

**CITY OF WOBURN
SEPTEMBER 18, 2012 - 7:00 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 Alderman Darlene Mercer-Bruen concerning the structure or structures located at 34 Orange Street a/k/a 29 Hawthorne Street, Woburn, Massachusetts, for the purposes of determining whether said structure or structures are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, 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.

On the petition by Enterprise Rent-A-Car Company of Boston, LLC, 248 Mishawum Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.45 of the 1985 Woburn Zoning Ordinances, as amended, to modify a special permit issued February 4, 1992, which currently allow the sale of automobiles and trucks, to include commercial trucks with fixed trailers, at 248 Mishawum Road. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass, as amended, with the conditions as follows: 1. That motorcycles shall not be allowed for sale or rental as restricted in the 1992 Special Permit; 2. That the rental of truck trailers shall be allowed and stored on site in accordance with the parking shown on the revised plans labeled Option A-3 Scale 1/64" = 1'; 3. That the trucks stored on the site shall be no larger than a 26' box truck, 24' stakebed truck, 15' parcel van and shall also allow pickup trucks and cargo vans not exceeding 2,500 lbs. payload; 4. That the number of parking spaces required by the Woburn Zoning Ordinance shall be complied with; and 5. That the Special Permit be non-transferable."

On the petition by 859 Main Development, LLC, 57 Russell Street, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 11.3.12 and 22 of the 1985 Woburn Zoning Ordinances, as amended, to modify a special permit issued January 12, 2012 to allow change from previously approved 98 unit condominium development to allow construction of a 49 unit condominium building on Main Street with 40 townhomes for a total of 89 residential units, at 859 Main Street. PUBLIC HEARING OPENED. A communication dated September 13, 2012 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: 859 Main Development, LLC – 859 Main Street – To modify existing Special Permit dated January 12, 2012 to allow construction of 49 unit condominium building and 40 townhouses pursuant to Sections 11.2.12 and 22

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on September 11, 2012, the Planning Board voted to notify the City Council that the Planning Board is unable to determine a recommendation for this petition based on the plans and information presented at their September 11, 2012 Planning Board meeting and additionally, the Board has instructed the Planning Director to compile a list of unresolved items and forward them with this communication to the City Council.

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

A copy of a communication dated September 11, 2012 from Edmund Tarallo, Planning Director from Brett F. Gonsalves, Senior Engineer, Engineering Department was received as follows:

Subject: 859 Main Street 89 Unit development Special Permit – Special Permit Application Dated February 28, 2011 – Revised Plans Dated August 14, 2012

The applicant is seeking modification to a previously approved special permit to construct a 51 unit condominium building as well as 40 townhomes an existing parcel of land owned by the Roman Catholic Archbishop of Boston and is the site of St. Anthony's Church

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

Water

Sheet 5 of 8 shows a proposed 6" water main that will service the condominium and each block of units behind the 3 story building. The proposed clubhouse will be serviced by a

2" copper service. The applicant should check with the superintendent of public works to determine if each townhome units will need an individual water services or if one main service will suffice. Due to the extended length of the main, Consideration should be given to looping the main back to Main St.

Sewer

The utility plan shows that the site will be serviced by 6" PVC sewer main which connects to a proposed sewer pump station to a 2" force main and then to a sewer manhole which connects to the municipal sewer system in Main Street. The applicant should check with the superintendent of public works to determine if each townhome unit will need an individual sewer service or if one line for each block of buildings is acceptable. Once determined, the sewer services should be shown on then plan.

The development impact statement indicated that the calculated sewer generation will be 21,560 gpd. These sewer flows are in excess of 15,000 gpd and would require permitting through Mass DEP. The sewer would be subject to the local infiltration/inflow mitigation fee..

Drainage

The site plan shows that the proposed 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

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.

The only remaining item in the development impact statement is the total project cost. This will be needed in order to calculate the mitigation amount. This amount can be submitted prior to issuance of a building permit.

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 as well as a Dunkin Donuts drive thru.

The report includes the existing levels of service for the 2014 no build and build scenarios. Table 5 and 6 show no change in the level of service for the 2014 build and no-build scenarios at the signalized intersections.

The site plans also include a proposed 15 foot wide widening easement for future expansion of route 38.

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

A communication dated September 14, 2012 was received from Superintendent of Public Works Jay Duran as follows:

Subject: 859 Main Street

I have reviewed the plans for 859 Main Street plans that reflect a new configuration of townhouse units and appurtenant driveway and utilities than the prior plans approved for a Special Permit. The plans last revised August 14, 2012 have been modified slightly since my letter report dated July 19, 2012. However, I still have the following comments and concerns on this project.

Water:

Based upon the size and number of units and the issues with the water system, I recommend that the six inch water main be replaced with a ten inch main to Newbridge Avenue or ideally to School Street to increase the volume and improve the fire protection in the area. Furthermore, the internal water line length has significantly been increased and dictates that the main be looped back into Main Street and connected with a three way gate. There are still insufficient hydrants and line gates. I recommend that a minimum of six hydrants and seven line gates be installed internally and located at the direction of the DPW and Water Superintendent(s). Based upon the number of units and the associated layout, this water system needs to be improved and coordinated properly between the DPW and Fire Prevention.

Sewer:

The new plans depict a gravity main which services the rear units which discharge to a sewer pump station. There are no details shown on the plans submitted. Issues such as secondary power and additional storage need to be addressed. The plans as shown are not adequate in my opinion. In addition, there is not an MDC gas trap shown which would connect to the sewer system to service the floor drain. No architectural plans have been submitted to this office. These issues should be addressed properly for compliance to the building code for floor drains and ventilation, etc for what appears to be an underground garage. In addition, I recommend that the six inch gravity line be increased to eight inches with the same slope.

Drain:

The systems appear very small for the building sizes and the amount of pavement shown. I will defer to the review of the Engineering Department for appropriate sizing and the addition of overflows if required. The systems shown should be in compliance to all DEP Stormwater Guidelines and Regulations for improved water quality.

Gas:

The plans reflect an existing two inch gas service. Based upon a recent request from the adjacent site for approval for a grant of way in Main Street for gas main extension in Main Street, I question whether the gas main truly exists. National Grid should be contacted for verification and the appropriate state and local permits be obtained and/or modified.

Curb cuts and grading:

Curb cuts appear to be of the same size and in the same location. Interior drives have been increased to twenty four feet but still appear narrow in spots for maneuverability. I will defer to Fire Prevention and the Engineering Department to ensure that proper traffic templates have been checked for proper access and egress within the site. The applicant must obtain Mass DOT permits for the driveway and utility connections and the appropriate permits must be approved for assignment by the City of Woburn. The roadway is newly paved and should be restored accordingly. Grading appears to be directed towards the rear of the site. This seems to make sense as long as the grading between the adjacent construction site is properly coordinated.

Homeowners and Condo Association:

There has been no documentation submitted to this office for review and comment. This documentation should be submitted for review and approval for pertinent water billing and other related utility purposes. It is assumed that the water and sewer system maintenance, snowplowing, trash removal and other items will be performed by private contractors and handled solely at the Condo Associations expense. However, this documentation such as operation and maintenance of the water, sewer and drainage systems should be addressed and clarified to avoid long term problems that the City deals with on a daily basis for similar developments.

On the petition by Peterson Party Center Inc., 139 Swanton Street, Winchester, Massachusetts for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57b to modify special permits issued August 11, 2011 and January 26, 2012 by deleting the reference to the plan entitled "Proposed Parking Layout" Sheet PK-1 dated November 15, 2011 in Condition 2 and replacing same with the plan filed with this petition entitled "Proposed Parking Layout" Sheet PK-1 dated June 4, 2012 as the plan of record, at 36 Cabot Road. PUBLIC HEARING OPENED. A communication dated September 14, 2012 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Peterson Party Center, Inc. – 36 Cabot Road, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for September 18, 2012 be continued to the City Council meeting on October 2, 2012. If you need any further information, please contact me. Thank you.

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

On the petition by Great Saves Concepts #30, LLC, 2 Black Horse Terrace, Winchester, Massachusetts 01890 for a special permit pursuant to Section 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a fast food restaurant to be located within the existing building location at 103 Commerce Way. PUBLIC HEARING OPENED. A communication dated September 13, 2012 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Great Save Concepts #30, LLC – 103 Commerce Way – To allow for a Fast Food Restaurant pursuant to pursuant to Section 5.1.29

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on September 11, 2012, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Great Save Concepts #30, regarding property at 103 Commerce Way to allow for a Fast Food Restaurant pursuant to pursuant to Section 5.1.29 and subject to the following conditions:

1. That a development impact statement outlining the impacts, if any, that result from the proposed project shall be submitted to the Engineering Department for their review prior to the City Council acting on this Special Permit;
2. No banners shall be hung outside of the building;
3. Hours of operation shall be limited to 10am to 11pm;
4. Special Permit shall be limited to Firehouse Subs only and shall be non-transferable; and
5. The Petitioner shall be required to inspect the property daily for trash/debris and have it removed.

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

A copy of a communication dated September 11, 2012 to Edmund P. Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer as follows:

Subject: 103 Commerce Way – Firehouse Subs Special Permit – Site Plan Dated August 9, 2012 – Special Permit Application Dated August 9, 2012

The applicant submitted a special permit application for a fast food restaurant in an existing building at the above referenced location. The applicant is proposing to occupy approximately 2,381 square feet of the existing building.

The submitted site plan shows the location of where the restaurant is situated within the building along with the site parking.

The applicant has submitted a traffic report which outlines the weekday midday and evening peak hours. The difference between the previous retail store and the proposed restaurant is increasing by 17 vehicle trips in the midday peak hour and 12 vehicle trips in the evening peak hour.

There is no exterior work being proposed, however the applicant should check with the plumbing inspector to determine if there is a grease trap for the proposed restaurant.

This proposed project is subject to section 18 of the Zoning Ordinance. A development impact statement outlining what impacts if any there will be from the proposed project and submitted to this office for review.

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

On the petition by Coviello Electric and General Contracting Co., Inc., 77 Mystic Avenue, Medford, Massachusetts 02155 for a special permit pursuant to Sections 5.1.57b and 15 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the outside storage and parking of commercial motor vehicles, trucks and contractor's equipment at 23-25 Garfield Avenue. PUBLIC HEARING OPENED. A communication dated September 11, 2012 to Edmund Tarallo, Planning Director from Brett F. Gonsalves, Senior Engineer, Engineering Department was received as follows:

Subject: 23-25 Garfield Avenue – Coviello Electric Special Permit – Plot Plan Dated June 4, 2012 – Special Permit Application Dated August 13, 2012

The applicant submitted a special permit application to allow for outside storage and parking of commercial motor vehicles trucks and equipment at the above location.

The accompanying plot plan shows the location of the existing building as well as the site parking.

A portion of the site lies within a ground water protection district and the applicant should verify that they comply with section 15 of the zoning ordinance.

There does not appear to be any exterior utility work proposed and upon review of the subject materials, this office takes no exception to the special permit as submitted.

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

On the petition by PPG Industries Inc., 1 PPG Place, Pittsburgh, Pennsylvania 15272 for a special permit pursuant to Sections 5.1.42 and 5.1.57b of the 1985 Woburn Zoning Ordinance, as amended, to operate a wholesale paint business and for accessory parking of one commercial vehicle at 35 Industrial Parkway. PUBLIC HEARING OPENED. A communication dated September 13, 2012 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: PPG Industries Inc. – 35 Industrial Parkway – To operate wholesale paint business and accessory parking for one commercial vehicle pursuant to Sections 5.1.42 and 5.1.57b

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on September 11, 2012, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of PPG Industries Inc., regarding property at 35 Industrial Parkway to operate wholesale paint business and accessory parking for one commercial vehicle pursuant to Sections 5.1.42 and 5.1.57b and subject to the following conditions:

1. That compliance with state 780 CMR and 527 CMR shall be complied with regarding fire safety for this use and in accordance with the requirements of the Woburn Fire Department; and
2. That 9 parking spaces shown on the September 10, 2007 site plan shall be eliminated to accommodate the 40' ramp that will be installed to access the loading area northeast of the gas meters. The spaces to be eliminated are the 2 spaces northeast of the gas meters against the building; the 4 spaces behind the planting area east of the gas meters; and the 3 spaces in the double row of parking in the same area (2 nearest the property line and 1 nearer the building).

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

A copy of a communication dated September 11, 2012 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 35 Industrial Parkway – Pittsburgh Paint Special Permit – Plot Plan Date September 10, 2007 – Special Permit Application Dated August 4, 2012

The applicant submitted a special permit application to allow for the sale of wholesale paint, painting supplies and overnight parking of a commercial vehicle at the above referenced location.

The accompanying plot plan shows the location of where the proposed business in the existing building as well as the site parking. The proposal also shows a proposed 40 foot ramp which would extend out into the parking. The ramp could have an impact on the traffic circulation within the site.

This office will complete its review when the above referenced comment is addressed.

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

On the petition by WJP Realty Trust, P.O. Box 2555, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.71 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a commercial parking lot at 210 New Boston Street. PUBLIC HEARING OPENED. A copy of a communication dated September 11, 2012 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 210 New Boston Street – Commercial Parking Lot Special Permit – Plot Plan
Dated July 28, 2012 – Special Permit Application Dated August 9, 2012

The applicant submitted a special permit application to allow for a commercial parking lot at the above referenced location.

The accompanying plot plan shows the location of the existing building as well as the site parking and there does not appear to be proposed site or utility work being proposed.

Upon review of the subject materials, this office takes no exception to the special permit application as submitted.

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

A communication dated September 14, 2012 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of WJP Realty Trust – 210 New Boston Street, Woburn,
Massachusetts

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for September 18, 2012 be continued to the City Council meeting on October 2, 2012. If you need any further information, please contact me. Thank you.

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

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to appropriate the sum of \$2,640,221.88 from Debt Reserve Account to Debt Principal Account and Debt Interest Account, committee report was received "ought to pass."

PERSONNEL:

On the appointment of Thomas M. Skeffington to the Woburn License Commission, committee report was received "ought to pass."

On the reappointment of Peter V. Murphy to the Woburn Golf and Ski Authority, committee report was received "ought to pass."

On the reappointment of Kevin Feeny to the Woburn Housing Authority, committee report was received "ought to pass."

On the reappointment of Timothy A. Mooney to the Woburn Agricultural Commission, committee report was received "ought to pass."

On the reappointment of Robert Morgan to the Woburn Recreation Commission, committee report was received "ought to pass."

PUBLIC LANDS AND INFRASTRUCTURE:

On the Order to accept permanent and temporary easements at 316 New Boston Street to allow the redesign and construction of the New Boston Street bridge, committee report was received "ought to pass."

NEW PETITIONS:

Petition to transfer Inflammable License from VV2 Presidential Way, LLC to Presidential Way Woburn, LLC at 225 Presidential Way.

Petition to transfer Inflammable License from VV2 Presidential Way, LLC to Presidential Way Woburn, LLC at 235 Presidential Way.

Petition by Monarch Homes, LLC, c/o Dave Mann, 857 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 8.2.5 and 13.6 of the 1985 Woburn Zoning Ordinances, as amended, to reconfigure the shape of the parking lot and to realign the approved exterior freestanding sign, both at 857 Main Street.

Petition by John P. Flaherty and Kathryn A. Flaherty, 28 West Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the alteration of a pre-existing nonconforming structure to allow for a two-family residence at 22 Central Street.

Petition by Amy Sullivan and Joshua Klimek, 4 Harlow Court, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the alteration of a pre-existing nonconforming use from single family to two family at 4 Harlow Court.

Petition by Robert Brady, 12 Lawson Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow alteration of a preexisting nonconforming structure by replacing an existing structure with a two family dwelling at 8 Lawson Street.

Petition by West Marine, 299 Mishawum Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57a of the 1985 Woburn Zoning Ordinances, as amended, to allow storage units on premises at 299 Mishawum Road.

Communication dated September 11, 2012 from Attorney Mark J. Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 as follows:

Re: 229 Main Street

Dear President Denaro and Council Members:

Please be advised that I represent Helder Texieria who is looking to lease the premises at 229 Main Street, formerly Callahan's Deli. That business had operated pursuant to a

special permit for a fast food restaurant that was granted in March of 2008. A copy of the decision is attached hereto and that permit contains, among others, the following conditions:

1. That the special permit shall be exclusive to Barry Callahan and shall not be transferable;
4. That the hours of operation shall be limited to between 6:00 a.m. and 8:00 p.m. seven days per week;

My client intends to operate a restaurant at this location which will have no change in the square footage of the restaurant, nor the required parking at the premises. Therefore, request is made to amend the special permit to remove conditions 1 and 4 and replace it with the following:

1. That the Special Permit shall be to Helder Texieria d/b/a "A Dega" and shall only be transferable as an amendment approved by the City Council.
4. That the hours of operation shall be limited to between 10 AM and 10 PM seven days per week.

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

Very truly yours, s/Mark J. Salvati

Petition by Helder Teixeira d/b/a A Dega, 70 Myrtle Street, Melrose, Massachusetts 02176 for a special permit pursuant to Section 29 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a fast food restaurant at 229 Main Street.

COMMUNICATIONS AND REPORTS:

A communication dated September 7, 2012 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Director's Report and the minutes of the Council on Aging for the month of August 2012.

UNFINISHED BUSINESS OF PRECEDING MEETING:

Review of matter declaring the property located at 18-20 Campbell Street, Woburn as a nuisance pursuant to Massachusetts General Laws Chapter 139, Section 1.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That pursuant to the 1989 Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6 the Building Commissioner is hereby authorized to dispose of one Canon Laser Class 2050P Fax Machine which the Building Commissioner has determined is of no value to the department and which no other department has expressed an interest in obtaining.

s/Alderman _____

Motion made and 2nd to ADJOURN.