

**CITY OF WOBURN
APRIL 19, 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 NSTAR Electric Company, 101 Linwood Street, Somerville, Massachusetts 02143 for a grant of right in a way to install approximately forty-five (45) feet of conduit on Lynn Street northwesterly from pole 328/2 approximately 165 feet northeast of Salem Street. PUBLIC HEARING OPENED.

On the petition by J&S Landscaping, Inc./Joseph Constantino, 1 Oakland Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57b of the 1985 Woburn Zoning Code, as amended, to allow accessory storage or parking of commercial vehicles at 1 Oakland Street PUBLIC HEARING OPENED. A communication dated April 13, 2011 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: J&S Landscaping, 1 Oakland Street, Woburn, Massachusetts

Dear Mr. Campbell:

Due to the fact that the Planning Board has not yet completed its review of the above petition, I respectfully request that the public hearing on this matter be continued from April 19, 2011 to the next available date.

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

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

On the petition by Alderman Gately relative to the structure or structures located at 52-54 High Street, 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 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. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass, as amended, with the condition as follows: 1. That the petitioner shall contribute the sum of \$5,000.00 to the City of Woburn for the wireless communication facilities study fund."

On the petition by 859 Main Development, LLC, 57 Russell Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 22 of the 1985 Woburn Zoning Ordinances, as amended for a proposed 98 unit condominium development at 859 Main Street PUBLIC HEARING OPENED. A copy of a communication dated April 12, 2011 to Edmund Tarallo, Planning Director from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 859 Main Street 98 Unit development Special Permit
Special Permit Application Dated February 28, 2011
Plans Dated January 27, 2011
Drainage Calculations Dated January 27, 2011
Traffic and Parking Assessment Dated February 2011

The applicant is seeking permission to construct a 98 unit condominium complex on an existing 6 acre parcel of land.

Upon review of the special permit application, this office offers the following comments.

Water

Sheet 5 of 8 shows a proposed 8" water main that will service the two condominium buildings and the club house. Both buildings will have a 6" fire service and a 4" domestic water service and the clubhouse will be serviced by a 2" copper water service.

The applicant is proposing to upgrade approximately 210' of the old 6" water main to a 10" CLDI water main to the southerly property.

This office takes no exception to the proposed water main design as shown.

Sewer

The applicant is proposing to service the site with a proposed 6" PVC sewer main which connects to a proposed sewer manhole on Main Street.

This office takes no exception to the sewer design as shown.

Drainage

The site plan shows that the site drainage will be mitigated by a series of infiltration chambers throughout the site. The submitted drainage calculations demonstrate that the post development runoff conditions for the 100 year storm are reduced from predevelopment conditions. However, the engineer should show an overflow pipe where possible from infiltration chambers to the resource area for storm events in excess of 100 years.

Miscellaneous

Sheet 4 of 8 shows the proposed grading for the development. There is a proposed Alzheimer development at the northerly property line that has been recently approved by the planning board. Both projects show grading that slopes toward the common property line. This would create a valley between the two properties which could have an impact on the site drainage.

The applicants for both projects should look at their grading design at the common property line so that neither project will have an adverse impact on one another and create a drainage problem.

This proposed project is subject to section 18 of the Woburn Zoning Ordinance. The applicant has submitted a development impact statement which outlines how the proposed development affects the infrastructure. As part of the mitigation, the applicant is proposing to replace the existing 6" water main on Main Street with approximately 210' of 10" CLDI water main to the southerly property line.

Additionally the applicant is proposing to construct a new walking trail at the rear of the property along the wetland and Middlesex Canal.

The development Impact Statement should also include the total project cost so that the mitigation amount can be determined.

Traffic

The applicant has submitted a traffic and parking assessment study for the proposed project. This study includes the proposed Alzheimer's care facility and the proposed St. Anthony's parish center developments.

The report includes the existing level of service as well as the 2014 no build and build scenarios.

The report indicates minor changes in delay on the 2014 no build scenario compared to the 2014 build scenarios and there is the level of service drops from a C to a D at the School Street intersection on from the 2011 existing level of service to the 2014 build scenario.

The report also indicates that the 2014 build scenario at the un-signalized driveways for the Alzheimer’s care facility and the condos will operate at a D level of service during the AM and PM peak hours.

This office has been informed by the planning board that the traffic report review is under a peer review and is awaiting comments.

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

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS:

PERSONNEL:

On the appointments of Timothy A. Mooney, Joseph C. Patrissi, Michael J. Benenate, Robert F. Carley and Paul A. Medeiros to the Woburn Agricultural Commission, committee report was received “ought to pass”.

On the Order to transfer the sum of \$1,984.80 from Fire/Sick Leave Buyback Account to Fire/Holiday Pay Account, committee report was received “ought to pass”.

On the Order to transfer the sum of \$146,500.00 from BLS Ambulance Receipts Account to Ambulance Salaries Account, Fire/Overtime Account, Ambulance Maintenance Account and Fire/Holiday Pay Account, committee report was received “ought to pass”.

On the Order to transfer the sum of \$20,000.00 from Ambulance Salaries Account to Apparatus Maintenance Account, committee report was received “ought to pass”.

On the Order to appropriate the sum of \$777,093.00 from Unreserved Fund Balance Account to Capital Improvements – Police Vehicles Account, Fire/Turnout Gear

Account, Parks/Groundmaster and Dump Truck Account, Recreation/Library Park Playground – Police Account, Engineering/Leland Park Site Design Account and Public Works/4x4 Pick Up Account, committee report was received “ought to pass”.

POLICE AND LICENSES:

On the petition by Abdulla Nasser dba AACO Travel Taxi Service for renewal of Taxi Cab License for two (2) vehicles, committee report was received “ought to pass”.

On the petition by Lifeline Ambulance Service, LLC for renewal of Livery License for twelve (12) vehicles, committee report was received “ought to pass”.

ORDINANCES:

On the Order to amend Title 2, Article XXVI, Section 2-174 of the 1989 Woburn Municipal Code, as amended, relative to ambulance rates of service, committee report was received “ought to pass”.

On the Order to amend Title 2, Article XXVII, Section 2-181 of the 1989 Woburn Municipal Code, as amended, relative to base salary of the Superintendent of Public Works, committee report was received “ought to pass”.

On the petition by Alderman Drapeau relative to the structure or structures located at 33 Sylvanus Wood 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, committee report was received “back for action”. A communication dated April 14, 2011 was received from Thomas C. Quinn, Jr., Inspectional Services Department as follows:

Re: 33 Sylvanus Wood Lane

With regard to the above referenced property. The owner has been unresponsive to the request to enter the premises by the Inspectional Services Department and was issued a Zoning Violation fine on March 9, 2011 in the amount of Three Hundred Dollars per day based on her admittance in an email of having more than the one allowed living units within a Single Family Dwelling to which she failed to respond to. A complaint was issued on April 11, 2001 with the Woburn District Court and as of this time I am awaiting a date for the Hearing.

I will update you as more information becomes available.

NEW PETITIONS:

A communication dated April 13, 2011 was received from James Haggerty IV, Boys & Girls Club of Woburn, Charles Gardner Lane, Woburn, Massachusetts 01801 as follows:

Dear Mr. Campbell:

Due to unforeseen circumstances, the Boys & Girls Club of Woburn is asking the City of Woburn for a minor modification to its special permit for the Club's annual carnival.

We are asking for an amendment of the special permit that will change the dates from May 3rd to May 8th to May 17th to May 22nd.

If you have any questions or concerns, please do not hesitate to contact me or Carla Beaudoin at the Boys & Girls Club of Woburn at (781) 935-3777.

Thank you for your assistance in this matter.

Sincerely, s/James Haggerty IV, Boys & Girls Club of Woburn

Petition by Woburn Cab Company Inc., 100 Ashburton Avenue for renewal of Livery License for three (3) vehicles.

Petition by Woburn Cab Company Inc., 100 Ashburton Avenue for renewal of Taxi Cab License for twelve (12) vehicles.

Petition by Amerco Real Estate Company, Inc., 2727 North Central Avenue, Phoenix, Arizona 85004 for three special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended, to convert an existing property into a U-Haul Center as follows: 1. Pursuant to Section 5.1.42a self-storage warehouse facility, 2. Pursuant to Section 5.1.45 rental of U-Haul equipment, autos, trucks and trailers, and 3. Pursuant to Section 5.1.57b storage and parking of motor vehicles, all at 31 Olympia Avenue.

Petition by Woburn Kiwanis, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.75 of the 1985 Woburn Zoning Code, as amended, to allow for a carnival and fireworks on June 17 and June 18, 2011.

COMMUNICATIONS AND REPORTS:

A communication dated April 15, 2011 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 March 2011: number of parking violations issued 533, number of violations paid 235, number of violations outstanding 238, amount collected and submitted to the Office of the Collector \$20,834.80. There exists a backlog of 5,627 tickets for 1982 through 2010. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$5,500.00.

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

A copy of a communication dated April 12, 2011 to Edmund P. Tarallo, Planning Director was received from Attorney Ellen Callahan Doucette, Brackett & Lucas, 19 Cedar Street, Worcester, Massachusetts 01609 relative to conditions of the special permit granted on April 15, 2008 to American Venture Corporation, Packet Realty and B&D Realty Trust for the property located at 159-175 Main Street.

A communication dated April 11, 2011 was received from City Clerk William C. Campbell as follows:

Re: Conflict of Interest Law

The conflict of interest law legislation passed in 2009 requires certain mandatory education and training requirements for public employees, which includes paid, unpaid and volunteer positions. This includes online training every two years and distribution of the ethics law summaries every year to the employees of the city.

Due to the cost and other practical circumstances, the State Ethics Commission established guidelines to allow the city to exempt certain employee categories from performing the online training or receiving the written summaries. Examples include volunteers in schools, school libraries, conservation day clean-up efforts, senior center and parks and recreation activities, and paid temporary or seasonal position such as poll workers, recreation lifeguards, snowplow operators, senior citizen tax abatement program workers, and a number other positions. A copy of an extract from the Ethics Commission memorandum is enclosed for your review.

The positions would not be exempt from the conflict of interest law, however it would eliminate costs to the city and relieve the burden on the volunteer or short-term temporary or seasonal positions from sitting for on line training.

If the City Council has an interest in examining the exemption further, I am available to meet with the City Council or an appropriate committee.

s/William C. Campbell, City Clerk

A communication dated April 12, 2011 from Frank A. Cieri, The Cieri Group, 329 Washington Street, Woburn, Massachusetts 01801 relative to a complaint concerning Ali Saleh dba Metro Cab.

UNFINISHED BUSINESS OF PRECEDING MEETING:

On the Order relative to the authorization of His Honor the Mayor and the Board of Trustees of the Woburn Public Library to apply for, accept and expend any state grants for the renovation and expansion of the Woburn Public Library.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS: None.

Motion made and 2nd to ADJOURN.