

**CITY OF WOBURN  
SEPTEMBER 21, 2010 - 7:30 P.M.  
REGULAR MEETING OF THE CITY COUNCIL  
COUNCIL CHAMBER, WOBURN CITY HALL**

Roll Call

Anderson	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Gaffney	Raymond
Denaro	

---

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

---

**MAYOR'S COMMUNICATIONS:**

A communication dated September 17, 2010 was received from His Honor the Mayor Scott D. Galvin as follows:

Re: Thirty-third Annual Mayor's Senior Appreciation Day Dinner

Dear President Denaro and Members of the City Council:

On Sunday, November 7, 2010, the 33<sup>rd</sup> Annual Mayor's Senior Appreciation Day Dinner will be held at Woburn Memorial High School, starting at 11 a.m. Dinner will be served at noon. It is my pleasure to continue this tradition, which attracts more than 500 Woburn Seniors each year.

In keeping with this Mayoral tradition, I am extending an invitation to all City Councilors to participate in the dinner by serving our seniors.

I look forward to seeing you there.

Sincerely, s/Scott D. Galvin, Mayor

---

**PUBLIC HEARINGS:**

On the petition by National Grid for a grant of right in a way to install approximately eighty (80) feet of four (4) inch plastic service to feed 371 Main Street. PUBLIC

HEARING OPENED. A communication was received from Thomas C. Quinn, Acting Superintendent, Department of Public Works as follows:

Utility Permit – National Grid – 371 Main Street

1. National Grid must abide by the City of Woburn Title 12 Guidelines.
2. Repair or replace any stamped and painted crosswalks that are damaged.
3. All work must be done between the hours of 9:00 p.m. and 6:00 a.m.
4. All work must be done according to plan submitted.
5. All work must be completed by October 20, 2010 (no exceptions).

s/Thomas C. Quinn, Acting Superintendent

\*\*\*\*\*

On the petition by NSTAR Electric Company and Verizon New England, Inc. for a grant of right in a way to relocate joint occupancy pole 115/12 easterly side of Central Street at intersection of Orange Street and relocate joint occupancy pole 37/11 easterly side of Central Street at intersection of Montvale Avenue. PUBLIC HEARING OPENED.

\*\*\*\*\*

On the petition by Hughes Entertainment dba Lasercraze, 1600 Osgood Street, North Andover, Massachusetts 01845 for a special permit pursuant to Section 5.1.17b, 5.1.29 and 5.1.64 of the 1985 Woburn Zoning Ordinances, as amended, to allow for an indoor commercial playground for laser tag and containing automatic amusement devices and a snack bar at Suite C, 15 Presidential Way. PUBLIC HEARING OPENED. A communication dated September 17, 2010 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Hughes Entertainment, Inc. d/b/a LaserCraze, 15 Presidential Way, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent Hughes Entertainment, Inc. On behalf of my client, I respectfully request that the public hearing on the above matter be continued from September 21, 2010 to October 5, 2010. The Petition is being reviewed by the Planning Board on September 28, 2010 and a written recommendation from the Planning Board will not be available for the City Council public hearing. Therefore, the continuance to October 5, 2010 is being requested. Thank you.

Very truly yours, s/Joseph R. Tarby, III

\*\*\*\*\*

On the petition by Roman Catholic Archbishop, a Corporation Sole, 66 Brooks Drive, Braintree, Massachusetts to further amend the 1985 Woburn Zoning Ordinances, as

amended, by revising Section 22 entitled “Senior Housing Overlay District (SHO)” by deleting in its entirety and replacing with a new Section 22 entitled “Residential Overlay District (ROD) District. PUBLIC HEARING OPENED. A communication dated September 13, 2010 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Roman Catholic Archbishop of Boston – Zoning Ordinance Amendment – To delete in its entirety Section 22 entitled “Senior Housing Overlay District (SHO)” and replace it with a new Section 22 entitled “Residential Overlay District (ROD) District”

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on September 7, 2010, the Board voted to forward a favorable recommendation to the City Council regarding the deleting of the “Senior Housing Overlay District (SHO)” and replace it with a new Section 22 entitled as modified by the September 7, 2010 Draft entitled “Intergenerational Overlay District (IOD) District”.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

A report was received from the Committee on Ordinances as follows: “back for action”.

\*\*\*\*\*

On the petition by Roman Catholic Archbishop, a Corporation Sole, 66 Brooks Drive, Braintree, Massachusetts to further amend the Woburn Zoning Map, as amended, for a parcel of land containing approximately 6.00 acres of land from the Senior Housing Overlay District to the Residential Overlay District and by adding a parcel of land containing approximately 1.091 acres to the Residential Overlay (“ROD”) District at or about 859 Main Street. PUBLIC HEARING OPENED. A communication dated September 13, 2010 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Roman Catholic Archbishop of Boston – Zoning Map Amendment – To amend the Woburn Zoning Map for a parcel of land containing approximately 6.00 acres of land identified as Lot 2 Main Street from the Senior Housing Overlay District to Residential Overlay District and by addint ghe parcel of land containing approximately 1.091 acres of land identified as Lot A, Main Street to Residential Overlay (“ROD”) District.

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on September 7, 2010, the Board voted to forward a favorable recommendation to the City Council regarding the above cited zoning ordinance map changes to “Intergenerational Overlay District (IOD) District” in accordance with the text changes.

If you or members of the City Council have any questions or concerns regarding the foregoing matter, please contact me.

Respectfully submitted, s/Edmund P. Tarallo, Planning Director

A report was received from the Committee on Ordinances as follows: “back for action”.

---

**CITIZEN’S PARTICIPATION:** None.

---

**COMMITTEE REPORTS:**

**ORDINANCES:**

On the Order to amend Section 120A of the 1989 Woburn Municipal Code, as amended, relative to the salary of the Deputy Auditor, committee report was received “ought to pass”.

\*\*\*\*\*

**MUNICIPAL LANDS:**

On the request by James Coronis to reconstruct a deck over a portion of a sewer easement located at 38 Lake Avenue, committee report was received “back for action”. A communication dated September 20, 2010 was received from City Solicitor John D. McElhiney as follows:

Re: Coronis matter – 38 Lake Avenue

Dear Members of the Council:

Although I received a separate request on your behalf, from the City Clerk, relative to seeking my opinion on the above-matter, I had, in the interim, forwarded my comments to the Committee on Ordinances, prior to said Committee’s discussion of the same. A copy of my prior comments is attached.

Having now seen additional correspondence from Mr. Coronis, however, I would add that should the requested encroachment be allowed, any agreement to waive or release the city from damages should be signed and acknowledged before a notary public so that the instrument can be recorded, and should accommodate the possibility of emergency repairs, without necessarily any advance notice to the owner.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely, s/ John D. McElhiney

Attached thereto was a communication dated September 14, 2010 to the Committee on Municipal Lands from City Solicitor John D. McElhiney as follows:

Re: Matter of James Coronis – 38 Lake Avenue

Dear Chairman Gately and Members of the Committee:

To the extent that your Committee has invited comment from this office, I wish to offer the following:

As a general rule, it is not desirable to allow structures to be maintained over or upon an underground easement. While older water, sewer, or drain easements were sometimes less than 20' in width, the normal and generally used width of an easement is 20'. This has been generally accepted as the proper width in order to allow equipment to freely work and negotiate within an easement area in the event that maintenance or re-construction of the sewer, in this case, is necessary. To the extent that structures of a permanent nature are allowed to encroach, it thus reduces the available area within which to work. Accordingly, such encroachments are usually to be discouraged.

Should the Council, notwithstanding that general principle, see fit to allow an encroaching structure to be constructed on the easement, it would be my recommendation that it do so only on the condition that the property owner sign an enforceable waiver of damages, disclaiming for himself and future owners any right to damages in the event that the encroaching structure is moved, interfered with, or damaged due to the City's need to maintain or re-construct the underlying sewer line. It would also be my recommendation that such an agreement, along with an instrument surveyed plan showing the extent of the encroachment, be recorded at the Registry of Deeds, at the property owner's expense.

Please let me know if you desire any further comments from this office on this matter.

Sincerely, s/John D. McElhiney

A communication dated September 20, 2010 was received from James Coronis, 38 Lake Avenue as follows:

Re: Reconstruction of Existing Residential Stairway Entrance w/Modifications

Dear City Alderman & Lands Committee,

Per your request, I respectfully submit this letter to the City of Woburn. It is understood that a special permit is being granted to James Coronis for the placement of additional Sono-tubes onto an existing easements edge to support a new portion of an external stairway connection.

Mr. Coronis agrees to hold harmless from any liability, the City of Woburn or its representatives for this work, should the necessity occur for excavations within the existing easement. In the unexpected event of required excavations, Mr. Coronis shall be given a few days notice by the town to allow for temporary supports at this location. We appreciate our Alderman working with us on this request and allowing a little bit of flexibility with this situation.

Respectfully, s/James S. Coronis

---

### **NEW PETITIONS:**

Petition by Global Companies LLC, 404 Wyman Street, Waltham, Massachusetts 02451 for transfer of ownership of Inflammable License from ExxonMobil Oil Corp. to Global Companies LLC. for above ground: 1,180 gals motor oil, greases; lubricants, anti-freeze - underground - 30,000 gals gasoline; 550 gals waste oil; 550 gals fuel oil at 23 Pleasant Street.

---

### **COMMUNICATIONS AND REPORTS:**

A communication dated September 14, 2010 with attachments was received from City Solicitor John D. McElhiney as follows:

Re: Request for Permission to do Environmental Testing in New Boston Street Olin Corporation

Dear Members of the Council:

The City has received a request from Olin Corporation to install a pair of ground water monitoring wells in New Boston Street, in that section of the street beyond the former bridge, accessed off Presidential Way. Copies of the request and proposed Agreement are attached. Apparently the testing is a part Olin's agreement with the United State Environmental Protection Agency and the Massachusetts Department of Environmental Protection.

I do have some minor suggested revisions to the Agreement which I will forward to Olin Corporation and which will be made to the Agreement prior to the Mayor's signature. However, whereas this Agreement has the effect of allowing someone to have rights within a street, I believe it requires Council permission and approval. (I also suggest it requires two readings.)

Please review this matter and take the appropriate action. Should you need me to further discuss or explain the nature of the agreement, please do not hesitate to contact me.

Sincerely, s/John D. McElhiney

Attached thereto was the following:

RESOLVED That His Honor the Mayor is authorized to execute an Access Agreement allowing the installation of groundwater monitoring wells in a portion of New Boston Street in substantial accordance with the Access Agreement attached hereto.

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

\*\*\*\*\*

A communication dated September 11, 2010 with attachment was received from Veterans Agent Larry Guisepe as follows:

Dear Bill:

Attached is a listing of the memorials to Veterans in the City of Woburn, excluding those on Woburn Common.

It was brought up at a prior Council meeting by Alderman Gately and Council President Denaro that I supply this list to them regarding a pending sign restriction ordinance.

Please provide this information to the necessary parties on the Council and/or Committees.

Sincerely, s/Larry Guisepe

\*\*\*\*\*

A communication dated September 20, 2010 with attachments was received from City Solicitor John D. McElhiney as follows:

Re: Water Line Easement-National Amusements-Middlesex Canal Park

Dear Members of the Council:

Submitted herewith for your consideration is an Order authorizing the Mayor to accept the Grant of an Easement so as to install and maintain a water line, to be connected to Middlesex Canal Park. You had previously authorized the connection across property from Colony Road to Middlesex Canal Park itself. Since the roadway is Registered Land and is a separate parcel, however, it is also necessary that a specific authorization allow the tie-in to the roadway itself.

Only one reading is required, and as stated, this more or less simply extends the previous authorization so as to allow the tie-in within the roadway, but should you have any questions, please do not hesitate to contact either myself and/or the City Engineer.

Thank you for your courtesy.

Sincerely, s/John D. McElhiney

Attached thereto was an Order as follows:

ORDERED That the Mayor be and is hereby authorized to accept a certain Grant of Easement within the roadway known as Middlesex Canal Park for the installation and maintenance of a water line, as shown on the attached Plan entitled "Proposed 8" Water Line Extension – Location Old Colony Rd. to Middlesex Canal Park, Woburn, Massachusetts," prepared by the City of Woburn Engineering Department.

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

\*\*\*\*\*

A communication dated September 15, 2010 with attachments was received from Veterans' Agent Larry Guiseppe as follows:

Dear City Council Members;

As Veterans Agent and a United Veterans Council member I am asking for your support and approval for a Memorial to Pvt. Charles Wendell Rupp, killed in action on May 27, 1918 while serving with the US Army during WWI.

The United Veterans Council has reviewed all the documentation regarding Pvt. Rupp's military records and believe a memorial is appropriate. The Council requests this memorial be in close proximity to that of Charles Harold Lynch, (located at Horn Pond on Arlington Road across from Hudson Street). The reason we request this location is because Pvt. Rupp and Pvt. Lynch were together on patrol when they were killed.

Thank you for your consideration of this matter.

Sincerely, s/Larry Guiseppe

Attached thereto was the following:

ORDERED Whereas, Charles Wendell Rupp was born on Elm Street in Woburn on August 15, 1895: and

Whereas, Charles Wendell Rupp enlisted in the National Guard on July 23, 1917 and was part of Company F, 101<sup>st</sup> Regiment that mobilized at Library Park and left for France on September 7, 1917; and

Whereas, Charles Wendell Rupp was attached to Battalion Headquarters as a messenger to the frontlines; and

Whereas, on May 27, 1918, while on a scouting patrol in Flirey, France with Charles Harold Lynch of Woburn, Charles Wendell Rupp was killed in action ; and

Whereas, the remains of Charles Wendell Rupp returned home to Woburn in July 1921 and are buried in Woodbrook Cemetery at the Soldiers Monument;

Now, Therefore, the City Council of the City of Woburn hereby Orders that an appropriate memorial be erected at Horn Pond on Arlington Road in close proximity to the Charles Harold Lynch Memorial so that the sacrifice of Charles Wendell Rupp shall forever be remembered by the grateful citizens of the City of Woburn.

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

\*\*\*\*\*

A communication dated September 15, 2010 was received from Larry Guiseppe, Veterans' Agent and George Poole, Commander, United Veterans Council as follows:

#### Veterans Week Agenda

On behalf of the United Veterans Council and the City of Woburn we would like to invite you to participate in this years Veterans Day activities. Our parade on Thursday, November 11<sup>th</sup> will begin at 10 am (muster at 9:40) at Cross Street and march to Woburn Common for ceremonies.

You are additionally invited to the Veterans program at the Senior Center, School Street, on Thursday, November 4<sup>th</sup> at 1230. This years church services will be celebrated at the North Congregational Church, North Woburn on Sunday November the 14<sup>th</sup> at 10 am followed by a Veterans breakfast at the Woburn Moose Hall, Federal Street.

Please join us for all of these events to honor our veterans that have served and those currently serving our great country. Please contact myself or George Poole with questions.

United We Stand.

Sincerely, s/Larry Guisepppe, Veterans' Agent, Woburn and George Poole, Commander,  
United Veterans Council, Woburn

\*\*\*\*\*

A communication dated September 17, 2010 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit of Andrew G. Eromin and Mary Eromin, 7 Richmond Avenue,  
Woburn, Massachusetts

Dear Mr. Campbell:

On behalf of my clients I respectfully request that the above-referenced Petition be given leave to withdraw without prejudice. My clients have been informed by the City Engineer's office that the new flood plan mapping will not affect the construction of the dwelling as previously planned. When the new flood plan maps were issued it appeared that the property was affected requiring the movement of the proposed new dwelling closer to Richmond Avenue. Since that is now not the case the modification to the Special Permit is not required.

If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby, III

\*\*\*\*\*

A communication dated September 17, 2010 was received from Norman Lux, 59 Buckboard Drive, Westford, Massachusetts 01886 and Joann Lux, 218 School Street, Woburn as follows:

Re: Special Permit Granted upon meeting the Special Condition for Section 7.3 of the 1985 Woburn Zoning Ordinance approval

In regard to the special permit granted to Anne M. Beauchamp, 7 Marietta Street, Woburn, Massachusetts 01801 and John J. Beauchamp, 2 Ryan Rd, Woburn, Massachusetts 01801, for land affected located at 222 School Street, Woburn, Ma.

The special condition for granting such special permit has not been complied with, and the City of Woburn has granted the occupancy permit to the subject property without the special condition being fulfilled.

I'm requesting a meeting of the Committee on Special Permits to be scheduled immediately to address the fulfillment of the special condition that grants the special permit.

Thank you for your attention to this matter.

Sincerely, Norman Lux and Joann Lux

\*\*\*\*\*

A report entitled "Expanded Notice of Project Change – 620 Washington Street, Winchester, Massachusetts" prepared by Vanasse Hangen Brustlin, Inc., Union Station, Suite 219, 2 Washington Square, Worcester, Massachusetts 01604 dated September 2010 was received.

\_\_\_\_\_

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

\_\_\_\_\_

**APPOINTMENTS AND ELECTIONS:** None.

\_\_\_\_\_

**MOTIONS, ORDERS AND RESOLUTIONS:**

RESOLVED That a communication be forwarded to the State Senators and State Representatives for the City of Woburn asking that they support the proposal to repeal Massachusetts General Laws Chapter 40B.

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

\_\_\_\_\_

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