connolly sister of PFC Darling. The United Veteran's Council of Woburn voted to approve this request for a Memorial Square at their February 12, 2007 meeting.

I would appreciate your attention regarding this matter and welcome any comments you may have. I would also like to thank you for your continued cooperation with this office. Please feel free to contact me if you should have any questions.

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A communication dated March 1, 2007 was received from Attorney Jonathan M. Silverstein, Kopelman and Paige, P.C. in response to the City Council request for an opinion as to the applicability of various provisions of the Woburn Zoning Ordinances and the Woburn Municipal Code to the proposed parking lot to be constructed for Winchester Hospital employees at Holton Street and Bucci Way.

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A copy of a communication dated February 27, 2007 to the Surface Transportation Board was received from Edward D. Greenberg, Galland, Kharasch, Greenberg, Fellman & Swirsky, P.C., 1054 31 Street NW, Washington, D.C. 20007-4492 relative to the intent of the New Jersey Department of Environmental Protection and The New Jersey Meadowlands Commission to appeal a decision of the U.S. District Court for the District of New Jersey in The New York Susquehanna and Western Railway Corporation v. Jackson, New Jersey Meadowlands Comm'n et al., D.N.J. Civ. No. 05-4010(KSH)

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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 Be it ordained by the City Council of the City of Woburn that Section 5.1 "Table of Use Regulations" of the 1985 Woburn Zoning Ordinances, as amended be further be amended as follows:

1. By striking from line 5.1.71 "Commercial Parking Garage or Parking Lot" the "X" under the B-H, I-P, IP-2, I-G, S-2, O-P and OP-93 zoning districts and inserting in its place a "P" meaning and intending thereby to change the use from a by-right use to a use requiring a special permit in those zoning districts.
2. By adding to Section 2 "Definitions" in the appropriate alphabetical order a new definition as follows: "Commercial Parking Lot: Any open air parking lot or parking garage used in whole or in part for parking three (3) or more motor vehicles and where a fee/payment for parking is charged to individuals, businesses or organizations."

s/Alderman Gonsalves, Alderman Mercer-Bruen, Alderman Gately

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ORDERED That the Committee on Personnel begin the process of seeking candidates for appointment as a member to the Woburn Recreation Commission.

s/President Doherty

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RESOLVED Whereas, mitigation money was set aside as a condition of a special permit issued to Draper Realty, LLC,

Now, Therefore, Be It Resolved hat His Honor the Mayor instruct the Superintendent of Public Works to install sidewalks with granite curbing on the portion of Nashua Street Montvale Avenue to Green Street during the Spring 2007 construction season.

s/Alderman Mercer-Bruen

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RESOLVED Whereas, the proposed development at 620 Washington Street in the town of Winchester will have an impact on the residents, businesses and infrastructure in the city of Woburn; and

Whereas, Woburn city officials seek to participate in the development of the proposal to ensure that the impact on Woburn is not adverse to its interests;

Now, Therefore, Be It Resolved by the City Council of the city of Woburn that a communication be directed to the town of Winchester Planning

Board requesting that a copy of any and all notices of meetings held by the Winchester Planning Board or other board, commissions or committees of the town of Winchester be delivered to the Woburn City Council in sufficient time to permit attendance at the meetings by representatives of the city of Woburn.

s/Alderman Mercer-Bruen

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RESOLVED Whereas, on June 22, 2005, the City Council approved an appropriation in the sum of \$500,000.00 to the Commercial Water Meter Rehabilitation Account; and

Whereas, Section 13.2.14 of the 1989 Woburn Municipal Code, as amended, requires the installation of water meters as the Superintendent of Public Works shall direct and at the city's expense;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that the Superintendent of Public Works within 45 days of approval of this resolution issue a bid package for the purposes of obtaining water meters for installation in commercial properties to facilitate the water meter reading program.

s/Alderman Gately

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RESOLVED Whereas homes in our community adjacent to the highway are negatively impacted by noise pollution and traffic accidents; and

Whereas, the traffic noise exceeds acceptable decibel levels as determined by the EPA and the Commonwealth; and

Whereas the quality of life in these neighborhoods has been reduced as traffic volumes on the highway have increased over the past 40 years;

Now, Therefore, Be It Resolved that the City Council of the City of Woburn supports the efforts of the Woburn/Burlington Sound Barrier Committee to petition the state legislature of the Commonwealth of Massachusetts to provide funds for the construction of sound barriers along the highway in Burlington and Woburn.

s/Alderman Gonsalves, Alderman Ciriello,  
Alderman Dwyer, Alderman Mercer-Bruen

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RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to erect signs stating “no parking here to corner” on the westerly side of Dartmouth Street from the intersection with Merrimac Street to a distance twenty (20) feet from the intersection in accordance with Section 7.1.9 of the Woburn Traffic Code, as amended.

s/Alderman Ciriello

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