

**CITY OF WOBURN
DECEMBER 15, 2009 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Denaro	Gonsalves
Drapeau	Mercer-Bruen
Galvin	Raymond
Gately	Wall
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 Alderman Wall and Alderman Denaro concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 4 Ellis Court, 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.

On the petition by President Charles Doherty to further amend the 1985 Woburn Zoning Ordinances, as amended, by deleting in Section 23.2.2.1 the dashes between the words "CWCOD dated" and "and as may be amended" and inserting in its place the effective date of this ordinance and to amend the Woburn Zoning Map by establishing the Commerce Way Corridor Overlay District generally bordered by the Wilmington Town Line to the north; Route 93, Dragon Court, and Commerce Way to the east; Mishawum Road to the south; and the MBTA commuter rail tracks and Newberg Avenue to the west. PUBLIC HEARING OPENED. A report was received from the Committee on Ordinances as follows: "Back for action". A communication dated December 4, 2009 was received from John E. Corey, P.E., City Engineer as follows:

Subject: Commerce Way Corridor Overlay District

We are in receipt of the City Council request to prepare a conceptual plan for infrastructure improvements necessary to support future development associated with the overlay district.

Based on the ordinance for the overlay district, the writer was under the impression that an infrastructure master plan would be developed by the developer. We could proceed with this assignment, however it would require a fairly detailed study and it would be impossible to produce this document by the December 7th meeting.

My apology if there was a misunderstanding in what we were requested to provide. Kindly contact me if there are any questions concerning this matter.

A communication dated December 7, 2009 was received from Attorney Jonathan M. Silverstein, Kopelman and Paige, P.C. relative to the affect of the proposed zoning amendment on the underlying zoning district. A communication dated December 14, 2009 was received from Attorney Jonathan M. Silverstein, Kopelman and Paige, P.C. relative to the affect of the proposed zoning amendment on the adult entertainment zoning district with respect to constitutional requirements.

On the matter relative to Tax Classification for the City of Woburn. PUBLIC HEARING OPENED.

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$200,000.00 from BLS Ambulance Receipts Account to Ambulance Salaries Account and the sum of \$50,000.00 from ALS Ambulance Receipts Account to Ambulance Maintenance Account, committee report was received “back for action.”

POLICE AND LICENSES:

On the petition for renewal of First Class Motor Vehicle Sales License by Azure Dynamics US Inc., committee report was received “ought to pass.”

On the petition for renewal of Second Class Motor Vehicle Sales Licenses by EC Inc. dba XPress Fuel; Robert Khouzami; Tracy M. Batten dba Tracy’s Auto Sales; and Wassim

(Sam) Nicolas dba Woburn Square Mobil, committee report was received “ought to pass.”

On the petition for transfer of a Second Class Motor Vehicle Sales License from Tracy M. Batten dba Winn Street Auto Sales to Abdelaziz Ilaj dba Woburn Motors and for renewal of said License, committee report was received “ought to pass.”

NEW PETITIONS:

Petitions for renewal of Second Class Motor Vehicle Sales Licenses by Robert Fucarile dba Classic Auto Sales, 9 Salem Street; Francis Garbino dba Tom’s Auto Body; and Kenneth L. O’Connor dba City Line Motors, 30R Torrice Drive.

Petition by Perennial Landscape Corp., 955 Main Street, Unit 204, Winchester, Massachusetts for a special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Pursuant to Section 5.1.43 to allow for open or outside storage of new or used building materials or equipment, and 2. Pursuant to Section 5.1.57b to allow for accessory storage or parking of commercial motor vehicles, both at 22 Torrice Drive.

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 November, 2009: number of parking violations issued 1,531, number of violations paid 797, number of violations outstanding 490, amount collected and submitted to the Office of the Collector \$51,720.80. There exists a backlog of 4,707 tickets for 1982 through 2008. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$8,650.00.

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

A communication dated December 2, 2009 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the November 2009 meeting of the Council on Aging and the Director’s report for the month of November 2009.

A communication dated November 30, 2009 was received from Joseph E. Connarton, Executive Director, Massachusetts Public Employee Retirement Administration Commission, 5 Middlesex Avenue, Suite 304, Somerville, Massachusetts 02145 advising that the amount of \$4,662,616.00 must be appropriated for the city's retirement system for Fiscal Year 2011.

A communication dated December 10, 2009 was received from Attorney Ricardo M. Sousa, Prince Lobel Golvsky & Tye, LLP, 100 Cambridge Street, Suite 2200, Boston, Massachusetts 02114 was received as follows:

Re: Applicant: Clear Wireless, LLC
Address of Property: 92 Merrimac Street, Woburn, MA
Request for Withdrawal without Prejudice

Dear Honorable Members of the City Council, Mr. Clerk and Mr. Tarallo:

This firm represents the above-captioned Applicant, Clear Wireless, LLC, in connection with its application before the City Council for a proposed wireless telecommunications facility at the property located at 92 Merrimac Street, Woburn, MA. In an effort to resolve a certain issue associated with the subject property before pursuing the zoning relief for the facility, the Applicant respectfully requests that this application be withdrawn without prejudice.

If you should have any questions, please do not hesitate to call me.

Sincerely, s/Ricardo M. Sousa

A communication dated December 14, 2009 was received from Jamie Brambila, President of Operations, Corral, Inc., dba Let's Go Burrito Mexican Grill as follows:

Re: 340 West Cummings Park, Woburn, MA (formerly LoFat/Know Fat Restaurant)

Dear Mr. Campbell:

Please permit me to introduce myself and reintroduce my brother, Jose Brambila. Jose and I have recently assumed the space at 340 West Cummings Park, Woburn, which previously had been occupied by LoFat/KnowFat Restaurant. Previously LoFat/KnowFat had been operating under a special permit for a 5,000 square foot space at Units 339 and 340 West Cummings Park. Our landlord, Cummings Properties, LLC, has partitioned off 2,500 square feet of this space and leased it to our newly established corporation, Corral, Inc. Accordingly, we plan on operating a fast food-take out Mexican burrito grill requiring only one-half of the permitted space occupied formerly by LoFat/KnowFat. Jose and I are very experienced in the Mexican-style restaurant business as I have owned and operated Ixtapa Cantina Mexican Restaurant in Lunenburg for several years while

Jose is known to the City of Woburn for owning and operating another sister Ixtapa Cantina Mexican Restaurant here in Woburn for the last three years.

Our concept is to bring the same excellent Mexican cuisine we offer in our restaurant to the lunch clientele in and around Cummings Park in the form of burritos and salads to go. We plan to use the existing space (as partitioned in half) with minimal cosmetic changes. In addition, we intend to create local employment opportunities for approximately 8-12 staff members. No liquor service is contemplated at this stage.

As Jose and I are eager to bring this concept to the City of Woburn, we would greatly appreciate swift action on our special permit application.

Sincerely, s/Jamie Brambila, President of Operation, Corral, Inc. dba Let's Go Burrito Mexican Grill

A further communication dated December 15, 2009 was received from Jamie Brambila, President of Operations, Corral, Inc., dba Let's Go Burrito Mexican Grill as follows:

Re: Minor Modification of Special Permit to Corral, Inc. dba Let's Go Burrito Mexican Grill

Dear Mr. Campbell:

In supplementation to our letter of intent submitted to you yesterday, this is to define more specifically our request to the City Council at tonight's hearing.

Corral, Inc. is seeking only a minor modification of the Special Permit granted to our predecessor LoFat/KnowFat, Inc., on June 11, 2004, specifically to modify Paragraph 2 of the Conditions listed in your Decision and Notice of Special Permit dated June 11, 2004 indicating "that the Special Permit shall not be transferable to any other business". All other Conditions would not be affected.

Sincerely, s/Jamie Brambila, President of Operation, Corral, Inc. dba Let's Go Burrito Mexican Grill

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That 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 the City of Woburn as are qualified to vote in Special State Elections to assemble at the polling places in the City of Woburn as designated herein, on **TUESDAY, the NINETEENTH OF JANUARY, 2010** from 7:00 a.m. to 8:00 p.m., then and there to cast their votes in the Special State Election for the candidates for the office of **SENATOR IN CONGRESS FOR THE COMMONWEALTH** at the following polling places:

<u>Ward-Precinct</u>	<u>Polling Place Location</u>
1-1	Joyce Middle School Library, 55 Locust Street
1-2	Clapp Elementary School Cafeteria, Hudson Street and Arlington Road
2-1	Shamrock Elementary School Gymnasium, 60 Green Street
2-2	Shamrock Elementary School Gymnasium, 60 Green Street
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, 36 Bow Street
5-1	Kennedy Middle School Gymnasium Lobby, 41 Middle Street
5-2	Kennedy Middle School Gymnasium Lobby 41 Middle 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 _____

ORDERED That due to the Municipal Election the Regular Meeting of the City Council scheduled for January 19, 2010 is hereby cancelled.

s/Alderman _____

Motion made and 2nd to ADJOURN.