

**CITY OF WOBURN  
JUNE 16, 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 That the sum of \$2,840,340.63 be and is hereby appropriated as so stated from Debt Reserve Fund Acct #648059-596100 \$2,840,340.63 to Debt Principle Acct #0171059-591000 \$1,645,000.00, Debt Long Term Interest Acct #0171059-591500 \$1,195,340.63, Total \$2,840,340.63

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

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

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**PUBLIC HEARINGS:**

On the petition by J. Sallese & Sons, Inc., 7 Hart Street, Wakefield, Massachusetts 01880 for s special permit pursuant to Section 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to allow for the parking of petitioner's vehicles at 5 Crescent Avenue. PUBLIC HEARING OPENED. A communication dated June 15, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: J. Sallese & Sons, Inc. – 5 Crescent Avenue, Unit 12 – To allow for the overnight parking of commercial vehicles pursuant to Section 5.1.57b

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on June 9, 2009, the Board voted to forward a favorable recommendation to the City Council on the Special Permit request to allow for

the overnight parking of three commercial vehicles at 5 Crescent Avenue Unit 12 provided that all three vehicles shall be registered in the City of Woburn.

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 June 8, 2009 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 5 Crescent Avenue – Commercial Vehicle Parking Special Permit – Special Permit Application Dated may 4, 2009 – Parking Space Plan Dated January 3, 2008

The applicant is seeking permission to allow for the parking of commercial vehicles at the above referenced location.

This office takes no exception to the special permit as submitted, however, it will be the discretion of the board and City Council whether to grant the applicants request.

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

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On the petition by Anthony K. Paone, Trustee of Harrison Avenue Realty Trust, 141 Sylvester Avenue, Winchester, Massachusetts 01890 for a special permit pursuant to Sections 5.1.71 and/or 5.1.72, 5.5 and 8.3.2 to finish grading and filing of lot and to utilize same for parking purposes, for rental to other businesses, on a commercial basis at 7 Harrison Avenue. PUBLIC HEARING OPENED. A copy of a communication dated June 8, 2009 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 7 Harrison Avenue – Commercial Parking & Earth Removal & Filling Special Permit – Special Permit Application Dated May 4, 2009 – Proposed Grading Plan Dated August 21, 2008

The applicant is seeking permission to allow for the parking of commercial vehicles at the above referenced location as well as earth removal and filling.

There is no supporting documentation accompanying the special permit application to review. An engineered site plan showing the proposed work will need to be submitted for review. Additionally, the subject property is located in a groundwater protection district and will need to comply with section 15 of the Woburn Zoning Ordinance.

This office will complete its review when the above referenced information is submitted for review.

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

A communication dated June 10, 2009 was received from Attorney John D. McEliney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition: Anthony K Paone, Trustee  
Premises: 7 Harrison Ave., Woburn, MA

Dear Members of the Council:

Please consider this as a request that the public hearing scheduled for June 16, 2009 be continued to July 14, 2009, as revisions to the plans are desired by the Planning Board and Engineering department before they can complete their review. For your courtesy in this matter.

Sincerely, s/John D. McElhiney

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On the petition by Alderman Scott Galvin concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 17-19 Franklin Street, Woburn, Massachusetts 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. A copy of a communication entitled "Board of Health Order" dated June 10, 2009 relative to the property located at 17 Franklin Street to Armelle Felius was received from Kerri C. Oun, Health Inspector, Woburn Board of Health. A communication dated June 15, 2009 was received from Building Inspector Thomas Quinn, Woburn Inspectional Service Department relative to 17-19 Franklin Street.

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On the petition by Anne M. Beauchamp, 7 Marietta Street, Woburn, Massachusetts 01801 and John J. Beauchamp, 2 Ryan Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to alter and change a pre-existing non-conforming structure by razing the same and constructing a new, two-family structure which will also be non-conforming with respect to some dimensional requirements and changing the use from single family to two-family at 222 School Street PUBLIC HEARING OPENED. A communication dated June 15, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Anne M. Beauchamp and John J. Beauchamp – 222 School Street – To allow the alteration and change of a pre-existing non-conforming single family house to a new non-conforming two family house pursuant to Section 7.3

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on June 9, 2009, the Board voted to forward a favorable recommendation to the City Council on the Special Permit request to allow for the removal of the existing single family house and the construction of a new two family house at 222 School Street with conditions that limit the potential impact on the abutting lot on the west side of the property.

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 Parmjit Singh Bhatti, 470 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.29 of the 1989 Woburn Zoning Ordinances, as amended, to allow fast food at 470 Main Street PUBLIC HEARING OPENED. A communication dated June 15, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Parmjit Singh Bhatti – 470 Main Street – To allow fast food restaurant pursuant to Section 5.1.29

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on June 9, 2009, the Board voted to forward an unfavorable recommendation to the City Council to allow for a fast food restaurant pursuant to Section 5.1.29 at 470 Main Street because of the traffic issues and lack of parking that exist along Main Street for the creation of a take out restaurant and for the fire safety concerns relating to this site cited by the Fire Chief.

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 June 8, 2009 to Edmund Tarallo, Planning Director was received from John E. Corey, Jr., PE as follows:

Subject: 470 Main Street – Fast Food Restaurant – Special Permit Applications Dated May 11, 2009

This office has reviewed the special permit applications for the above referenced project and offers the following comments.

The applicant is seeking permission to operate a fast food restaurant at the above referenced address.

There is a hand sketch showing the proposed interior layout of the restaurant. There are no statistics indicating the number of patrons. In order to properly assess the impacts of the proposal, the applicant should submit a development impact statement and traffic study pursuant to sections 18 and 19 of the Woburn Zoning Ordinance or reasons why these would not be applicable. It would appear from the special permit application that all parking for the facility would be within existing municipal lots.

Should you have any questions or comments concerning this information, please do not hesitate to contact this office.

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On the petition to discontinue as a public way the portion of Central Street shown as "Area of Proposed Discontinuance of Central Street" as shown on a plan entitled "Portion of Central Street, Montvale Ave – Orange Street, Woburn, Massachusetts" prepared by the City of Woburn Engineering Department dated 03/30/03 and to convey the land to the jurisdiction of the School Department. PUBLIC HEARING OPENED.

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**ORDINANCE:**

On the petition by June G. Ross 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 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, committee report was received as follows: "Ought to pass, with a deed restriction of one duplex house." A communication dated June 16, 2009 was received from Attorney Malcolm H. Houck, 7 Winn Street, Woburn, Massachusetts 01801 as follows:

In re: Lot 1B – 35 Pine Street – Sean P. Coakley, Manager – Hammond Square Realty LLC

Dear Mr. Campbell:

Last evening, June 15, 2009, the Ordinance Committee met to consider the Petition to rezone a portion of the above-captioned Lot 1B at 35 Pine Street. A report on the action

taken by the Committee upon a 3-2 vote was to be sent to you for placement on the City Council agenda for future action.

Specific among concerns of the Councilors is a deed restriction for so much of this lot as it might be rezoned by appending to the adjacent Zoning District R-2. That restriction would be implemented by a recorded covenant running with the land limiting the use and development of this lot to construction of a single two-family style residential dwelling house.

In advance of any action by the City Council a restrictive covenant would have to be made and executed by the present owner of Lot 1B, Mrs. Ross. I have met with the owner's attorney, James J. Mawn, Jr., Esquire, regarding his preparation of a draft covenant and restriction in gross for recording at the Middlesex South District Registry of Deeds. He informs me that a draft will be prepared promptly for completion and signature by Mrs. Ross.

In placing this restriction upon this lot however there remain two matters of timing which must be resolved. First, and upon receipt of the draft covenant, that should be approved by counsel for the City. I am more than willing to engage with Attorney Jonathan Silverstein in this regard; -- having enjoyed a professional relationship with him in the past on other matters.

Secondly, to have a covenant with a restriction in gross completed by Mrs. Ross in advance of approval by Attorney Silverstein, would be premature. Upon final approval of the covenant, and its language of restriction, then arrangements can be made with Attorney Mawn for him to meet with the elderly Mrs. Ross to complete this deed restriction.

Accordingly, and until the covenant and deed restriction is completed in a suitable and satisfactory form, I am requesting that this matter be left with the Committee. I shall advise when the restrictive covenant has been completed so that this matter may be scheduled for final action.

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

Very truly yours, s/Malcolm H. Houck

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On the Order to amend Title 2, Article V, Section 3-25(H)(1) relative to income limitations for the Senior Citizen Property Work-Off Program, committee report was received "ought to pass."

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**FINANCE:**

On the Order to transfer the sum of \$535,220.00 from Unreserved Fund Balance Account to School Department Special Education Section 15 – Out of District Account, committee report was received “ought to pass.”

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On the Order to transfer the sum of \$732.00 from Fire Sick Leave Buy Back Account to Fire – Holiday Pay Account, committee report was received “ought to pass.”

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On the Order to appropriate the sum of \$57,802.00 from Insurance Reimbursement Account to Police Building Maintenance Account, committee report was received “ought to pass.”

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On the Order to appropriate the sum of \$38,000.00 from Cemetery Interest Fund Account to various Cemetery Accounts, committee report was received “ought to pass.”

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**POLICE AND LICENSES:**

On the petition by Mohamad S. Moharam dba First Cab of Woburn to increase the number of vehicles allowed under a Taxi Cab License to two (2), committee report was received “ought to pass.”

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**NEW PETITIONS:**

A communication dated June 4, 2009 was received from David Dellarocco, 18 Heritage Drive, Woburn, Massachusetts 01801 requesting that name on his Second Class Motor Vehicle Sales License be changed from “David Dellarocco” to “David Dellarocco dba Woburn Auto Sales” located at 5 Crescent Avenue, Unit 4.

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Petition by The Cieri Group, LLC, 329 Washington Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.42 and 5.1.57b so as to utilize approximately 5,513 square feet of space for a MAPA auto parts business, as a wholesale establishment, with associated overnight parking of commercial vehicles, and such accessory retail use as permitted by right (per line 61, Note 4) at 275 Salem Street.

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Petition by M&L Transit Systems, Inc., 60 Olympia Avenue, Woburn, Massachusetts 01801 for a special permit to amend a special permit dated April 27, 2000, as amended by a special permit dated October 17, 2002, pursuant to 1985 Woburn Zoning Ordinances, as amended Sections 5.1.44, 5.1.69 and 7.3 to allow for the alteration and extension of the

existing nonconforming use to allow for a commercial vehicle inspection bay and commercial vehicle wash bay at 60 Olympia Avenue.

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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 May, 2009: number of parking violations issued 777, number of violations paid 448, number of violations outstanding 301, amount collected and submitted to the Office of the Collector \$27,468.60. There exists a backlog of 4,798 tickets for 1982 through 2008. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission \$4,750.00.

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

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A communication dated June 3, 2009 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the May meeting of the Council on Aging and the Director's report for the month of May.

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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:**

RESOLVED That prior to the submission of any funding request for the construction of a new Goodyear School by His Honor the Mayor and the School Committee, the School Committee shall be required to submit to the City Council the record of its vote in the affirmative to close the Clapp School no more than six (6) months from the first day the new Goodyear School is used for educational purposes; and

Be It Further Resolved that prior to it approving any Goodyear School construction funding authorization, the City Council vote in the affirmative to close the Clapp School no more than six (6) months from the first day the new Goodyear School is used for educational purposes.

s/Alderman Denaro

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