

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

Roll Call

Denaro	Gately
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Galvin	Doherty

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE.

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$20,500.00 be and is hereby transferred as so stated from Altavesta Window Replacement Acct #0112158-586542 \$8,965.82, Altavesta Asbestos Abatement Acct #0112158-586543 \$7,828.51, Joyce Painting Acct #0112158-586563 \$3,705.67, Total \$20,500.00 to Mayor – Ice Rink Acct #0112158-582053 \$20,500.00. Purpose: To replace front doors with handicap accessibility at O'Brien Ice Rink.

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

PUBLIC HEARINGS:

On the petition by Woburn Armory LLC, 286 Main Street aka 300 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.69 and Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for change, extension and alteration of the Woburn Armory building to allow twenty-five (25) residential dwelling units at 286 Main Street aka 320 Main Street. PUBLIC HEARING OPENED.

On the petition by Woburn Armory LLC, c/o John D'Ovidio, 175 Summer Street, Somerville, Massachusetts 02143 for an Inflammable License to store 615 gallons of gasoline underground in 41 cars with fifteen (15) gallons of gasoline each in parking level of residential condominium building at 286 Main Street a/k/a 320 Main Street. PUBLIC HEARING OPENED.

On the petition by Patricia K. Figueiredo, 12 Grant Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.33b of the 1985 Woburn Zoning Ordinances, as amended, to allow muscular therapy at 576 Main Street. PUBLIC HEARING OPENED. A communication dated October 11, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Patricia K. Figueiredo – 576 Main Street – To occupy for a muscular therapy establishment (Section 5.1.33b)

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on October 2, 2007, the Board voted to send a favorable recommendation to the City Council to allow a muscular therapy facility as requested at 576 Main St.

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

A copy of a communication dated September 27, 2007 from Brett F. Gonsalves, Senior Engineer, Engineering Department to Edmund Tarallo, Planning Director was received as follows:

Subject: 576 Main Street – Muscular Therapy Special Permit – Special Permit Application Dated September 18, 2007

This office has reviewed the special permit application for the above referenced location and finds that the proposed establishment is located within an existing building and not exterior work is proposed.

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

On the petition by Anchor Body Corp., 3 Breed Avenue, Woburn, Massachusetts 01801 for two special permits pursuant to 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Pursuant to Section 5.1.45 to allow for the sale of five (5) used motor vehicles, and 2. Pursuant to Section 8.3.2 to allow for off-site parking of twenty (20) vehicles, and a petition for Second Class Motor Vehicles Sales License, both at 3 Breed Avenue/Florence Avenue. PUBLIC HEARING OPENED. A communication dated October 29, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Anchor Body Corp. – 3 Breed Ave./Florence Ave. – To allow for the sale of five (5) used motor vehicles under Section 5.1.45 and to allow for off-site parking for twenty (20) vehicles to Section 8.3.2 of the Woburn Zoning Ordinance

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on October 23, 2007, the Board voted to send a favorable recommendation to the City Council to allow for the sale of five (5) used motor vehicles (Section 5.1.45) and for the off-site parking of twenty (20) vehicles (Section 8.3.2) at 3 Breed Ave./Florence Ave. subject to the following conditions:

1. That the conditions of the 2002 Special Permit for 3R Breed Ave. remain in effect.
2. That the leased lot shall be for the display of not more than 5 used cars and for the parking of not more than 15 cars.
3. That the parking area on the leased lot be paved and lined.
4. That this permit shall be until May 1, 2008 unless the license agreement is terminated before that date then the Special Permit shall terminate at the termination of the license.

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

On the petition by 112 Commerce Way LLC, c/o National Development, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 for a special permit pursuant to Section 5.1.35a of the 1985 Woburn Zoning Ordinances, as amended, to allow for a Pet Care Facility at 112 Commerce Way. PUBLIC HEARING OPENED. A communication dated October 29, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: 112 Commerce Way LLC – 112 Commerce Way – To allow for a Pet Care Facility pursuant to Section 5.1.35a

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on October 23, 2007, the Board voted to send a favorable recommendation to the City Council to allow a Pet Care Facility pursuant to Section 5.1.35a at 112 Commerce Way subject to the following conditions:

1. That the Pet Care Facility shall comply with all of the requirements indicated in Section 5.1.35a.
2. That the Facility shall be in accordance with Sheet F1 dated May 17, 2007 entitled Store #1961 Woburn, MA. (“Plan”)
3. That the Pet Care Facility shall be limited to the number of suites and rooms as shown on said Plan including the feline facility as shown on said Plan.
4. That the operation and maintenance of the Facility shall be subject to the review, inspection, and approval of the Director of the Board of Health.

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

On the petition by 112 Commerce Way LLC, c/o National Development, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 for special permits pursuant to Section 5.1.22, 5.1.23 and 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended, to allow for: 1. a retail shopping center in excess of 15,000 square feet (47,010 square feet); and 2. a fast food restaurant at 112 Commerce Way. PUBLIC HEARING OPENED.

On the petition by 400 MetroNorth Corporate Center LLC, c/o National Development, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 for special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Pursuant to Section 5.1.17b to allow for the construction of an approximately 32,500 square foot health and fitness facility; 2. Pursuant to Section 5.1.65b to allow for muscular therapy (not to exceed 1,500 square feet) as an accessory use within the building; and 3. the petition also required Site Plan Review pursuant to Section 12.2.4, all at 400 Presidential Way. PUBLIC HEARING OPENED.

On the petition by Allied Building Products Corp., 15 East Union Avenue, East Rutherford, New Jersey 07073 for special permits pursuant to Section 5.1.42, 5.1.43 and 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to allow for a wholesale establishment, warehouse and distribution center, outside storage of new or used building materials and equipment and the accessory parking of commercial motor vehicles at 41 Atlantic Avenue. PUBLIC HEARING OPENED. A communication dated October 29, 2007 was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Petition of Allied Building Products Corp., 41 Atlantic Avenue, Woburn, Massachusetts

Dear Mr. Campbell:

Due to the fact that the Planning Board has continued its review of the above referenced petition to November 27, 2007, I respectfully request that the public hearing on this matter be further continued to the City Council meeting scheduled for December 4, 2007. If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

MUNICIPAL LANDS/HIGHWAYS:

On the request from the Department of Veterans Services to designate the corner of Coolidge Road and Main Street as a Memorial Square for Corporal Charles J. McMahon, USMC and to designate the corner of Sturgis Street and Beacon Street as a Memorial Square for SFC Keith A. Callahan, U.S. Army, committee report was received "ought to pass."

A report dated October 24, 2007 was received from the Committee on Municipal Lands as follows:

On October 23, 2007, in Committee on Municipal Lands, the Committee voted to send a communication to Mayor Thomas L. McLaughlin that two parcels, owned by the City of Woburn, located at the corner of Locust Street and Columbus Road (Parcel 1 & Parcel 2), which are identified on "Plan of Land in Woburn" dated April 17, 2006, are available for disposition. The Committee on Municipal Lands also voted to authorize Mayor McLaughlin to place both parcels (Parcel 1 & Parcel 2) out to bid and to be sold for not less than the assessed value.

Secondly, the Committee on Municipal Lands voted to send a communication to Gerald Surette, city auditor, requesting that a segregated account be set up specifically for revenues generated from the sale of municipal lands (sliver lots).

NEW PETITIONS:

Petition by Avalon Transportation, LLC, 21-G Olympia Avenue, #10, Woburn, Massachusetts 01801 for a Livery License at 21-G Olympia Avenue, #10.

Petition by Lawless Chrysler Jeep, Inc. 196 Lexington Street for renewal of First Class Motor Vehicle Sales License at 196 Lexington Street.

A communication dated October 25, 2007 was received from Attorney Malcolm Houck, 7 Winn Street, Woburn, Massachusetts 01801 as follows:

In Re: Charles O'Neill Drive

Dear Mr. Campbell:

On behalf of developer, Canal Condominium Construction LLC, I am making a formal request to the Woburn City Council for Acceptance of the newly constructed and completed roadway known as Charles O'Neill Drive as a public way in the City.

For the purpose and public proceedings which must follow I am enclosing ten (10) copies, plus an original mylar master, of a Street Acceptance plan prepared by Edward J. Farrell, PLS and dated July 12, 2007. The enclosed plans represent one copy for each Alderman, an additional copy for your permanent records and the original mylar upon which any endorsements may be affixed.

The Office of the Woburn City Engineer has reviewed preliminary drafts of this plan and the enclosures represent final drafting and data compliant with requests from the City Engineering Office.

An "As Built" plan of July 12, 2007 has been submitted to the City Planning Director's Office with a request for a release of cash bond, and together with an instrument, suitable for recording at the Middlesex South District Registry of Deeds, conveying utilities and certain easements to the City. A copy of that instrument is also enclosed, herewith.

Copies of the "As Built" plan have also been submitted to the Woburn Conservation Commission with a request for a Certificate of Compliance (WPA Form 8A) so far as several of the subdivision lots with frontage on this way contain land within the jurisdiction of the Commission.

The scheduling of public proceedings by the Planning Board and Conservation Commission is underway and it is anticipated that final action by those agencies will be shortly forthcoming.

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

Very truly yours, s/Malcolm H. Houck

Petition by Michael Tyminski, 14 Otis Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow earth removal or filling to level off yard at 14 Otis Street.

Petition by Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless and NSTAR Electric Company, 400 Friberg Parkway, Westborough, Massachusetts 01581 for a special permit pursuant to Section 5.1,80b, Section 11 and Section 5.6 of the 1985 Woburn Zoning Ordinances, as amended, to install three flushed mounted antennas at a center line of 73 feet on a 75 foot replacement of the existing 65 foot utility pole with 12 feet by 30 feet equipment shelter and diesel emergency back up

generator inside a fenced telecommunications compound with the antennas relocated at a height of 63 feet on the replacement pole, and to install a single omni-directional whip antenna on the companion 65 foot utility pole on the H frame power stanchion at Waltham Street Rear-Power Easement.

COMMUNICATIONS AND REPORTS:

A communication dated October 23, 2007 was received from Jan Robbins Cox, Member, for the Chairperson and all other Members of the Human Rights Commission relative to a presentation of the by-laws of the Human Rights Commission to the City Council.

A communication dated October 18, 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 September, 2007: number of tickets issued 1,237, number of tickets paid 1,135, number of hearings scheduled 601, number of tickets voided or dismissed 107, number of tickets outstanding 321, number of tickets issued by motorcycle officers 0, total dollar amount collected and turned into the Treasurer's Office \$46,987.60. There exists a backlog of 4,902 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 \$6,190.00.

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

A communication dated October 13, 2007 was received from the Woburn Police Department entitled "Fuel Transactions (short format) from 9/1/2007 to 9/30/2007".

A communication dated October 19, 2007 was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Chair 5 Restaurants – Woburn LLC d/b/a Qdoba Mexican Grill, 300 Mishawum Road, Woburn, Massachusetts/Special Permit to allow for a fast food restaurant and building signage pursuant to Section 5.1.29 and 7.3

Dear Mr. Campbell:

On behalf of my client, Chair 5 Restaurants – Woburn LLC, I respectfully request leave to withdraw without prejudice the above-referenced petition. Once all of the information that has been requested from Koffler/GID Woburn LLC has been provided to the

Planning Board and Traffic Commission, then it would be the intention of my client to re-file its special permit petition in January of 2008.

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

Very truly yours, s/Joseph R. Tarby III

A communication dated October 19, 2007 was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Koffler/GID Woburn LLC – 300 Mishwum Road, Woburn, Massachusetts – Special Permit to amend decision pursuant to Section 5.1.23 of the Woburn Zoning Ordinance to allow for a further amended site plan and an additional 2,500 square feet of gross floor area

Koffler/GID Woburn LLC – 300 Mishawum Road, Woburn, Massachusetts – Special Permit to amend existing Special Permit by allowing 1,283 parking spaces pursuant to Section 8.2.5

Dear Mr. Campbell:

On behalf of my client, Koffler/GID Woburn LLC, I respectfully request leave to withdraw without prejudice the above-referenced petitions. Due to the fact that the Planning Board has requested additional information from both the Petitioner and the Woburn Traffic Commission, as well as the limited City Council and Planning Board schedule for the remainder of 2007, my client thought it would be best to withdraw the above applications and provide the information requested by the Planning Board and Traffic Commission over the next month. Once all of that information is provided to the Planning Board and Traffic Commission, it would be the intention of my client to re-file its special permit petitions in January of 2008.

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

Very truly yours, s/Joseph R. Tarby III

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated October 23, 2007 was received from President Charles Doherty as follows:

I am appointing Alderman Raymond Drapeau to fill Alderman John Ciriello's position on the Municipal Lands Committee. Please notify the Council members.

Thank you, Charles Doherty

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED Whereas, a recent amendment to the traffic regulations restricting parking on Warren Avenue between Warren Road and Porter Street has caused a hardship for residents and businesses in the area,

Be it resolved that the Traffic Commission further review the necessity of the parking restriction and to further amend the traffic regulations as necessary to alleviate this hardship.

s/Alderman Gately

RESOLVED Whereas, an Order has been introduced before the City Council to provide a reasonable increase in the wage paid to the school traffic guards,

Now, therefore, be it resolved that His Honor the Mayor send an appropriation to the City Council in the amount of \$25,000.00 from the Free Cash Account for the purposes of funding the school traffic guard wage increase.

s/Alderman Gately

ORDERED Be it ordained by the City Council of the City of Woburn that Title 2, Article XXVIII, Section 2-180 of the 1989 Woburn Municipal Code, as amended, be further amended by striking "School Traffic Guards ... per hour ... \$8.85" and inserting in its place "School Traffic Guards ... per hour... \$14.00".

s/Alderman Gately

ORDERED That pursuant to 1989 Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6 the City Clerk is hereby authorized to dispose of a Hewlett Packard Laser Jet 8000N with serial number USBB024875 which the City Clerk has determined is of no value to the department and which no other department has expressed an interest in obtaining.

s/Alderman _____

ORDERED That pursuant to 1989 Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6 the Building Commissioner is hereby authorized to dispose of a 1999 Ford Taurus which the Building Commissioner has determined is of no value to the department and which no other department has expressed an interest in obtaining.

s/Alderman _____

ORDERED That in accordance with a precept of the Senate of the Great and General Court of the Commonwealth of Massachusetts and in accordance with Massachusetts General Laws Chapter 54, as amended, the City Clerk is hereby authorized and directed to notify and to warn such of the inhabitants of WARD ONE, WARD THREE, WARD FOUR, WARD FIVE, WARD SIX AND WARD SEVEN of the City of Woburn as are qualified to vote in the General Election to assemble at the polling places in their respective wards as designated herein, on TUESDAY, the ELEVENTH OF DECEMBER, 2007 from 7:00 a.m. to 8:00 p.m., then and their to cast their votes in the Special General Election for the candidates for the office of Senator in General Court from the Fourth Middlesex District at the following polling places:

Ward-Precinct Polling Place Location

- 1-1 Joyce Middle School Library
55 Locust Street
- 1-2 Clapp Elementary School Cafeteria
Hudson Street and Arlington Road
- 3-1 Hurld Elementary School Gymnasium
75 Bedford Road
- 3-2 Hurld Elementary School Gymnasium
75 Bedford Road
- 4-1 Wyman Elementary School Auditorium
Main Street and Eaton Avenue
- 4-2 White Elementary School Gymnasium
36 Bow Street
- 5-1 Goodyear Elementary School Gymnasium
41 Orange Street

5-2 Goodyear Elementary School Gymnasium
41 Orange Street

6-1 Altavesta Elementary School Gymnasium
990 Main Street

6-2 Altavesta Elementary School Gymnasium
990 Main Street

7-1 Reeves Elementary School Gymnasium
240 Lexington Street

7-2 Reeves Elementary School Gymnasium
240 Lexington Street

s/Alderman _____

Motion made and 2nd to ADJOURN