

**CITY OF WOBURN  
OCTOBER 18, 2016 - 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:**

ORDERED That the sum of \$2,453,699.46 be and is hereby appropriated as so stated from Mayor Salary Adjustments Acct #0112151-511019 \$2,453,699.46 to City Accounts/Attached Acct #0229051-511\* \$353,699.46, School Salary Acct #219071-511010 \$2,100,000.00, Total \$2,453,699.46

I hereby recommend the above: s/Scott D. Galvin, Mayor  
I have reviewed the above: s/Charles E. Doherty, City Auditor

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

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**PUBLIC HEARINGS:**

On the petition by Seaver Properties LLC, 215 Lexington Street, Second Floor, Woburn, Massachusetts 01801 to amend the Zoning Map by changing the zoning district from R-2/O-P to R-3 at North Maple and Monks; Monks Street; Hinkley Monks; Warren-Mishawum Avenue; Mishawum and Dexter Avenue and Hinkley Street, to the centerlines of North Maple; Monks Street and Mishawum Avenue and Dexter Avenue, containing approximately 249,442 square feet of land as shown on a plan by Keenan Survey entitled "Proposed Rezoning Plan in Woburn, Massachusetts" dated May, 23, 2016. PUBLIC HEARING OPENED. A communication dated October 11, 2016 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Seaver Properties LLC – Proposed Amendment to Zoning Map of the City of Woburn

Dear Mr. Campbell:

On behalf of my client I respectfully request that the above referenced matter be given leave to withdraw without prejudice. If you need any further information please do not hesitate to contact me. Thank you.

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

A communication dated October 12, 2016 with attachment was received from Planning Director Tina P. Cassidy as follows:

Re: Zoning Map amendment request to rezone land on East Dexter Street from R-2/OP zoning districts to R-3 zoning district

Dear Mr. Campbell:

At a meeting of the Planning Board held on Tuesday, October 11, 2016 members fo the Planning Board voted unanimously to grant the applicant’s request to withdraw from consideration, without prejudice, the above-referenced (and attached) petition.

Respectfully, s/Tina P. Cassidy, Planning Director

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On the petition by NStar Electric Company dba Eversource Energy and Verizon New England, Inc. for a g rant of right in a way on Washington Street easterly side beginning at South Site Drive and continuing north, relocate seven (7) joint occupancy poles: p228/88, p228/89, p228/90, p228/91, p228/92, p228/93, and p228/94, to the backside of the sidewalk. PUBLIC HEARING OPENED.

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On the petition by 318 LLC, 274 Woodlands Road, Alton Bay, New Hampshire for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.22b, 5.1.69 and 7.3 to amend special permits dated September 25, 1997 as follows: 1. Special permit dated September 25, 1997 allowing for fast food establishment and ATM by deleting Condition 9 which currently allows the ATM and no more than one (1) other permitted use, and 2. Special permit dated September 25, 1997 allowing for the alteration of the existing externally illuminated nonconforming sign to allow for a modified sign that is an internally illuminated sign as well as wall signs that are internally illuminated; In addition, petitioner seeks: 1. To construct an approximately 4,000 square foot addition to the existing building at 318 Montvale Avenue and combine 314 Montvale Avenue and 318 Montvale Avenue into one lot; and 2. Continue the use of the nonconforming parking spaces on a portion of the lot as shown on the plan, at 314-318 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 and subject to review and approval of the Memorandum of Understanding by the City Solicitor:

1. The Petitioner shall construct and improve the Site as substantially described on the Plan of Record which for this project shall be “Proposed Site Plan, 314 and 318 Montvale Avenue, Woburn, Massachusetts” dated August 30, 2016, revised October 10, 2016, Sheets 1-6 prepared by Alan Engineering L.L.C., 288 Littleton Road, Suite 31, Westford, MA 01886 (hereinafter the “Site Plan”) although design adjustments and modifications generally associated with: (i) preparing so-called “working drawings” or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan.
2. Prior to the issuance of a final Certificate of Occupancy, the Owner shall convey to the City of Woburn by fee or easement the land shown on the Plan entitled “Lot Consolidation Plan, 314 and 318 Montvale Avenue, Woburn, MA” dated October 7, 2016 prepared by Alan Engineering L.L.C., 288 Littleton Road, Suite 31, Westford, MA 01886” as the “14’ Wide Easement to the City of Woburn” containing approximately 2,568 square feet which land shall be used as part of the Montvale Avenue Widening Project, a copy of which is made part of the record.
3. The westerly Montvale Avenue exit from the Premises shall be restricted to a “right turn only” onto Montvale Avenue and constructed to discourage left turns onto Montvale Avenue. Signs shall be erected stating “no left turn” on the westerly Montvale Avenue exit driveway.
4. The dumpster on the Premises shall be enclosed and not emptied prior to 7:00 a.m.
5. The Premises shall not be used for a convenience store.
6. General Conditions 1 and 2 and Planning Board Condition 8 to the Special Permit Decisions dated September 25, 1997 (the “1997 Special Permit”) 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”). The signs shall be constant with no flashing lights.
7. City Council Condition 9 of the 1997 Special Permit shall be deleted.
8. The two (2) parking spaces reserved for the ATM shall be located within 100 feet from the ATM machine and equipped with signage indicating those spaces are reserved for the ATM.
9. All compact spaces will be identified by signage.
10. Except as modified by this Decision and any building permits issued to date all Conditions set forth in the Landowner’s Decision and Notice of Special Permit dated September 25, 1997 shall remain in full force and affect.
11. The parking spaces shall be striped and maintained.
12. The petitioner shall file a snow storage plan with the Building Department.
13. Neither portion of the building shall be used as a convenience store.”

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On the petition by Alton Acquisition II, LLC, 327 W. Maple Avenue, Monrovia, California 91016 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.42a, 7.3, 9 and 12.2.4 to allow for a self-storage warehouse facility within the Flood Plain District at 39 Olympia Avenue. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: “back for action with the following proposed conditions attached to the report:

1. The Petitioner shall construct and improve the Site as substantially described on the Plan of Record which for this project shall be “Revised Conditions Plan #39 Olympia Avenue, Woburn, Massachusetts dated December 18, 2014 revised January 30 2015; revised August 8, 2016 and September 6, 2016 prepared by Hayes Engineering, Inc., 603 Salem Street, Wakefield, MA 01880 (hereinafter the “Site Plan”) although design adjustments and modifications generally associated with: (i) preparing so-called “working drawings” or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan.
2. All dumpsters shall be enclosed, by means of a fence, wall or landscaping in compliance with the Woburn Zoning Ordinances.
3. Hours of operation for office staff will be Monday through Friday 9:30 a.m. to 6:00 p.m.; Saturday 8:30 a.m. to 5:00 p.m.; Sunday 11:00 a.m. to 3:00 p.m.
4. No outside storage shall be permitted for the Petitioner’s self-storage facility.
5. There shall be no residential occupancy of any portion of the Premises.
6. No gasoline or other combustible material shall be stored in the units.
7. The keypad access use shall be restricted to the regular hours of operation.
8. The petitioner shall file a snow storage plan with the Building Department.
9. The parking spaces shall be striped and identified for use of the business.”

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On the petition by NAI Entertainment Holdings LLC, 846 University Avenue, P.O. Box 9108, Norwood, Massachusetts 02062-9108 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.15b to amend a special permit dated May 6, 1994 to allow for: 1. A revised site plan for is existing cinema building entitled “Showcase Cinemas, 25 Middlesex Parkway Woburn, MA” dated June 10, 2016 and prepared by Allen & Major Associates Inc., 100 Commerce Way, Woburn, MA 01888-0118 (the “Site Plan”); 2. A modification to II Grant of Special Permit (b)(ii) by eliminating the reference to Condition No. 17; 3. A modification to III Cinema Conditions Condition 17 by deleting said Condition 17 in its entirety; and 4. A modification to IV General Condition by deleting “Site” on the third line and the sixth line and replacing with “Parcel II” as shown on the Site Plan, at 25 Middlesex Canal

Park. 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. A modification to II Grant of Special Permit (b) (ii) is hereby granted eliminating the reference to Condition No. 17;
2. A modification to III Cinema Conditions Condition 17 is hereby granted by deleting said Condition 17 in its entirety;
3. The Petitioner’s Request to withdraw the remaining requests for Modification to the Special Permit without prejudice is hereby granted.
4. All other conditions, except as modified herein, remain in full force and effect.”

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**CITIZEN’S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**FINANCE:**

On the Order to transfer the sum of \$134,000.00 from BLS Ambulance Receipts Acct to Fire Ambulance Salary Acct and Fire/Equipment Acct, committee report was received “ought to pass”.

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**ORDINANCES:**

On the Order to amend the 1989 Woburn Municipal Code, as amended, Section 2-180 relative to cell monitors and school traffic guards salaries, committee report was received “ought to pass”.

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On the Order to amend the 1989 Woburn Municipal Code, as amended, Section 2-180 relative to early voting clerks stipends, committee report was received “ought to pass”.

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**PUBLIC SAFETY AND LICENSES:**

On the petition by Carmargo Chauffer Service LLC for a new Livery License, committee report was received “ought to pass”.

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On the petitions for renewal of First Class Motor Vehicle Sales Licenses C.N. Wood Company, Inc., 200 Merrimac Street; Woodco Machinery, Inc., 22 North Maple Street; and Woburn Foreign Motors, Inc., 394 Washington Street, committee report was received “ought to pass”.

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On the petitions for renewal of Second Class Motor Vehicles Sales Licenses Second Class Motor Vehicle Sales Licenses by: Robert McSheffrey dba Bob McSheffrey Auto Sales, 880 Main Street; Kenneth L. O'Connor and Thomas F. Norton dba City Line Motors, 30 Rear Torrice Drive; McSheffrey Auto Sales, Inc., 878 Main Street; Ollie's Service Center, 310 Main Street; David Dellarocco dba Woburn Auto Sales; Woburn Gas & Services, Inc., 545 Main Street; and Donald J. Socorelis dba Woburn Glass Co., 243 Main Street, committee report was received "ought to pass".

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**NEW PETITIONS:**

Petition by Tanner Ta Ta Foundation, 100 Tower Office Park, Woburn, Massachusetts 01801 for a Special Event Permit to allow a road race and health walk along the roadways beginning and ending at 15 Middlesex Canal Park on November 27, 2016.

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Petition for renewal of First Class Motor Vehicle Sales License by Northeast Tree, Inc., 62 Holton Street.

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Petitions for renewal of Second Class Motor Vehicle Sales License by Capelo's Auto Service, Inc. dba J.C. Auto Sales, 84-86 Winn Street; Enterprise Rent-A-Car Company of Boston, LLC, 248 Mishawum Road; George's Auto Body of Woburn, Inc., 19 Jefferson Avenue, #C; Oliver M. McDermottroe dba McDermottroe Auto Sales, 229 Lexington Street; Southside Associates, Inc. dba Burke's Garage, 71 Main Street; and Wassim (Sam) Nicolas dba Woburn Square Mobil, 23 Pleasant Street.

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Petition by National Grid for a grant of right in a way to install approximately 174 feet of six (6) inch plastic gas main in Dexter Avenue to Baldwin Avenue to private way.

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Petition by All-Tex Inc. dba Inline Distributing Co., 14093 Balboa Boulevard, Sylmar, California 91342 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.42, 5.1.57b, 7.3 and 9 to allow for a wholesale establishment, warehouse and distribution center, overnight parking of commercial motor vehicles and for the continued use of the nonconforming parking and loading docks, at 23 Normac Road.

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**COMMUNICATIONS AND REPORTS:**

A communication dated September 30, 2016 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 meeting for the month of August 2016.

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A communication dated September 30, 2016 was received from Surface Transportation Board, Washington D.C. 20423 relative to New England Transrail LLC relative to a notice of intent to prepare an environmental impact statement and draft scope of study for construction, acquisition and operation exemption in Wilmington and Woburn.

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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** Pursuant to Woburn Municipal Code Title 2, Section 2-194, the City Council as appointing authority for the position of Deputy Superintendent of Public Works review the qualifications of the temporary appointment to the position made by the Mayor under Woburn Municipal Code Section 2-9.

s/Alderman Gately

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**RESOLVED** That the City Engineer meet with and provide a briefing to the City Council relative to the status of land acquisition required for the proposed Montvale Avenue widening project and a general update on the current project timeline, and that His Honor the Mayor and City Solicitor be invited to attend the meeting.

s/Alderman Mercer-Bruen, Alderman Concannon  
and President Haggerty

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**1ORDERED** That due to the State Election to be held on November 8, 2016, the City Council Regular Meeting scheduled for November 1, 2016 be canceled.

s/President Haggerty

Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, all in favor, 9-0.

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