

**CITY OF WOBURN  
SEPTEMBER 6, 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 \$2,706,928.13 be and is hereby appropriated as so stated from Debt Reserve Acct #648059-596100 \$2,706,928.13 to Debt Principle Acct #0171059-591000 \$1,645,000.00, Debt Interest Acct #0171059-591500 \$1,061,928.13, Total \$2,706,928.13

I hereby approve the above: s/Scott D. Galvin, Mayor

I have reviewed the above: s/Gerald W. Surette, City Auditor

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

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**PUBLIC HEARINGS:**

On the petition by National Grid for a grant of right in a way to install approximately 120 feet of four (4) inch PL gas main and approximately fifty (50) feet of 1¼ inch PL gas service to serve 4 Fryeberg Road. PUBLIC HEARING OPENED. A communication was received from Superintendent of Public Works John Duran as follows: "1. Remove and replace existing 2 inch steel with proposed 4 inch plastic gas main, 2. Restore roadway to original condition or as approved by Superintendent of Public Works, 3. Service from street to house shall be 1 ¼ PL gas service."

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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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On the petition by for the purposes of determining whether there is cause for revoking the following inflammable licenses and to take action following said hearing:

<u>License Holder</u>	<u>Location</u>	<u>Reason</u>
Rohm and Haas Company	185 New Boston Street	Tanks removed
Amerifit Pharma Inc.	11 State Street	Request of license holder
Waste Management of Boston North	204 Merrimac Street	Tanks removed
Stephen & Adeline Dagata	211 New Boston Street	Request of license holder
Matthew Aucoin	25 Garfield Avenue	Tanks removed
Francis P. McHugh	26 Jefferson Avenue	Failure to register
Tim's Gas & Auto Repair	146 Main Street	Failure to register
William Spence & Sons, Inc.	30 Wyman Street	Tanks removed

PUBLIC HEARING OPENED. A request was received to transfer the Inflammable License at 146 Main Street to Jacqueline Eskanian of Tim's Gas/We Got Gas Auto Repair.

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On the petition by Alderman Michael Raymond and Alderman Richard Gately to amend the 1985 Woburn Zoning Ordinances, as amended, by establishing a new Section 26 entitled Solar Overlay District as set forth in the petition (See City Council Journal of June 7, 2011 for full recitation of the ordinance). PUBLIC HEARING OPENED. A communication dated August 4, 2011 was received from Edmund P. Tarallo, Planning Director as follows:

Re: Alderman Michael Raymond and Alderman Richard Gately – Zone Change – New Section 26 entitled Solar Overlay District

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on August 2, 2011, the Board voted to forward a favorable recommendation to the City Council regarding the zoning amendment adding a new Section 26 entitled "Solar Overlay District".

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

Sincerely, s/Edmund P. Tarallo, Planning Director

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On the petition by Alderman Raymond to amend the Zoning Map of the City of Woburn, as amended, by adding the parcel of land identified on the Assessors maps as Map 04, Block 01, Parcel 07 to the “Solar Overlay District” zoning district. PUBLIC HEARING OPENED.

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On the petition by Stephanie A. Maggiore, 6 Stafford Court, Haverhill, Massachusetts 01835 for a special permit pursuant to Section 5.1.35 of the 1985 Woburn Zoning Ordinances, as amended, to allow a dog daycare business at 167-171B Merrimac Street. PUBLIC HEARING OPENED. A copy of a communication dated September 6, 2011 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 167-171B Merrimac Street – Dog Daycare Special Permit – Special Permit Application Dated July 13, 2011

The applicant is seeking permission to open a dog daycare business at the above referenced location.

Upon review of the special permit application and submitted plans this office finds that no exterior work is being proposed and that all work will be within the building and no department review is required.

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

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On the petition by ZRC Operations Company Inc. dba Qdoba Mexican Grill, 4865 Ward Road, Suite 500, Wheat Ridge, Colorado 80033 for a special permit to modify a special permit issued on September 16, 2008, which allowed for a fast food restaurant and building signage, as modified by a special permit issued on October 8, 2009, as modified by a special permit issued on June 29, 2010, pursuant to Section 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended, to allow for outside patio seating at the Qdoba Mexican Grill at 300 Mishwaum Road. PUBLIC HEARING OPENED.

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On the 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. PUBLIC HEARING OPENED. A report was received from the Committee on Finance as follows: “ought to pass with the following conditions: 1. The Proposal, parking and landscaping shall be in accordance with the proposed plan dated August 29, 2011; 2. The hours of operation of the drive-up customer service facility shall be limited to Monday thru Saturday 5:00 am to 9:00 pm and Sunday from 7:00 am to 9:00 pm; 3. Signs shall be

placed before the drive thru order board instructing patrons to turn off radios before entering the drive thru area; 4. The petitioner shall establish in-house procedures to instruct Dunkin Donut employees to tell customers to turn off radios while on the property. 5. Individually selected dozen donuts shall not be offered for sale in the drive thru lane; 6. That the special permit shall be limited to a "Dunkin Donuts" franchise only and no other fast food use without the approval of the City Council; 7. That the Planning Board shall retain jurisdiction over the landscaping; 8. Any future retail use of the 3000 square foot northeast portion of the building shall not commence prior to 10:00 am, and shall be subject to Special Permit application; 9. All dumpsters and waste containers shall be enclosed by means of a fence, wall or landscaping in compliance with the Woburn Zoning Ordinances; 10. Exterior construction activities on the Site shall not commence prior to 7:00 am and shall cease no later than 6:00 pm Monday through Saturday. This condition shall not apply to any work performed by any public utility; 11. During the Site redevelopment and construction phases, the Petitioner shall maintain all adjoining roadways free and clear of all debris; 12. All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting any abutting properties; 13. No parking spaces shall be used for snow storage. Snow shall be removed from the property as necessary. A copy of the snow removal plan shall be placed on file with the Department of Public Works; 14. Queuing will not be allowed beyond the northwest corner of the building; 15. That these findings are contingent upon the owner of record, Robert and Mary McSheffrey, filing a written statement with the City Clerk agreeing to be bound by the conditions of the special permit. If the written statement from the owners is not received then the Special Permit application shall be null and void; 16. That the parking spaces (shown on proposed plan dated August 29, 2011) on the north side of the building shall be removed to allow two lanes of traffic to the rear of the building; 17. That all signage comply with Woburn Zoning Ordinances; 18. That no tractor trailer deliveries be made to the front of the Dunkin Donuts building."

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**FINANCE:**

On the Order to transfer the sum of \$5,000.00 from Senior Tax Work Off Program Account to Senior Center Van Account, committee report was received "ought to pass".

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**PERSONNEL:**

On the reappointment of Richard Lynch as a Member of the Woburn Golf & Ski Authority, committee report was received "ought to pass".

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**POLICE AND LICENSES:**

On the petition by Boston-Woburn Express Transportation for a new Common Carrier License for one vehicle, committee report was received “ought to pass”.

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On the review of the Taxi Cab License of A.A. Transportation, committee report was received “receive and place on file”.

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**ORDINANCES:**

On the Order to added a new Section 2-196A “Equal Opportunity and Affirmative Action Policy” to Title 2, Article XXIX of the 1989 Woburn Municipal Code, as amended, committee report was received “ought to pass”.

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**NEW PETITIONS:**

Petition by National Grid for a grant of right in a way to install approximately 100 feet of 2 inch PL gas main and approximately 50 feet of 1 inch PL gas service to serve 3 Patriot Circle.

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Petition by Accurate Auto Services, 7 Harrison Avenue, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.44 and Section 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 garage within the Ground Water Protection District at 7 Harrison Avenue.

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**COMMUNICATIONS AND REPORTS:**

A communication dated August 12, 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 July 2011: number of parking violations issued 934, number of violations paid 453, number of violations outstanding 363, amount collected and submitted to the Office of the Collector \$34,891.00. There exists a backlog of 5,586 tickets for 1982 through 2010. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$8,100.00.

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

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A communication dated September 1, 2011 was received from Attorney Joseph Tarby. Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Petition of Woburn 38 Development LLC, 1042 Main Street and 0 Briarwood Road, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for September 20, 2011 be further continued to the City Council meeting on October 18, 2011. If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby

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

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**APPOINTMENTS AND ELECTIONS:** None.

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**MOTIONS, ORDERS AND RESOLUTIONS:**

ORDERED WHEREAS, there presently exists a structure or structures located in the City of Woburn, Massachusetts known and numbered as 602 Main Street; and

WHEREAS, the said building or buildings and the property is generally not being properly maintained;

NOW, THEREFORE, BE IT ORDERED be the City Council of the City of Woburn that the City Clerk and Clerk of the City Council schedule a public hearing pursuant to Mass. General Laws Ch. 139, Sec. 1, et. seq., and give notice thereof to the owner of said building or buildings, said hearing to be conducted for the purposes of determining whether said building or buildings are a nuisance, a nuisance to the neighborhood, dilapidated or dangerous building or buildings or other structure or structures, 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.

s/Mark Gaffney

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36 Bow Street

5-1 Goodyear Elementary School Gymnasium  
41 Central Street

5-2 Goodyear Elementary School Gymnasium  
41 Central 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 \_\_\_\_\_

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ORDERED That pursuant to the 1989 Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6, the Director of the Council on Aging is hereby authorized to dispose of a 2002 Dodge Ramvan B3500 with Vehicle Identification Number 2B7LB31Z62K126595, which the Director has determined is of no value to the department and is no longer operable, by transferring the vehicle to the Department of Public Works to be used for parts.

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

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RESOLVED Whereas, the purpose of the Boy Scouts of America, incorporated on February 8, 1910, and chartered by Congress in 1916, is to provide an educational program for boys and young adults to build character, to train in the responsibilities of participating citizenship, and to develop personal fitness; and

Whereas, for over 100 years, the Boy Scouts of America has been teaching values and leadership and preparing young people to make ethical choices over their lifetimes by instilling in them the values of the Scout Oath and Law; and

Whereas, Scout Law provides that Scouts be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent; and

Whereas, the Boy Scouts of America endeavors to develop American citizens who are physically, mentally, and emotionally fit; have a high degree of self-reliance as evidenced in such qualities as initiative, courage, and resourcefulness; have personal values based on religious concepts; have the desire and skills to help others; understand the principles of the American social, economic, and governmental systems; are knowledgeable about and take pride in their American heritage and understand our nation's role in the world; have a keen respect for the basic rights of all people; and are prepared to participate in and give leadership to American society; and

Whereas, to earn the Eagle Scout rank, the highest advancement rank in Scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills; and

Whereas, Andrew Cosmo Volpe has been recognized for fulfilling all the requirements necessary to advance to the rank of Eagle Scout;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that the residents of the City of Woburn extend their warm and proud congratulations to Andrew Cosmo Volpe for his dedicated work and accomplishments in attaining the rank of Eagle Scout and their best wishes for his continued success in his future endeavors.

s/Alderman DiTucci

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RESOLVED Whereas, the Woburn Parkway and the adjacent land had been under control of the Metropolitan District Commission since the roadway was first constructed in 1913; and

Whereas, in the 1950s there was a general concern in the community that the parkway was not being sufficiently maintained and support grew among many city leaders for an effort that would lead to the City of Woburn taking possession of the property; and

Whereas, in December 1959, even before taking the oath of office, then Mayor-elect John F. Gilgun, Jr. filed legislation with the Great and General Court of the Commonwealth of Massachusetts that would transfer

control over the Woburn Parkway and its adjacent land to the City of Woburn, but the measure was defeated; and

Whereas, Mayor John F. Gilgun, Jr. persevered and re-filed the bill in 1961 and with strong support of the city's delegation to the State House the measure passed and was signed into law by Governor John Volpe on May 26, 1961; and

Whereas, a deed of the Woburn Parkway and the adjacent land, approximately eleven acres in area, was delivered to the City of Woburn on December 29, 1961 and the City took possession of the property thereafter; and

Whereas, the Woburn Parkway, as part of the Horn Pond Conservation area, has become a premier year-round passive recreational area for the citizens of Woburn;

Now, Therefore, Be it Resolved by the City Council of the City of Woburn on behalf of the citizens of Woburn and in recognition of the 50<sup>th</sup> anniversary of the Woburn Parkway as a valuable community resource that thanks be extended to former Woburn Mayor John F. Gilgun, Jr. for his persistence and foresight in obtaining the land for the City and hereby recommends an appropriate marker be placed at the Woburn Parkway commemorating this important milestone.

s/Alderman DiTucci

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