

**CITY OF WOBURN  
OCTOBER 20, 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:** None.

**PUBLIC HEARINGS:**

On the petition by Alderman Mercer-Bruen concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 14 Felton 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.

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On the petition by NSTAR Electric Company for a grant of right in a way to install conduit in Water Street northerly at pole 229/15 approximately 240 feet +/- west of Woburn Parkway a distance of about 36 feet +/- . PUBLIC HEARING OPENED. A communication dated September 29, 2009 with a copy of the plan entitled "Water Street, Woburn, Proposed NSTAR Conduit Location" dated August 28, 2009 was received from Vincent Ferlisi, Superintendent, Department of Public Works as follows: "Approved as per attached".

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On the petition by Cummings Properties, LLC, as managing agent for Sudbury Research Center, LLC, 200 West Cummings Park, Woburn, Massachusetts 01801 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 structure to construct an elevated

pedestrian walkway from the second floor of the subject building located at 34 Commerce Way to the second floor of the adjacent building at 8 Cabot Road. PUBLIC HEARING OPENED.

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On the petition by Cummings Properties, LLC, as managing agent for Woburn Properties, LLP, 200 West Cummings Park, 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 amend a special permit granted on May 19, 2009 to construct an elevated pedestrian walkway from the second floor of subject building located at 8 Cabot Road to the second floor of existing adjacent building at 34 Commerce Way. PUBLIC HEARING OPENED.

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**CITIZEN’S PARTICIPATION:** None.

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**COMMITTEE REPORTS:** None.

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**NEW PETITIONS:**

Petitions for renewal of First Class Motor Vehicle Sales License by C.N. Wood Company, Inc., 200 Merrimac Street; Lannan Chevrolet-Olds, Inc., 40 Winn Street and 56 Winn Street; Woburn Foreign Motors, 394 Washington Street; and Woodco Machinery Inc., 22 North Maple Street.

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Petitions for renewal of Second Class Motor Vehicle Sales Licenses by Capelo’s Auto Service, Inc., 22 Winn Street; Jeffrey Pollock dba Exclusive Automobiles, 7 Independence Drive; J.C. Auto Sales, 84-86 Winn Street; Velozo Enterprises, Inc. dba Rogers Radiator, 936 Main Street; David Dellarocco dba Woburn Auto Sales, 5 Crescent Avenue #4; and Donald J. Socorelis dba Woburn Glass Company, 243 Main Street.

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Petition by Nextel Communications of the Mid-Atlantic Inc., c/o Clear Wireless, LLC, 960 Turnpike Street, Suite 28, Canton, Massachusetts 02021 for a special permit pursuant to Section 5.6 of the 1985 Woburn Zoning Ordinances, as amended, to allow a wireless communications link on the NSTAR Electric Company utility structure at 168 Rear Lexington Street.

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Petition by Anthony K. Paone, Trustee of Harrison Avenue Realty Trust, 141 Sylvester Avenue, Winchester, Massachusetts 01890 for a special permit pursuant to Section 15 of the 1985 Woburn Zoning Ordinances, as amended, Groundwater Protection District to

accommodate the filling and parking of motor vehicle use authorized by a special permit issued on October 9, 2009 at 7 Harrison Avenue.

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Petition by Michael H. Riccardi dba Mike's Auto Body, 17 North Maple Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.44 of the 1985 Woburn Zoning Ordinances, as amended, to operate an auto body repair shop at 219 New Boston Street.

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A communication dated October 19, 2009 was received from Attorney John D. McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 as follows:

Re: Request for Minor Modification to Special Permit  
Applicant: America Venture Corp./Michael B. Moskow, Trustee  
Premises: 159-175 Main St., Woburn, MA

Dear members of the City Council:

As you know, this office represented the above-named applicant in connection with a special permit granted by your honorable body in 2008. We are hereby requesting two minor modifications to the terms of that special permit, which actual conditions now seemingly warrant.

As to the first requested modification, instead of constructing a sidewalk on the northerly side of Richardson Street extension, it will be much less intrusive on existing properties if the sidewalk is constructed on the southerly side of the said Richardson Street extension. It is my understanding that this change meets with the approval of relevant city officials.

As to the second requested modification, the landscape contractor has suggested substituting flowering pear trees in place of ginkgo trees as were originally shown on the relevant plan. The ginkgo trees can produce a berry which falls and can stain motor vehicles. They also can sometimes produce a bad odor. The flowering pear trees are equally as hardy and should make a quality substitute. The number of trees, as well as the diameter/size of the trees will remain the same, and the other species of trees and vegetation will remain as specified.

We appreciate your consideration in reviewing and approving the above requested modifications, and I am forwarding a copy hereof to the Planning Board as well for their input, if any, on the requested landscaping change.

Thank you for your courtesy.

Sincerely, s/John D. McElhiney

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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 September 2009: number of parking violations issued 1,261, number of violations paid 653, number of violations outstanding 436, amount collected and submitted to the Office of the Collector \$43,067.80. There exists a backlog of 4,732 tickets for 1982 through 2008. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$7,655.00.

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

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A communication was received from the Friends of Mary Cummings Park requesting time to address the City Council concerning the Mary Cummings Park.

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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** Be it ordained by the City Council of the City of Woburn that Section 23 of the 1985 Woburn Zoning Ordinances, as amended, be further amended by adding to Section 5.4 Hours of Operation the following:

Section 5.4 Hours of Operation - Except by the grant of a special permit by the City Council, the hours of operation for supermarkets, retail uses, fast food restaurants and gasoline service stations shall be from 5:00 a.m. to midnight.

s/President Doherty

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**ORDERED** WHEREAS, there presently exists a structure or structures located in the City of Woburn, Massachusetts known and numbered as 4 Ellis Court; 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 Wall and Alderman Denaro

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RESOLVED That the City Engineer draft a comprehensive parallel parking plan for Campbell Street and Union Street.

s/Alderman Wall and Alderman Denaro

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RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to finish the sidewalks on both sides of Eagle Road, Hawk Road and Pigeon Road and further to repave the streets of Eagle Road, Hawk Road and Pigeon Road.

s/Alderman Gately

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