

**CITY OF WOBURN
FEBRUARY 15, 2011 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

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: None.

PUBLIC HEARINGS:

On the petition by the Boys and Girls Club of Woburn, Inc., Charles Gardner Lane, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.14 of the 1985 Woburn Zoning Ordinances, as amended, to conduct a six-day carnival from May 3 through May 8, 2011 at the National Amusements (Showcase Cinema) site at 25 Middlesex Canal Park Drive. PUBLIC HEARING OPENED. A communication dated January 26, 2011 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Boys and Girls Club of Woburn, Inc. – 25 Middlesex Canal Park – To conduct a six-day carnival from May 3 to May 8 at the National Amusement Showcase Cinemas site for fundraising purposes

Dear Mr. Campbell and Members of the City Council:

At the meeting held on January 25, 2011, the Planning Board voted to forward a favorable recommendation to the City Council, subject to the condition that the applicant comply with Note 14 of the Notes to Section 5.1 of the 1985 Zoning Ordinance as amended.

If Council members have any questions or concerns regarding the above recommendation, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

On the petition by Alderman Drapeau relative to the structure or structures located at 33 Sylvanus Woburn Lane, Woburn for the purposes of determining whether said building or buildings are a nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or buildings or other structure, 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. PUBLIC HEARING OPENED.

On the petition by Peter Mamakos, 1092 Fellsway, Medford, Massachusetts 02155 for a special permit pursuant to Section 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended, to amend a special permit issued April 7, 2005 by amending Condition 5 to allow hours of operation to between 6:00 a.m. and 11:00 p.m. and by amending Condition 11 to allow a revision to the plan of record to a plan entitled "The Restaurant, Bar Renovations, 487-489 Main Street" dated 12/6/10 prepared by Seger Architects, Inc., at 487-489 Main Street. PUBLIC HEARING OPENED. A communication dated January 26, 2011 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Peter Mamakos – 487-489 Main Street – To amend the 2005 special permit by amending condition #5 from "5. That the hours of operation shall be 6:00 a.m. to 9:00 p.m. Monday through Sunday" to "5. That the hours of operation shall be 6:00 a.m. to 11:00 p.m. Monday through Sunday" and amend condition #11 to reference the newly submitted architectural plans dated December 6, 2010

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on January 25, 2011, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Peter Mamakos, regarding the property at 487-489 Main Street to amend conditions #5 and #11 of the 2005 Special Permit granted to this property with conditions 5 and 11 to read as follows:

"5. That the hours of operation shall be 6:00 a.m. to 11:00 p.m. Monday through Sunday." and

"11. That the special permit be limited to Peter Mamakos for "The Restaurant" as shown on the architectural plans dated 07/19/04 and last revised 12/09/04 prepared by Donald Lang Architects, Inc. 880 Watertown St., West Newton, MA 02465 as further modified by the architectural plan prepared by Seger Architects, Inc., 10 Derby Square, Suite 4N, Salem, Massachusetts 01970, dated 12.6.10 Sheet A.1 Floor Plan entitled "The Restaurant – Bar Renovations, 487-489 Main Street, Woburn, MA 01801."

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

On the petition by Robert W. Murray, 27 Cambridge Street, Burlington, Massachusetts for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the alteration of the existing non-conforming use and structure (mobile home) to provide for the construction of a single family dwelling at 8 Albany Street. PUBLIC HEARING OPENED. A communication dated January 26, 2011 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Robert W. Murray – 8 Albany Street – To allow for the alteration of an existing non-conforming use and structure (mobile home) to provide for the construction of a single family dwelling pursuant to Section 7.3 The petitioner is seeking to allow for the alteration of an existing non-conforming use and structure (mobile home) to provide for the construction of a single family dwelling pursuant to Section 7.3

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on January 25, 2011, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Robert W. Murray, regarding the property at 8 Albany Street to allow for the alteration of an existing non-conforming use and structure, an existing mobile home, by constructing a new single family dwelling pursuant to Section 7.3 subject to the condition that the northerly side yard shall be at least 10’ and that the southerly side yard shall be at least 6.5’.

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

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS:

POLICE AND LICENSE:

On the petition by SureRide, LLC for a new Taxi Cab License, committee report was received as follows “ought not to pass”. A communication dated February 14, 2011 was received from Steven Alicandro as follows:

To the Woburn City Council:

My name is Steven Alicandro owner of SureRide, LLC. I would like to withdraw my application for taxi license due to conflict of business.

Thank you, s/Steven Alicandro

FINANCE:

On the Order to appropriate the sum of \$30,299.00 from Unreserved Fund Balance Account to Collation Expenses Account, committee report was received “ought to pass”.

On the Order to appropriate the sum of \$475,000.00 from Unreserved Fund Balance Account to various Police Department Accounts, committee report was received “ought to pass”.

On the Order to appropriate the sum of \$17,803.22 from Unreserved Fund Balance Account to Purchasing Salary Sick Leave Buy Back Account, committee report was received “ought to pass”.

On the Order to establish the Be Well Woburn Committee Departmental Revolving Fund, committee report was received “ought to pass”.

ORDINANCES:

On the Order to amend Title 2 of the 1989 Woburn Municipal Code, as amended by adding a new Article XL entitled “Woburn Agricultural Commission”, committee report was received “ought to pass”.

On the Order to amend Title 2, Article V, Section 5-38 of the 1989 Woburn Municipal Code, as amended relative to conduct of business by hawkers and peddlers and transient vendors, committee report was received “ought to pass”.

MUNICIPAL LAND:

On the Order to authorize the Mayor to enter a certain Easement Agreement calling for the construction of sidewalks and installation for lighting on a portion of Middlesex Canal Park, committee report was received “ought to pass”.

NEW PETITIONS:

Petition for renewal of Taxi Cab License for one vehicle and change of location by Ali A. Saleb dba Metro Cab, 170 Main Street.

Petition for renewal of Taxi Cab License for one vehicle by Ahmad Abbas dba A.A. Transportation, 600 West Cummings Park, Suite 1175.

Petition by T-Mobile Northeast, LLC, 15 Commerce Way, Suite B, Norton, Massachusetts 02766 for a special permit pursuant to Section 5.1.80b of the 1985 Woburn Zoning Ordinances, as amended, to add one antenna on the roof in a new faux chimney structure and associated cables to the existing equipment area with no new base equipment at 667 Main Street.

Petition by Woodco Machinery, Inc., 22 North Maple Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to allow for the use of a portion of the identified property for additional parking and storage of equipment and vehicles in connection with its existing use of the adjacent property, at Assessors Map 9, Block 7, Lot 3 Merrimac Street adjacent to 22 North Maple Street.

COMMUNICATIONS AND REPORTS:

A communication dated February 14, 2011 with attachments was received from City Solicitor John D. McElhiney as follows:

Re: Parcel 14-12-02 (Fifth Road/Fourth Road)

Dear Members of the Council:

I am writing to apprise the Council of a situation with respect to the above parcel, with the suggestion that the Council vote to accept a deed in lieu of taxes, pursuant to G.L. Chapter 60, Section 77C, so that the City might acquire the same in a simplified and inexpensive manner.

In summary, the parcel consists of approximately 2.02 acres, and is virtually entirely wetlands. It directly abuts several paper streets, as well as another larger parcel of wetlands which is already City owned. An assessor’s map showing the parcel in question is attached.

It was thought for the last twenty years or so that the parcel in question was city owned as well, and it has been listed as City owned property on Assessor’s records for that span of

time, with the last tax bill to any private owner issued in approximately 1987. However, we have recently had reason to perform a title search on the parcel, and it turns out that the parcel is not, in fact, City owned. I have tracked the ownership to the heirs and successors of a realty trust established in the 1960's.

Under normal circumstances, tax takings would be filed and the matter would eventually go through proceedings in the Land Court to foreclose on the tax takings. In this particular case, however, where it appears that the city was under the mistaken belief that it already owned the parcel, the last tax bill in question was from the mid 1980s. The principal amount of taxes owed at that time was \$1,290.11. Interest since that time is approximately \$4,900.00. Given the relative small amount owed, and the likelihood that the city will eventually foreclose on this parcel in any event, I have inquired with the current heirs about the possibility of conveying the property now, in lieu of taxes. This procedure is specifically allowed in G.L. Chapter 60, Section 77C. In addition, the owners are willing to pay the city the principal amount owed of \$1,290.11, meaning the city would accept the deed in lieu of the interest portion of the 1987 bill.

I have already inquired with the Conservation Commission, and they see a value in acquiring the parcel, as a means of protecting the wetlands area, particularly as this parcel of 2 acres will be added to an existing city owned parcel of 7.24 acres. (See minutes of a Conservation Commission meeting of December 16, 2010, attached).

In addition, accepting a deed in lieu of the taxes would allow the City to acquire the parcel now, for minimal expenditure, as opposed to going through the expense and time of the Land Court proceeding. And given the long-time benefits of protecting the wetlands on the site, it is a parcel that the City should probably acquire in any event.

For the above-reasons, I recommend this approach. A sample Order/Vote is attached for your consideration. Should you desire to send this matter to Committee, I would be happy to make myself available to further explain this process.

Sincerely, s/John D. McElhiney

Attached thereto was the following Order:

ORDERED That the City Council authorize the Mayor to accept a deed in lieu of taxes from the owners of a certain parcel containing 2.02 acres, and shown on Assessor's records as Map 14-12-02, on Fourth/Fifth Rd., subject to payment of such portion of the taxes as represent the principal balance (\$1,290.11).

s/Alderman _____

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Be it Ordained by the City Council of the City of Woburn that Title 5, Article XII, Section 5-69 of the 1989 Woburn Municipal Code, as amended, be and is hereby further amended by adding a new second sentence so that the section, as amended, shall read as follows:

Section 5-69 License required – Conveyance of persons; Limits

No person shall set up, use or drive any motor taxicab, or other vehicle, for the conveyance of persons for hire from place to place within the City, without a license for such carriage from the City Council. The number of taxicab licenses to be issued shall not be in excess of twenty-eight. The number of livery licenses to be issued shall not be in excess of forty-one.

s/Alderman Mercer-Bruen, Alderman Gately and Alderman DiTucci

Motion made and 2nd to ADJOURN.