

**CITY OF WOBURN
MARCH 4, 2008 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

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|---------|--------------|
| Denaro | Gately |
| Drapeau | Gonsalves |
| Dwyer | Mercer-Bruen |
| Galvin | Raymond |
| Doherty | |

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

MAYOR'S COMMUNICATIONS: None.

PUBLIC HEARINGS:

On the petition by American Venture Corporation, 88 Broad Street, Boston, Massachusetts 02110 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to extend and alter a pre-existing non-conforming use, by developing an additional 11,200 square feet (approx.) of retail space on the currently vacant portion of the site, and combining the property at 159 Main Street into the overall site development at 159-175 Main Street. PUBLIC HEARING OPENED.

On the petition by Sam Gandor, 290 Turnpike Road, Suite 354, Westborough, Massachusetts 01581 for a special permit pursuant to Section 7.1.3 of the 1985 Woburn Zoning Ordinances, as amended, for reconstruction or structural change to a pre-existing and non-conforming four family frame residential dwelling to allow the construction of a deck or porch structure at the rear elevation of principal dwelling at 11-13 Porter Street. PUBLIC HEARING OPENED.

On the petition by American Equipment Rentals/FST Equipment, LLC, One Fields Point Drive, Providence, Rhode Island 02905 for a special permit pursuant to Sections 5.1.43 and 57b of the 1985 Woburn Zoning Ordinances, as amended, for the rental, sale, and service of equipment, including cranes, and outside storage of same at 62 Holton Street. PUBLIC HEARING OPENED.

On the petition by Verizon New England Inc., 125 High Street, Boston, Massachusetts 02210 for a special permit pursuant to Section 57b of the 1985 Woburn Zoning Ordinances, as amended, to further amend a special permit granted July 15, 1988, as amended February 18, 2005, as amended May 12, 2005 to allow for parking of an additional thirty commercial vehicles for a total of 167 commercial vehicles at 275 Wildwood Avenue. PUBLIC HEARING OPENED.

On the petition by William Highgas, III, Arpie E. Highgas, individually and as trustees of B.A.R. Realty Trust, landowners, to amend the 1985 Woburn Zoning Ordinances by adding the following: 1. Section 5.1 Table of Use Regulations line 42a self-storage warehouse facility – no storage of high hazard materials, trailers, motor vehicles or any outside storage shall be amended by deleting the “-“ under the B-I column and replacing with “P”; 2. Section 6.1 Table of Dimensional Regulations shall be amended by adding to the Floor Area Ratio column for the B-I Zoning District of the following: “(Note 5)”; 3. Section 6.1, Table of Dimension Regulations shall be amended by adding “Note 5” which shall state as follows: “The Floor Area Ratio for a self-storage warehouse facility as defined in this Ordinance shall be 2.0.” PUBLIC HEARING OPENED. A communication date February 29, 2008 was received from Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Petition of William Highas III and Arpie Highas/420, 422 and 424 Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter be continued to the City Council meeting on March 18, 2008. If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

On the petition by Alderman Gately concerning the building or buildings located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 55 Montvale Avenue, Woburn, Massachusetts for the purposes of determining whether said building or buildings are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts 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. PUBLIC HEARING OPENED.

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS: None.

NEW PETITIONS:

Petition by Checker Cab of Woburn, Inc., 289R Salem Street, Woburn for renewal of Livery License.

Petition by Checker Cab of Woburn, Inc., 289R Salem Street, Woburn for renewal of Taxi Cab License.

Petition by Marc E. Dionne, 223 Loring Avenue, Salem, Massachusetts 01970 for renewal of Billiard Table License.

Petition by Woburn Bowladrome Inc., 32 Montvale Avenue, Woburn for renewal of Bowling Alley License.

Petition by Anthony Flowers and Doreen Flowers, 29 James Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended to allow the extension of a non-conforming use to allow a personal service establishment at 224 Main Street.

Petition by City of Woburn, 50 North Warren Avenue. Woburn, Massachusetts 01801 for a special permit pursuant Section 5.1.79 of the 1985 Woburn Zoning Ordinances, as amended, to erect a steel frame, fabric sheathed storage facility at 50 North Warren Avenue.

COMMUNICATIONS AND REPORTS:

A communication dated 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 2008: number of tickets issued 143, number of violations paid 64, number of violations outstanding 79, amount collected and submitted to the Office of the Collector \$8,622.80. There exists a backlog of 4,966 tickets for 1982 through 2007. Demands will be sent out until all tickets have been cleared. Parking violations referred turned over to Handicap Commission \$1,100.00.

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

A communication dated February 22, 2008 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the annual report of the Council on Aging.

A communication dated February 29, 2008 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the minutes of the February meeting of the Council and Aging and the Director's Report for February.

A communication dated February 23, 2008 entitled "Fuel Transactions (short format) From 01/01/2008 to 01/31/2008" was received from the Woburn Police Department.

A communication dated February 14, 2008 was received from Robert McNabb, Executive Director, Woburn Housing Authority as follows:

Re: Library Park/Pre-Development Appropriation

Dear Mr. Doherty and Mayor McLaughlin:

The Woburn Housing Authority's Board of Commissioners has authorized me to request that Mayor McLaughlin and the City Council provide the Woburn Housing Authority with Fifty Thousand Dollars (\$50,000.00) from the "Affordable Housing Trust Account".

The purpose of this request is to recruit technical assistance and develop a proforma for the Library Park Senior Citizen Enhanced Care Housing Facility.

Essentially this amount is an estimated seed expenditure, which will provide the City and the WHA with a realistic analysis of the site, an assessment of need and feasibility, as well as pre development team building and potential funding/financial resources.

The Authority is looking forward to working with the City and would gladly meet with the Council prior to any decision on this matter.

Sincerely, s/ Robert McNabb, Executive Director

A communication dated February 19, 2008 was received from Attorney Patricia A. Cantor, Kopelman and Paige, P.C. relative to a new identity theft law.

A communication dated February 29, 2008 was received from Attorney Joyce Frank, Kopelman and Paige, P.C. relative to snow and ice budgets.

A communication dated February 26, 2008 was received from Thomas Gonsalves, 3 Belmont Street, Woburn requesting that it be determined whether the inflammable fluid tanks at 0 Cross Street have been removed.

A communication dated March 3, 2008 with attachments was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn as follows:

Re: Gibbs Oil Company Limited Partnership/107 Winn Street, Woburn, Massachusetts

Dear Mr. Campbell:

I represent Gibbs Oil Company Limited Partnership (“Gibbs”). On July 13, 2006, Chief Justice Keryn Scheier of the Commonwealth of Massachusetts Land Court entered a Judgment ordering the City Council to “as soon as practicable given its meeting schedule” grant the special permit to Gibbs conditioned upon the List of Conditions attached to the Court’s decision as Exhibit A (copy enclosed). As you know, the City Council voted to appeal the decision of the Land Court to the Commonwealth of Massachusetts Appeals Court.

On December 12, 2007, the Appeals Court affirmed the Judgment of the Land Court (copy enclosed). As a result, the special permit needs to be issued by the City Council consistent with the Land Court Judgment. On behalf of my client, I respectfully request that you review this matter with the City Council at its next meeting on March 4, 2008 and issue the special permit decision. Thank you.

Very truly yours, s/Joseph R. Tarby III

A communication dated February 25, 2008 was received from Attorney Malcolm H. Houck, 7 Winn Street, Woburn as follows:

In Re: Charles O’Neill Drive

Dear Mr. Campbell:

Further to our several conferences and my prior letter of request, please be advised that the status of the construction of Charles O’Neill Drive is such that the matter is now ripe of action by the Woburn City Council to accept this street as a public way. By way of summary, I reference the following, with appropriate file copies; -to wit;

- Upon the matters outlined in my prior letter of October 25, 2007 (copy attached), all pending matters therein described have been completed and/or satisfied,
- Planning board Form F – Certificate of Performance has been approved and endorsed by the Planning Board and has been recorded with the Middlesex South District Registry of Deeds in Book 44486, Page 292 (copy attached),
- A Certificate of Completion and Release of Performance Guarantee (Bond) was executed by the Planning Board on February 12, 2008 (copy attached),
- The Woburn Conservation Commission approved WPA Form 8B – Certificate of Compliance under date of December 20, 2007. The original instrument, signed by the Commissioners was recorded with the said Deeds on January 11, 2008 in Book 50586, Page 73 (copy attached),
- Woburn Planning Board Form G – Conveyance of Easements and Utilities was executed by the Manager of Canal Condominium Construction LLC (the “owner”) on October 5, 2007 and has been delivered to the office of Woburn City Planner (copy attached).

With all in order kindly schedule this subject matter of street acceptance before the Woburn City Council, for action, as your further procedures require and permit. Kindly advise me when the scheduled matter will be heard.

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

Very truly yours, s/Malcolm H. Houck

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated February 28, 2008 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Re: Bryan Melanson – Historic District Commission

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Bryan Melanson of 60 Glenwood Avenue as a member of the Historic District Commission for a period of three years.

Mr. Melanson will replace William Foley, who has resigned from the Commission.

Mr. Melanson’s appointment will be effective on the date of confirmation by the City Council, and his year term will expire three years from that date.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

A communication dated February 25, 2008 was received from President Charles Doherty as follows:

Re: Council on Aging Liaison

Mr. Campbell,

Please post and inform the Council that Alderman James Dwyer is named as the City Council's Liaison to the Council on Aging.

Thank you, Charles Doherty

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to repave Wyman Street from side to side its entire length.

s/Alderman Dwyer

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to repave Lowell Street side to side from the intersection with Main Street to the intersection with Wyman Street.

s/Alderman Dwyer

ORDERED That the Committee on Ordinances review the ordinances relative to the licensing of taxi cabs and livery vehicles in the city of Woburn and to draft and report out to the full City Council any revisions or amendments necessary with respect to the subject with particular emphasis on establishing ordinances concerning:

1. A system to ascertain the driving records and criminals records of any persons engaged whether as employees, independent contractors or other relationship to drive taxi cabs and livery vehicles licensed by the city of Woburn;
2. To determine the method by which fares for taxi cabs and livery vehicles are established;

3. To review the current license fee structure with respect to taxi cabs and livery vehicles;
4. A system of local inspection to determine the condition, safety and suitability of any vehicle licensed to be used as a taxi cab or livery vehicle in the city of Woburn; and
5. Any other area that the committee deems necessary and advisable for revision or amendment.

s/Alderman Denaro

ORDERED Be it ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinances, as amended, be further amended by striking from Section 5.1.53 the words “High hazard use listed in the Building Officials Conference of America (BOCA) Code” and inserting in its place the words “High hazard use listed in the International Building Code as published by the International Code Council (ICC)”, meaning and intending to reflect the change in the accepted building code regulation.

s/Alderman _____

Motion made and 2nd to ADJOURN.