

**CITY OF WOBURN  
JUNE 21, 2011 - 7:30 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Gaffney	Raymond
Denaro	

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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:**

**ORDERED** That the sum of \$3,750.00 be and is hereby transferred as so stated from Board of Health Salary Acct #0151251-511000 \$3,750.00 to Veteran's Cash Aid Acct #0154357-577000 \$3,750.00

I hereby recommend the above: s/Lawrence Guisepppe, Veterans Agent  
I have reviewed the above: s/Gerald W. Surette, City Auditor  
I hereby approve the above: s/Scott D. Galvin, Mayor

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

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**PUBLIC HEARINGS:**

On the petition by Oliver Enterprises, 278 Salem Street, Woburn, Massachusetts 01801 for a Special Permit pursuant to the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. To allow for the alteration of the existing non-conforming use and structure (single family home) to provide for an addition to the existing structure to allow for the Petitioner's landscaping business pursuant to Section 7.3, and 2. To allow for the overnight parking of commercial vehicles pursuant to Section 5.1.57b, at 5 Hancock Street. PUBLIC HEARING OPENED. A communication dated June 9, 2011 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Oliver Enterprises, 5 Hancock Street, Woburn, MA

Dear Mr. Campbell:

Due to the fact that the Planning Board will not complete its review of the above petition at its meeting on June 14, 2011, I respectfully request that the public hearing on this matter be continued from June 21, 2011 to July 19, 2011.

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

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

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On the petition by Accurate Auto Services, 7 Harrison Avenue, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1 (44) and 15 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the construction of a new building containing approximately 2,100 square feet to allow an automobile and truck repair garage within the Ground Water Protection District at 7 Harrison Avenue. PUBLIC HEARING OPENED.

A communication dated June 9, 2011 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Accurate Auto Services, 7 Harrison Avenue, Woburn, MA

Dear Mr. Campbell:

Due to the fact that the Planning Board will not complete its review of the above petition at its meeting on June 14, 2011, I respectfully request that the public hearing on this matter be continued from June 21, 2011 to July 19, 2011.

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

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

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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 communication dated June 20, 2011 was received from Attorney Shaun W. Briere, Mawn, Mawn and Mawn, 275 Mishawum Road, 4<sup>th</sup> Floor, Woburn, Massachusetts 01801 as follows:

Re: 859 Main Development LLC – Special Permit Petition

Dear Mr. Campbell and Members of the City Council:

The Petitioner respectfully requests a continuance of the above referenced matter scheduled for public hearing by the City Council at its upcoming meeting on June 21,

2011. The Petitioner requests said continuance in order to afford the Planning Board time to complete their review of the Special Permit Petition. The Petitioner requests a continuance to the next meeting of the City Council on July 19, 2011.

Please feel free to contact the undersigned should you have any questions or require any additional information regarding the above. Again, I thank you for your consideration and respect in this matter.

Very truly yours, s/Shawn W. Briere

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On the petition by Peterson Party Center, Inc., 139 Swanton Street, Winchester, Massachusetts for a special permit pursuant to Section 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to allow for the overnight parking of commercial vehicles at 36 Cabot Road. PUBLIC HEARING OPENED. A communication dated June 16, 2011 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Peterson Party Center Inc., 36 Cabot Road, Woburn, MA

Dear Mr. Campbell:

Due to the fact that the Planning Board will not complete its review of the above petition until its meeting on June 28, 2011, I respectfully request that the public hearing on this matter be continued from June 21, 2011 to July 19, 2011.

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

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

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On the petition by Belinda M. Alfano, Trustee of 85 Green Street Realty Trust, P.O. Box 158, North Billerica, Massachusetts 01862 for a Special Permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a change in use of the existing non-conforming use and structure from a single family home to a two family home at 85 Green Street. PUBLIC HEARING OPENED.

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On the 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. PUBLIC HEARING OPENED. A communication dated June 16, 2011 was received from David

Pollock, Staff Architect, Project Manager, U-Haul International/AMERCO Real Estate Company Inc., 2727 N/ Central Avenue, Phoenix, Arizona 85004 as follows:

Re: Request for Continuance – U-Haul Special Permit, 31 Olympia Ave.

To Whom it may Concern:

I David Pollock acting as Authorized Agent for U-Haul International/AMERCO Real Estate Company, am requesting a continuance from the June 21<sup>st</sup> City Council agenda and to be placed on the next scheduled City Council meeting date. This request shall allow U-Haul to resolve all the remaining Planning Board items.

Respectively, s/ David Pollock, Staff Architect, Project Manager,  
U-Haul International/AMERCO Real Estate Company Inc.,

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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.

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**CITIZEN’S PARTICIPATION:** None.

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**COMMITTEE REPORTS:** None.

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**NEW PETITIONS:**

Petition by United Dominion Realty LP dba UDD Inwood LLC, 1745 Shea Center Drive, Suite 200, Highlands Ranch, Colorado 80129-1540 for transfer from Avalon Bay Communités Inc. an Inflammable License to allow above ground storage of 735 gallons of gasoline in garage units (49 cars @ 15 gallons each) at Inwood Drive, Lot 1.

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A Conservation Easement and Restriction was received from Scott Seaver, Manager of Seaver Properties LLC of 57 Russell Street, Woburn, Middlesex County, Massachusetts, owner of the properties known as Lots 3, 4 and 6 as shown on a Definitive Subdivision Plan entitled 372 Salem Street dated 8/14/07 and modified on 10/27/07 and 5/20/08 and recorded in the Middlesex South District Registry of Deeds as Plan #901 of 2008 and as described in a Deed dated October 29, 2008 and recorded in said Deeds at Book 51843, Page 180, and Mark Frizzell and Darlene M. Frizzell, owners of Lot 5 on the

aforementioned plan as described in a deed dated February 8, 2010 and recorded in Said deeds at book 54271, Page 25, pursuant to Sections 31, 32 and 33 of Chapter 184 of the Massachusetts General Laws granting to the City of Woburn in perpetuity and exclusively for conservation purposes the following described Conservation Restriction pursuant to an Order of Conditions (Par 23m) recorded in Middlesex South District Registry of Deeds at Book 51842, Page 47, on a portion of a parcel of land (the “premises”) located in Woburn, Massachusetts and shown as affecting Lots 3, 4, 5 and 6 on a plan entitled “Conservation Restriction Plan of Land in Woburn Mass” prepared by Keenan Survey dated December 21, 2010, said Conservation Restriction consists of approximately 54,254 square feet and is shown on said plan as “Conservation Restriction Area”.

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Petition by Town Fair Tire Centers of Massachusetts LLC, 460 Coe Avenue, East Haven, Connecticut 06512 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.22b and 5.1.44 to modify two special permits dated May 27, 2010 1. To allow for an automobile and truck repair garage, and 2. To allow a retail establishment between 5,000 square feet to 15,000 square feet (7,600 square feet), by deleting the words “with a roof” from Condition 4 in both special permits thereby eliminating the requirement of a roof on the tire cage, at 422-424 Washington Street.

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Petition by Woburn 38 Development LLC, 1621 State Street, New Haven, Connecticut for a special permit pursuant to Section 5.5 of the 1985 Woburn Zoning Ordinances, as amended to allow for the removal of loam, soil, clay, sand, borrow, gravel, stone or any other earth product, earth constituent or earth material from 1042 Main Street and 7 Briarwood Drive.

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Petition by FJ Catalano Ent. Inc., 188 Ayer Road, Harvard, Massachusetts 01451 for a special permit pursuant to Sections 5.1.23, 5.1.29, 5.1.63a, 7.3, 8.3 and 8.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the alteration of the existing nonconforming use and structure to relocate the existing Dunkin Donuts Store to the left side of the building, add a Drive-up Customer Service Facility, allow for 51 parking spaces and parking on a lot separate from 880 Main Street, all at 880 Main Street.

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**COMMUNICATIONS AND REPORTS:**

A communication dated June 20, 2011 was received from Veteran’s Agent Larry Guiseppe as follows:

Dear President Denaro and Members of the City Council:

Please accept this as a request to appear before the City Council to discuss a planned parade by the Korean Society of New England. I am available at your convenience.

Sincerely, s/Larry Guisepe, Veteran's Agent

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A communication dated June 14, 2011 with attachment was received from State Representative James J. Dwyer, State House, Room 254, Boston, Massachusetts 02133 as follows:

Mayor Galvin, Members of the City Council and Chairman Bishop,

Please find enclosed an order signed by the Governor, enacting into law House Bill 3343, *An Act authorizing the licensing authority of the City of Woburn to issue eight additional licenses for the sale of all alcoholic beverages to be drunk on the premises.*

Section 2 of the legislation deems that the legislation "will take effect upon passage" therefore the application process for these licenses is now in the hands of the Licensing Commission.

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

Best Regards, s/James J. Dwyer, State Representative

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**UNFINISHED BUSINESS OF PRECEDING MEETING:**

A Notice of Intent to move for reconsideration was filed by President Paul Denaro on June 14, 2011 at 5:55 p.m. relative to his vote in support of the motion to adopt the total Water and Sewer Enterprise Fund budget including indirect charges in the amount of \$17,723,330.54 and in support of the motion to adopt the total City of Woburn FY2012 budget in the amount of \$117,457,759.41, in order to correct the amounts to reflect amendments made during the deliberative process.

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**APPOINTMENTS AND ELECTIONS:** None.

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**MOTIONS, ORDERS AND RESOLUTIONS:** None.

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