

**CITY OF WOBURN  
APRIL 28, 2009 - 7:30 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Denaro	Gonsalves
Drapeau	Mercer-Bruen
Galvin	Raymond
Gately	Wall
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** The City of Woburn hereby petitions the Great and General Court of the Commonwealth of Massachusetts to enact the following proposed Special Act:

**AN ACT AUTHORIZING THE CITY OF WOBURN TO CONVEY CERTAIN LAND**

*Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. The city of Woburn may transfer the care, custody and control of the parcels of land shown as "Proposed Tank Parcel, Area = 95,601 SF (2.195 Ac.) CC-3" and "Existing Access Easements" on a plan entitled "Preliminary Plan of Land Owned by the City of Woburn, Location Hillside Avenue Woburn, Massachusetts," dated June, 2007, prepared by City of Woburn Engineering Department, which parcels are a portion of the premises described in a deed recorded with the Middlesex South District Registry of Deeds in Book 3986, Page 198, from the Conservation Commission for conservation and passive recreational purposes to the Superintendent of Public Works for water supply purposes.

SECTION 2. The transfer of land in section 1 of this act is in exchange for a transfer of the care, custody and control of the parcel of land having an area of 24,342 SF, more or less, and shown as "Existing Tank Parcel CC-2" on a plan entitled "Preliminary Plan of Land Owned by the City of Woburn, Location Hillside Avenue Woburn, Massachusetts," dated June,

2007, which parcel is described in a Order of Taking recorded with said Deeds in Book 9609, Page 591, from the Superintendent of Public Works for water supply purposes to the Conservation Commission for conservation and passive recreation purposes; and a transfer of the care, custody and control of the parcel of land shown as "Parcel CC-1, Area = 3.0± Ac." on a plan entitled "Land Transfer Plan to Woburn Conservation Commission," dated January, 2009, prepared by the Woburn Engineering Department, which parcel of land is a portion of the premises described in the Order of Taking recorded with said Deeds in Book 1258, Page 2, from the Superintendent of Public Works for water supply purposes to the Conservation Commission for conservation and passive recreation purposes, except that the city of Woburn may continue to use the portion of the land shown on said plan as "Proposed 2 Rod Wide Access Easement over Gravel Roadway" for access to the remaining city-owned land shown on the plan as "City of Woburn Remaining Area = 27 Ac.±."

SECTION 3. This act shall take effect upon passage.

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

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ORDERED That the sum of \$50,000.00 be transferred as follows from Account #39359-595000 BLS Ambulance Receipts to Account #0122051-513100 Fire Overtime.

I hereby recommend the above: s/Paul Tortolano, Chief, Fire Department  
I have reviewed the above: s/Gerald W. Surette, City Auditor  
I hereby approve the above: s/Thomas L. McLaughlin, Mayor

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

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**PUBLIC HEARINGS:**

On the petition by NSTAR Electric Company for a grant of right in a way to allow conduit and two (2) manholes on Main Street southerly from MH7828 at Campbell Street to MH7821 at Walnut Street a distance of approximately 1,082 feet. PUBLIC HEARING OPENED. A communication was received from Superintendent of Public Works Vincent Ferlisi as follows: "OK with NSTAR plan dated 3-19-09. Meeting was held with NSTAR Supervisors Joseph McSheffrey and Donald McCabe. Two police details will be on site at all times during construction and the DPW Highway Foreman will also be on site. Public notification signage on Main Street north and south. Local newspapers and Media Center. NSTAR will also provide any temporary lighting. All cost incurred by the City of Woburn will be at the expense of NSTAR. All curbing, sidewalks, ADA crossings to be restored to original conditions."

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On the petition by John S. Russo and Stephanie Rodman, both of 36 Day Circle, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow bringing fill onto the site at 36 Day Circle. PUBLIC HEARING OPENED. A communication dated April 21, 2009 was received from Edmund P. Tarallo, Planning Director, Planning Director, Woburn Planning Board as follows:

Re: John S. Russo & Stephanie Rodman – 36 Day Circle – To fill lot pursuant to Section 5.5

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on April 14, 2009, the Board voted to send a favorable recommendation to the City Council regarding a request to fill the lot at 36 Day Circle pursuant to Section 5.5 in accordance with the following condition:

1. That a vegetative ground cover, which may be grass, shall be established over the soil placed at the site to prevent erosion.

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 Woburn Properties, LLP, c/o Cummings Properties, LLC, 200 West Cummings Parks, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.30b and 5.1.41 of the 1985 Woburn Zoning Ordinances, as amended to redevelop existing parking lot by constructing a four-story, 58,689 G.S.F. mixed-use building at 8 Cabot Road. PUBLIC HEARING OPENED.

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On the petition by Rae E. Gulliver, 35 Pine Street, Woburn, Massachusetts 01801 and June G. Ross, 75 Pearl Street, Apt. 232, Reading, Massachusetts 01867 to amend the Zoning Map of the City of Woburn by changing the zoning district for the property found identified in the Assessors records on Map 38, Block 8, Parcel 1 and known and numbered as Lot 1A 35 Pine Street and Lot 1B 35 Pine Street as shown on the plan filed with the petition from partially in the R-2 zoning district and partially in the I-G zoning district to the R-2 zoning district. PUBLIC HEARING OPENED. A communication dated April 7, 2009 was received from Rae E. Gulliver as follows:

Dear Mr. Campbell,

By copy of this letter, I wish to formally withdraw my request for the rezoning of 35 Pine Street from commercial to residential.

I am no longer comfortable with this endeavor.

Please feel free to contact me for any clarification you may need regarding this matter.

Thank you.

Sincerely, s/Rae E. Gulliver

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On the petition by President Charles Doherty to amend the 1985 Woburn Zoning Ordinances, as amended, by establishing a new Section 23 entitled Commerce Way Corridor Overlay District as set forth in the petition (Clerk's Note: See City Council Journal dated July 10, 2008 for a full recitation of the text of the ordinance). PUBLIC HEARING OPENED.

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On the petition to amend the 1985 Woburn Zoning Ordinances, as amended, by deleting under Section 2 Definitions the second sentence from Paragraph "a" for "Lot Line, Front" the words "On a corner lot, the shorter street frontage shall be considered the front lot line unless otherwise specified by deed restriction." PUBLIC HEARING OPENED. A communication dated April 27, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Alderman Charles Doherty – Zone Change – Lot Line, Front

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on April 14, 2009, the Board voted to forward a favorable recommendation to the City Council on the above-cited zoning amendment.

If you have any questions or concerns regarding this matter, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

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On the petition by Alderman Richard Gately concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 320 Main Street, Woburn, Massachusetts, commonly referred to as the Woburn Armory, for the purposes of determining whether said structure or structures 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.

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**ORDINANCE:**

On the Order to add a new Title 2, Article XXXV, Sections 2-217 to 2-225 Biomedical Oversight Committee to the 1989 Woburn Municipal Code, as amended, committee report was received "ought to pass".

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On the Order to amending Title 5, Article XII, Section 5-71 to the 1989 Woburn Municipal Code, as amended, relative to requirements for drivers of taxicabs, committee report was received "ought to pass, with the cost of the picture identification in Paragraph 6 to be determined by the police department".

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On the Order to amend Title 19 of the 1989 Woburn Municipal Code, as amended, by adding a new Appendix 2 relative to the Expanded Baldwin Homestead Historic District, committee report was received "ought to pass".

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**POLICE AND LICENSES:**

On the petition by Saeed Rajabi dba Sky Taxi for a new Taxi Cab License, committee report was received "ought to pass".

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On the petition by Saeed Rajabi dba Sky Livery for a new Livery License, committee report was received "That the matter be given leave to withdraw without prejudice."

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On the petition by Mourad djiar dba ABCE Cab of Woburn for a new Taxi Cab License, committee report was received "ought to pass".

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**NEW PETITIONS:**

Petition by Cambridge Road Auto Service, Inc., 293 Cambridge Road for renewal of Second Class Motor Vehicle Sales License.

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Petition by Marc E. Dionne dba Silver Cue Billiards, 435 Main Street for renewal of a Billiard Table License.

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Petition by GameStop 3315, 103 Commerce Way for renewal of a License to Sell Second-Hand and Personal Articles of Value and Collectibles.

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Petition by Kravings, Etc., Robert Haykel, Manager, 106 Winn Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a fast food restaurant at 106 Winn Street.

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Petition by Woburn Kiwanis, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.75 of the 1985 Woburn Zoning Ordinances, as amended, to conduct the annual Flag Day carnival and fireworks on June 19, 2009 and June 20, 2009 at Library Field.

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Petition by Hugo G. Moraes dba Taste of Brazil, Tuda Na. Brasa, 6 Park Drive, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended, to authorize an expansion of the restaurant business at 414 Main Street.

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**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 20½, I am submitting a report to you on the parking violations in the City of Woburn for the period ending March 2009: number of parking violations issued 621, number of violations paid 329, number of violations outstanding 265, amount collected and submitted to the Office of the Collector \$17,906.00. There exists a backlog of 4,842 tickets for 1982 through 2008. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission \$3,350.00.

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

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A communication dated April 10, 2009 was received from Attorney Gregg J. Corbo, Kopelman and Paige, P.C. relative to regulation and enforcement of Department of Environmental Protection Outdoor Wood Boiler Regulations.

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A communication dated April 21, 2009 was received from Attorney Brian W. Riley, Kopelman and Paige, P.C. relative to new federal pool and spa safety requirements.

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**UNFINISHED BUSINESS OF PRECEDING MEETING:** None.

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**APPOINTMENTS AND ELECTIONS:**

A communication dated April 15, 2009 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Dean Solomon of the Woburn Council on Social Concerns, as a Member of the Human Rights Commission as required in the City of Woburn Municipal Code Title 2-236. Please be advised that the effective date of this appointment will be the date of confirmation by the City Council, and the term will expire on July 31, 2010.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

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A communication dated April 22, 2009 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Geraldine Benecke of 713 Main Street as a Member of the Council on Aging. Please be advised that this term is for three years. The effective date of this appointment will be the date of confirmation by the City Council.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

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**MOTIONS, ORDERS AND RESOLUTIONS:**

**RESOLVED** Be It Resolved by the City Council of the City of Woburn that His Honor the Mayor and appropriate municipal departments, commissions, and authorities, including but not limited to the City Auditor, City Engineer,

City Grant Writer, Cemetery Commission, and the Woburn Housing Authority, work collectively to develop a comprehensive plan to allow the City to competitively bid for the so-called Northeastern property consisting of a 74.46 acre parcel of land located at 35 Cambridge Road, Woburn, formally referred to as the Archstone 40B site on Cambridge Road. The plan should outline potential municipal use of the site and an acquisition cost analysis for the potential purchase of the land by the City of Woburn;

Further, that the City of Woburn should work towards a strategy that would allow the City to best plan for the use of the site to benefit the residents and protect the community from overdevelopment. Whereas Archstone has abandoned the project and waived their options on the site, the City must act now to secure the land for the betterment of the community, our public safety, and our environment. It would be in the best interests of the community to negotiate directly with Northeastern University and not with potential developers who do not put Woburn's interests first.

Collectively the City has fought over the last nine years to stop the over development of the site. With the property located in the R-1 zoning district, the presence of a massive residential and commercial development in close proximity to single family neighborhoods would adversely affect the quality of life of residents and the property values of existing homes. With the recent court decision in favor of the City of Woburn, the city should continue our fight to make sure the land is only developed in the best interest of the City of Woburn and its residents.

The site should be looked at for the potential location of senior housing, recreational uses, protected conservation land, and/or a new cemetery for the City of Woburn. The City should actively be looking for grant money, stimulus money, or revenue that would allow the City to develop the land in a way that would benefit the community and not the developers. Whereas low or moderate income housing exists on sites comprising one and one-half percent or more of the total land area zoned for residential, commercial, or industrial use, a reasonably sized affordable senior housing development could be placed on a large enough piece of land so that the City could meet its land area requirements under M.G.L. Chapter 40B, and further so that the City could finally put an end to future M.G.L. Chapter 40B developments in the City of Woburn.

This undertaking will require the combined efforts of many individuals and groups, but how the city responds today will determine if the community is able to protect the City's future.

s/President Doherty

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RESOLVED That His Honor the Mayor include in the Fiscal Year 2010 Municipal Budget sufficient funds to fulfill the obligations to the public safety officials entitled to compensation under the terms of the so-called Quinn Bill.

s/Alderman Denaro

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RESOLVED Whereas, a community designated as an Economic Target Area pursuant to Massachusetts General Laws Chapter 23A, Section 3D qualifies the community and private businesses for tax incentive programs including but not limited to the Brownfields Law, job creation, economic development programs and business expansion;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that His Honor the Mayor investigate the viability of the City of Woburn applying for designation as an Economic Target Area and submitting the necessary application as soon as feasible; and

Be It Further Resolved that a report on the feasibility of the application process be submitted to the City Council.

s/Alderman Wall and Alderman Denaro

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RESOLVED Whereas, Woburn Conservation Day is scheduled for Saturday, May 2, 2009; and

Whereas, this will be the 37<sup>th</sup> consecutive year that the Woburn Conservation Commission has organized the event; and

Whereas, Conservation Day helps to protect our natural resources, encourages community-wide participation in conservation activities and increases public awareness of the necessity to preserve our natural environment; and

Whereas, there is a strong commitment to Conservation Day in Woburn by members of service organizations, local businesses and by other community volunteers in which they share their time and talent with the community,

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that the City of Woburn hereby recognizes the efforts of the many residents and business organizations of the city who have contributed their

efforts to many successful Conservation Day events and encourages the community to continue their good efforts to improve our environment and to act as responsible stewards of our natural resources.

s/Alderman Gonsalves

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RESOLVED That the City Clerk and Board of Registrars of Voters meet with the City Council Committee on Liaison for the purposes of discussing alternate voting locations for Ward 1, Precinct 2, Ward 5, Precinct 1 and Ward 5, Precinct 2 in view of potential school development projects and further to discuss the possibility of any future polling location changes in the city.

s/Alderman Gonsalves

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ORDERED WHEREAS, there presently exists a structure or structures located in the City of Woburn, Massachusetts known and numbered as 17-19 Franklin Street; and

WHEREAS, the condition of said building or buildings has been allowed to deteriorate and the property is generally not being 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 Galvin

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