

**CITY OF WOBURN
FEBRUARY 28, 2012 - 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:

A communication dated February 15, 2012 was received from His Honor the Mayor Scott D. Galvin as follows:

Members of the Woburn City Council:

CDM – the City's water consultant, Jay Duran, Jay Corey and Tony Blazejowski will present an informational overview of the new Water Treatment Plant and Rag Rock water tank in the City Council Chambers on Monday, March 12, 2012 at 7:00 p.m. The presentation will detail processes being deployed to remove the iron and manganese from our water supply – highlighted by successes already achieved as well as system challenges moving forward.

I had originally requested CDM and Department Heads attend the February 13, 2012 Water Committee meeting. Not all parties could attend the Feb. 13 committee meeting, due to schedule conflicts. Alderman Gately was notified of the schedule conflict on or about Feb. 5, 2012. I requested he schedule an additional Water Committee to accommodate all appropriate City officials and CDM.

I also contacted President Denaro in advance of the Feb. 13, 2012, and advised him I was working to schedule special meeting, tentatively on March 5, 2012. Paul said that I should have the meeting at the City Council's regularly scheduled meeting on March 6, 2012 (cancelled, of course, due to the Election). Remarkably, neither Alderman Gately nor Alderman Denaro relayed this critical information from my Administration to the public either prior to, or at any time during, the Feb. 13 Water Committee meeting.

My office, the Department of Public Works and Engineering Department are committed to providing clean water to all of Woburn's residents. As we all know, this is a long-term

and ongoing process in which the City and its residents have made – and will continue to make – significant investments in doing what is necessary to meet this critical goal. See you on March 12, 2012.

Sincerely, Scott D. Galvin, Mayor

PUBLIC HEARINGS:

On the petition by Alderman Gately relative to the structure or structures located at 320 Main Street aka 286 Main Street, Woburn, Massachusetts commonly referred to as the Woburn Armory Building for the purposes of prescribing the disposition, alteration or regulation of said structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts, as said terms are used in Mass. General Laws Ch. 139, Sec. 1, and entering any enforcement Order or Orders as the City Council deems necessary to remedy the condition of the property, said property on October 19, 2010 having been declared a public nuisance, a nuisance to the neighborhood, and dilapidated or dangerous buildings or other structures after public hearing and ordered to be brought into decent standard by the and at the expense of the landowner, the condition of the property having not been improved. PUBLIC HEARING OPENED. A communication dated February 17, 2012 was received from Frances Gould, MHC Legal Counsel, Massachusetts Historical Commission, 220 Morrissey Boulevard, Boston, Massachusetts 02125 as follows:

Dear Council President Denaro:

It has come to the attention of the Massachusetts Historical Commission (MHC) that the Woburn City Council (Council) is considering whether the Council may order the demolition of the Woburn Armory located 320 Main Street/aka 286 Main Street (Armory) pursuant to G.L. c. 139. As you were informed by MHC Executive Director and State Historic Preservation Officer Brona Simon by letter dated December 2, 2011, it is the opinion of the MHC that the Armory is a historically significant building and every effort should be made to preserve the site.

As you know, the armory is listed in the Inventory of Historic and Archaeological Assets of the Commonwealth and is individually eligible for listing in the National and State Registers of Historic Places. As transfer of the property out of state ownership without adequate restrictions on the deed would adversely affect the Armory, the historic covenant was placed on the property. See G.L. c. 9, §§26-27C; see also 950 CMR 71. MHC provided the Woburn City Clerk with a copy of the historic covenant, as well as other related documents, in October, 2010.

It is my understanding that the City Council takes the position that the authority of the Council pursuant to G.L. c. 139 would supersede any conflicting authority held by virtue of a private deed restriction. The historic covenant on the property is not a “private deed restriction” but a covenant placed on the property by the Division of Capital Asset

Management (DCAM) as a means of mitigating the adverse effect of transferring the property out of state ownership. The purpose of G.L. c. 9, §§26-27C is to eliminate, minimize, or mitigate adverse effects to properties listed in the State Register of Historic Places. An adverse effect may occur upon the transfer or sale of a State Register property without adequate conditions or restrictions regarding preservation, maintenance or use. 950 C.M.R. 71.05.

To permit the demolition of the historically significant Armory would result in frustration of the public policy intended to protect the public interest in the Armory by means of the historic covenant. See Weston Forest & Trail Ass'n v. Fishman (2006) 66 Mass. App. 564, *review denied* Weston Forest & Trail Ass'n v. Fishman (2006) 447 Mass. 1110. Therefore, I must disagree that the authority of the City Council supersedes the historic covenant. The decision of MHC and DCAM to enter into the historic covenant with the property owner is the result of the recognition of the public benefit in preserving the historic assets of the Commonwealth.

The City may wish to consider whether adaptive re-use of the Armory is possible. The National Trust for Historic Preservation currently has information available on restoration and re-use of armories.

Very truly yours, s/Frances Gould, MHC Legal Counsel

On the petition by Alderman Anderson relative to the structure or structures located at 30 Union 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 Alderman Gately concerning a vacant parcel of land located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts on Green Street near the intersection with Main Street and the abandoned railroad bed further identified with Assessors' Map ID Number 59-04-04 containing approximately 5,800 square feet of land more or less, Woburn, Massachusetts for the purposes of determining whether said vacant parcel is a public nuisance or a nuisance to the neighborhood, as said terms are used in Massachusetts 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.

Boomers Family Fun Center LLC dba Boomers Lazer Tag, 5 Cedar Street, Burlington, Massachusetts 01803 for a special permit pursuant to Section 5.1.64 of the 1985 Woburn Zoning Ordinances, as amended, to allow for coin operated recreational and

entertainment machines to be used in connection with its Lazer Tag entertainment center at 10 Micro Drive. PUBLIC HEARING OPENED.

On the petition by Gold Star Homes, LLC, 83 Cambridge Street, Suite 2D, Burlington, Massachusetts 01803 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the change, extension and alteration of the existing nonconforming structure and nonconforming use (three family dwelling) to allow for the construction of a four family dwelling at 960 Main Street. PUBLIC HEARING OPENED.

On the petition by Mike Fantasia and Maryellen Fantasia, 11 Winn Valley Drive, Burlington, Massachusetts 01803 for a special permit pursuant to Section 5, Paragraph 15 to convert a 1,984 s.f. area of the basement into a garage at 0 Cpl. Charles J. McMahon Drive. PUBLIC HEARING OPENED.

CITIZEN’S PARTICIPATION: None.

FINANCE:

On the Order to transfer the sum of \$20,000.00 from Cemetery Interest Fund to various Cemetery Accounts, committee report was received “ought to pass”.

On the Order to appropriate the sum of \$47,000.00 from Traffic Safety & Infrastructure Account to Upgrade to MWRA Meter 230, committee report was received “ought to pass”.

On the Loan Order to allow the Treasurer, with the approval of the Mayor, to refinance outstanding bonds for interest cost savings, committee report was received “ought to pass”.

PUBLIC SAFETY AND LICENSES:

On the petition by Robert Fucarile for renewal of Second Class Motor Vehicle Sales Licenses, committee report was received “ought to pass”.

On the petition by Wadee Y. Suleiman and Mourad ElBaciti for a new Common Carrier License, committee report was received “motion to approve the petition pending availability of the license.”

NEW PETITIONS:

A communication dated February 23, 2012 with attachments was received from Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 as follows:

Dear President Denaro and Council Members:

Please be advised that I represent Kravings Etc, a restaurant located at 106 Winn Street. This business operated pursuant to two special permits granted to Kravings ETC, Robert Haykal Manager and David and Jayne Tracy, landowners. One special permit is to allow for 7 off site parking spaces and was granted in October of 2008. The other is to allow for a fast food restaurant and was granted in June of 2009. Copies of both decisions are attached hereto and contain the following first provision:

1. That this special permit shall be exclusive to Kravings Etc, Robert Haykal, Manager and terminate if this operation ceases.

My client intends to transfer the business to a new individual who will keep Kravings Etc as an ongoing business with no change as to name, seating, parking, or signage. The remaining 13 conditions, which are identical on both permits, shall not be changed. Condition #3 (parking lease with neighboring property) shall be re-executed and provided to the Council if this request is granted. Landowners, David and Jayne Tracy, shall not change.

Request is made to amend both special permits to remove the designation "Robert Haykal, Manager" and allow for the continuation of both permits under the name Kravings Etc only. This will allow the continuity of a business that is experiencing a change in ownership, but not operation. It is our position that the operation as set forth in the first condition is not ceasing and therefore the special permits should be allowed to continue.

Thank you for your attention to this matter and please call with any questions.

Very truly yours, s/Mark J. Salvati

Petitions for renewal of Taxi Cab Licenses by Abdulla Nasser dba AACO Travel Taxi Service, 329 Washington Street; Ahmad Abbas dba A.A. Transportation, 600 West Cummings Park #1175; Mourad Djar dba ABCE Taxi of Woburn, 165M New Boston Street; Bombay Taxi Inc., 165U New Boston Street; Ali A. Saleb dba Metro Cab, 10G Roessler Road, Suite 514; and SureRide, LLC, 400 TradeCenter, Suite 5900.

Petitions of renewal of Livery Licenses by Patricia Porrazzo dba Hollywood Limousine, 4 Skyview Lane; and LandJet, Inc., 214 Salem Street.

Petition by M&L Transit Systems Inc., 60 Olympia Avenue for renewal of Common Carrier License.

Petition by Woburn Bowladrome Inc., 32 Montvale Avenue for renewal of Bowling Alley License.

Petition by NSTAR Electric Company for a grant of right in a way to relocate joint occupancy pole 153/72 on the northerly side of Montvale Avenue approximately 25 feet east of Washington Street and to install conduit a distance of 20 feet westerly from Montvale Avenue from pole 153/73 a distance of approximately 110 feet east of Washington Street.

Petition by Ron Martignetti, One Arlington Street, Winchester, Massachusetts 01890 for a special permit pursuant to Section 5.1.57 of the 1985 Woburn Zoning Ordinances, as amended, to allow inside storage of personal motor vehicles, watercraft and boats as well as personal property with no outside storage at 10 John Street.

Petition by Larry G. Bloomquist dba Fellsway Foreign Motors, 88 Eastway Road, Reading, Massachusetts 01867 for a special permit pursuant to Sections. 5.1.44, 7.3 and 15 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the alteration of the existing nonconforming structure for an automobile and truck repair garage at 300 Cambridge Road.

COMMUNICATIONS AND REPORTS:

A communication dated February 17, 2012 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 January 2012: number of parking violations issued 135, number of violations paid 38, number of violations outstanding 81, amount collected and submitted to the Office of the Collector \$2,287.00. There exists a backlog of 5,934 tickets for 1982 through 2011. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$200.00.

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

A communication dated February 16, 2012 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Woburn Council on Aging Annual Report for calendar year 2011.

A communication dated February 21, 2012 was received from Director of Veteran's Services Larry Giuseppe as follows:

Subject: New War Memorial on Common

I am very sorry for the short notice. I need to request time at the next City Council meeting on February 28, 2012 to give the Council a quick update on the project. I was just notified today that the electrical contractor and the demolition contractor would like to start work on the common as early as next week.

I do not want anything to start until the Mayor and the City Council have been brought up to date. I am meeting with the Building Commissioner first thing tomorrow regarding necessary permits and licenses. The committee is meeting this evening and we are being presented with a model of the monument from our design and engineering firm of this project, which I would like to present to the City Council next Tuesday.

Thank you for your consideration.
Larry Guisepe, Director of Veteran's Services

A communication dated February 17, 2012 was received from Woburn Traffic Commission as follows:

Re: Radar Speed Warning Signs

The Traffic Commission has been reviewing a number of requests to install radar speed warning signs as a traffic calming measure throughout the city. At its Regular Meeting on February 16, 2012, the Traffic Commission voted to request the Mayor and the City Council forward a list of locations where the signs should be installed to the Traffic Commission by March 8, 2012 and that funds be appropriated for installation of the signs.

Thank you for your attention to this matter.

A copy of a communication dated February 7, 2012 to Mark Reed, Dir. of Public Affairs, NStar Electric & Gas Corp., One NStar Way, SW-380, Westwood, Massachusetts 02090 from State Representative James J. Dwyer, State Representative Jay R. Kaufman and

State Senator Kenneth J. Donnelly urging NStar to address the concerns of the City of Woburn with respect to the timely removal of double utility poles throughout the city.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS: None.

Motion made and 2nd to ADJOURN.