

**CITY OF WOBURN
JANUARY 2, 2013 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Gaffney	Raymond
Denaro	

Pursuant to Title 2, Article III, Section 2-13 of the 1989 Woburn Municipal Code, as amended, His Honor the Mayor Scott D. Galvin delivered the State of the City Address.

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE.

MAYOR'S COMMUNICATIONS:

A communication dated December 21, 2011 was received from His Honor the Mayor Scott D. Galvin as follows:

To: President Denaro and Members of the Woburn City Council

Pursuant to the authority granted to me by M.G.L. c.59, §5N and subject to the approval of the City Council, I have approved the establishment of a "Veteran's Tax Work Program." This program will allow veterans, as defined in M.G.L. c.4, §7 (43), to volunteer to provide up to 125 hours of service at the current Massachusetts minimum wage rate of \$8.00/hr. in exchange for a reduction in the real property tax obligations of that veteran on the veteran's tax bills up to a maximum of \$1,000, which shall be in addition to any exemption or abatement to which that person is otherwise entitled.

Very truly yours, s/Scott D. Galvin, Mayor

ORDERED That the sum of \$50,000.00 be and is hereby transferred as so stated from BLS Receipts Acct #31359-595000 \$50,000.00 to Ambulance Maintenance Acct #0122054-544300 \$50,000.00.

I hereby recommend the above: s/Paul Tortolano, Chief, Fire Department
I hereby approve the above: s/Scott D. Galvin, Mayor

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

s/Alderman _____

PUBLIC HEARINGS:

On the petition by R.C. Olsen Cadillac, Inc., 201 Cambridge Road, 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 304 Cambridge Road. PUBLIC HEARING OPENED. A communication dated December 13, 2012 was received from Attorney Joseph R. Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of R.C. Olsen Cadillac, Inc., 304 Cambridge Road, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent R.C. Olsen Cadillac, Inc. in connection with the above-referenced Special Permit Petition. On behalf of my client, I respectfully request leave to withdraw without prejudice of the above-referenced petition which has been scheduled for a public hearing on January 2, 2013.

If you need any further information, please do not hesitate to contact me. Thank you.

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

On the petition by R.C. Olsen Cadillac, Inc., 201 Cambridge Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.7.71 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a commercial parking lot at 280 Salem Street. PUBLIC HEARING OPENED. A communication dated December 17, 2012 was received from Attorney Joseph R. Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of R.C. Olsen Cadillac, Inc., 280 Salem Street, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for January 2, 2013 be further continued to the City Council meeting on January 15, 2013. If you need any further information, please contact me. Thank you.

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

On the petition by Woburn Auto Sales LLC, P.O. Box 158, North Billerica, Massachusetts 01862 for a special permit pursuant to Sections 5.1.45 and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the sale or rental of automobiles, trucks, truck trailers and motorcycles and for a Second Class Motor Vehicles Sales License at 1095R Main Street. PUBLIC HEARING OPENED. A communication dated December 17, 2012 was received from Attorney Joseph R. Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Woburn Auto Sales LLC, 1095R Main Street, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for January 2, 2013 be further continued to the City Council meeting on January 15, 2013. If you need any further information, please contact me. Thank you.

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

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 December 13, 2012 was received from Attorney Joseph R. Tarby, 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 January 2, 2013 be further continued to the City Council meeting on January 15, 2013. If you need any further information, please contact me. Thank you.

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

On the petition by National Grid for a grant of right in a way to install approximately 130 feet of 4-inch plastic main from the end of main at 4 Fletcher Road to end of main at 55

Fletcher Road. PUBLIC HEARING OPENED. A communication dated December 28, 2012 was received from Superintendent of Public Works John Duran as follows:

Subject: National Grid- Fletcher Road

I am providing this memorandum pursuant to the request by National Grid for the Grant of Right in a Way on Fletcher Road to allow the installation of a new portion of main to connect the existing mains in the roadway as shown on the attached plan.

I recommend that the Council allow this under the following conditions. That all utilities including the water, sewer and drains are marked on the ground and that the proposed main be also clearly marked prior to cutting the roadway to allow for proper evaluation to avoid any encroachments upon municipal or other utilities. The main must be installed in the location shown on the plan and as marked on the ground unless written permission is granted from the DPW Superintendent in a mutually agreed upon location. In addition, associated roadway restoration consistent with DPW Standards with a minimum of 4 inches of pavement must also be submitted and approved by the DPW Superintendent. Please feel free to call me with any questions or concerns pursuant to this matter.

On the petition by Ambius, Inc., 485 Half Day Road, Suite 450, Buffalo Grove, Illinois 60089-8809 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 petitioner's commercial vehicles at 27 Draper Street. PUBLIC HEARING OPENED. A communication dated December 19, 2012 was received from Planning Director Edmund P. Tarallo as follows:

Re: Ambius, Inc. – 27 Draper Street Suite 200 – To allow for the overnight parking of commercial vehicles pursuant to Section 5.1.57b

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on December 18, 2012, the Board voted to forward a favorable recommendation to the City Council on the Special Permit application of Ambius, Inc., regarding the property at 27 Draper St. Suite 200 to allow for the overnight parking of commercial vehicles pursuant to Section 5.1.57b subject to the following conditions:

1. That the overnight parking shall be limited to eight commercial vehicles;
2. That said vehicles shall be parked overnight in the four loading docks to the rear of the portion of the building to be occupied by the petitioner and the other 4 commercial vehicles within the 8 spaces on the south side of the building;
3. That the parking spaces shall be in accordance with the As – Built Plan dated June 8, 2004 revised 12-18-2012 by Hayes Engineering, Inc. though only 39 spaces are currently required, compliance with the Woburn Zoning Ordinance for parking shall be maintained utilizing up to the 55 spaces shown on said plan for complete occupancy of the building;

4. That the Planning Board shall retain jurisdiction over the landscaping;
5. That loading shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Friday; 8:00 a.m. to 1:00 p.m. on Saturday and not at all on Sunday;
6. That no deliveries shall be allowed to the site prior to 7:30 a.m. or after 5:00 p.m. Monday through Friday and there shall be no deliveries on Saturday or Sunday;
7. That the hours for emptying the dumpster shall be no earlier than 7:00 a.m. and no later than 6:00 p.m., Monday through Friday, no earlier than 8:00 a.m. and no later than 1:00 p.m. Saturday, the dumpster shall not be emptied on Sunday, the dumpster shall be located on the furthest part of the locus away from the residences and shall be enclosed by a sight impervious fence;
8. The petitioner shall post signs within its customer pick up area and loading area requesting both its customers and delivery companies to obey the rules of the road while traveling on City of Woburn streets and to use caution while traveling on Nashua Street to and from Draper Street;
9. The petitioner's commercial vehicles shall not use the section of Nashua Street between Draper Street and Holton Street when traveling to and from the site;
10. The petitioner shall instruct its employees not to use the section of Nashua Street between Draper Street and Holton Street when traveling to and from the site; and
11. This Special Permit shall be limited to Ambius, inc. and shall not be transferable.

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

On the petition by Woburn Armory LLC to amend the Zoning Map of the City of Woburn by changing the zoning district for the entire parcel known as 286 Main Street a/k/a 320 Main Street, containing approximately 38,344 square feet of land as shown on a plan by Design Consultants, Inc., entitled "Plan of Land in Woburn, Massachusetts" dated June 23, 2005 from the R-2/B-D zoning districts to the B-D zoning district. PUBLIC HEARING OPENED.

On the petition by Woburn Armory LLC to amend the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. By revising Section 11.11 entitled "Affordable Housing Requirement" by adding a new Paragraph 8 to Section 11.11 as follows: "8. The City Council by majority vote, may waive the requirements of this Section 11.11 if the development includes dwelling units in a building deemed "Significant" by the Woburn Historical Commission.", and 2. By revising Section 18.8.2 "Waivers" by adding the following language to the end of Paragraph 18.8.2 as follows: The "period" after "site" shall be deleted and the following language added: "or the renovation, rehabilitation or redevelopment of a building deemed "Significant" by the Woburn Historical Commission." PUBLIC HEARING OPENED.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS: None.

NEW PETITIONS:

Petition by NSTAR Electric Company and Verizon New England Inc. for a grant of right in a way to install one anchor guy in Lowell Street southerly side at the intersection of Sendick Road (pole 136/33).

COMMUNICATIONS AND REPORTS:

A communication dated December 14, 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 November 2012: number of parking violations issued 834, number of violations paid 411, number of violations outstanding 370, amount collected and submitted to the Office of the Collector \$34,743.40. There exists a backlog of 5,841 tickets for 1982 through 2011. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$6,050.00.

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

A communication dated December 21, 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 December.

A communication dated December 5, 2012 was received from Mark Donovan, Superintendent of Schools and Secretary to the School Committee as follows:

Dear Alderman Drapeau:

The School Committee and School Department would like to resume discussions regarding the installation and deployment of security camera at Woburn Memorial High School. When we last discussed the topic, several Aldermen wanted more information about who can access and review video clips recorded by security cameras. As you may recall, we sought guidance from our attorney. He developed the following administrative guidelines. These guidelines have been distributed to our administrators throughout the district.

“As you may be aware, we have had questions concerning who is able to view security videos that are recorded inside and outside of Woburn School Buildings. Part of the concern is that such videos may actually constitute student record information which may be subject to student record protections. Through this memo I hope to clarify the question of who may view these videos.

Typically, the only individuals who should view or review security videos are as follows: the Superintendent, Assistant Superintendents, Principals, Assistant Principals, Director of Building and Grounds, Director of Educational Technology or his designee, and School Resource Officers. On an as-needed basis, other staff members or other law enforcement officers may be allowed to view the videos, but such should be cleared through the Superintendent.”

I hope to have the opportunity to appear before the Finance Subcommittee at some point to answer any questions that members might have. Thank you for your consideration.

Sincerely, s/Mark Donovan, Superintendent of Schools and Secretary to the School Committee

A copy of a communication dated November 26, 2012 to Woburn Retirement Board was received from Joseph E. Connarton, Executive Director, Public Employee Retirement Administration Commission advising that the amount to be appropriated for the retirement system in Fiscal Year 2014 is \$5,400,000.00.

A communication dated September 18, 2012 was received from Jacqueline A. Duffy, Right of Way Agent, NSTAR Electric, One NSTAR Way, SUMNE250, Westwood, Massachusetts 02090 as follows:

Re: License for the Storage of Inflammables
NSTAR Electric Company, 2 Cove Street, Woburn

Dear Mr. Campbell:

NSTAR Electric Company (NSTAR) is submitting this letter to confirm the company’s intention to continue to maintain the existing license for the storage of inflammables granted to NSTAR for the property referenced above. NSTAR wishes to retract any previous requests to the Office of the City Clerk with regard to revoking the current license for the NSTAR property located on Cove Street. As such, NSTAR asks that we please be removed from the agenda for the upcoming October 2, 2012 City Council public hearing as previously referenced in the September 7, 2012 hearing notice. In requesting to maintain the existing license, NSTAR will pay the annual registration fee and any associated late and/or outstanding fees in person at the Office of the City Clerk within five (5) business days of the date on this letter.

Please note that with regard to the current license, on June 15, 2012, NSTAR completed the removal of a 3,000 gallon underground storage tank (UST), previously containing fuel oil, from the Cove St. property. As a result, NSTAR requests that the current license be revised to reflect the discontinuance of the storage of 3,000 gallons of fuel oil and that the storage of inflammables is granted for the existing 10,000 gallons of the cable insulating oil (Sun 36) that will continue to be present on the property. A copy of the permit for removal of the 3,000 gallon UST, along with a receipt for its disposal are attached for your reference.

If you have any questions regarding this matter or require additional information, please contact Jonathan Reich of the NSTAR Environmental Affairs Dept.

Sincerely, s/Jacqueline A. Duffy, Right of Way Agent

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Peter V. Murphy, 3 Akeson Road, to the Woburn Golf and Ski Authority, subject to confirmation by the City Council with a term to expire Dec. 31, 2016.

Respectfully, s/Scott D. Galvin, Mayor

MOTIONS, ORDERS AND RESOLUTIONS: None.

Motion made and 2nd to ADJOURN.