

**CITY OF WOBURN  
JANUARY 15, 2013 - 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:**

A communication dated January 11, 2013 was received from His Honor the Mayor as follows:

Dear President Denaro and Members of the Woburn City Council:

Although I do believe that, at some point, the salary of the City's Mayor should be reviewed and upgraded to better reflect the increasingly complex range of duties and responsibilities of Woburn's chief executive officer, I don't believe now is the right time to do it.

For instance, in negotiating city contracts I have asked our employees to make a number of sacrifices related to salary increases and health insurance contributions. In addition, our local economy—although improving—has left many of our fellow residents faced without salary increases for years in some cases.

I'm proud to be Mayor of this City. At this time, our focus should be holding the line to the best of our abilities with regard to discretionary cost increases, and working together toward this end.

Respectfully, s/Scott D. Galvin

\*\*\*\*\*

**ORDERED** That the sum of \$155,000.00 be and is hereby transferred as so stated from BLS Receipts Acct #13159-595000 \$155,000.00 to Fire/Ambulance Salary Acct #0122051-511500 \$100,000.00, Fire/Overtime Acct

#0122051-513100 \$50,000.00, Fire/Medical Attention Acct #0122054-558103 \$5,000.00

I hereby recommend the above: s/Paul Tortolano, Chief, Fire Department  
I have reviewed the above: s/Gerald W. Surette, City Auditor  
I hereby approve the above: s/Scott D. Galvin, Mayor

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

**PUBLIC HEARINGS:**

On the 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). PUBLIC HEARING OPENED.

\*\*\*\*\*

On the petition by Luigi Colucciello, 142 Washington Circle, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow addition to a pre-existing nonconforming structure and to convert from a single-family to a two-family residence at 142 Washington Circle. PUBLIC HEARING OPENED. A communication dated January 9, 2013 was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Special Permit Application – 142 Washington Circle, Woburn  
Jurisdiction of the City Council under Section 7.3 of the WZO

The City Council’s Committee on Ordinance (“Committee”) submitted two questions to this office, relative to a pending special permit application (the “Application”) for the property located at 142 Washington Circle, Woburn, MA (the “Property”). The Committee’s request and a copy of the Application (without the attached architectural plans) are attached hereto for reference.

Briefly, the City Council wants to know if the Applicant’s future intent to convert the Property from a single family dwelling to a two family dwelling brings the petition within its jurisdiction under ¶4 of Section 7.3 of the WZO or, if the petition should be filed with the Board of Appeals which has jurisdiction over the alteration and expansion of nonconforming single and two family dwellings where there is no request “to change its use”. After reviewing the Application in light of the applicable provisions of the WZO, it is my opinion that the Application is not properly before the City Council.

Although the Application seeks to physically expand a non-conforming single family dwelling in order to add a second dwelling unit, the current use of the Property (single family), as well as its proposed use (two family) are conforming uses in the R-2 zoning

district.<sup>1</sup> The authority granted by M.G.L. c.40A, §6 specifically authorizes the enactment of local zoning bylaws/ordinances to regulate non-conforming structures and non-conforming uses and changes to those non-conforming structures and non-conforming uses, with additional protections afforded non-conforming single and two family dwellings. When a conforming use is being changed to another conforming use, Section 7.3 does not apply unless a special permit is required for the alteration or expansion of the non-conforming structure in which the conforming use is located, the scenario which is presented by this Application. Where there is no “change of use” within the meaning of ¶4 of Section 7.3, the special permit granting authority for purposes of expanding the structure is the Board of Appeals.

However, assuming that the Board of Appeals were to grant a special permit under Section 7.3 to expand or alter the non-conforming single family structure, before the Applicant could obtain a building/occupancy permit for the “conversion” of that use a two family, he would have to obtain variances from the side setback requirements of Section 6.1 which are increased to 20’ when such a “conversion” occurs.

If you have additional questions or require further assistance regarding this matter, please don’t hesitate to contact me.

Very truly yours, s/Ellen Callahan Doucette

\*\*\*\*\*

On the petition by John Baldasaro, Manager, IsabellaB LLC, 21G Olympia Avenue, Suite 20, Woburn, Massachusetts 01801 for a special permit pursuant to the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Pursuant to Section 5.1.43 for outside storage of earthen materials and paving materials used, or recovered for recycling, in connection with Petitioner’s commercial paving and site preparation business, and 2. Pursuant to Section 5.1.57b for accessory storage and parking of commercial contractor trucks, other vehicles and equipment in designated parking spaces on the premises, both at 210 New Boston Street. PUBLIC HEARING OPENED.

\*\*\*\*\*

On the petition by Boston Brazilian Jiu-Jitsu, Inc., 10 Dedham Street, Newton, Massachusetts 02461 for a special permit pursuant to Section 7 of the 1985 Woburn Zoning Ordinances, as amended, to allow a martial arts studio at 102-104 Main Street. PUBLIC HEARING OPENED. A communication dated January 10, 2013 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Boston Brazilian Jiu-Jitsu, Inc. – 102-104 Main Street – To allow for the alteration of a pre-existing nonconforming use to allow for a martial arts studio pursuant to Section 7.3

Dear Mr. Campbell and members of the City Council:

---

<sup>1</sup> The structure is non-conforming because the front yard setback is 12.1’ and Section 6.1 requires a 25’ front yard setback in the R-2 zoning district.

At the Planning Board meeting held on January 8, 2013, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Boston Brazilian Jiu-Jitsu, Inc., regarding the property at 102-104 Main Street to allow for the alteration of a pre-existing nonconforming use by allowing a martial arts studio pursuant to Section 7.3 subject to the following conditions:

1. That the conditions of the Special Permit granted January 3, 2012 shall remain in effect unless modified by this Special Permit;
2. That the Site Plan shall be in accordance with the November 10, 2010 "Plot Plan, 102- 104 Main Street, Woburn, Mass." dated November 10, 2010 prepared by Edward J. Farrell;
3. That the parking shall comply with Section 8 of the Woburn Zoning Ordinance and entrance to the parking lot shall be from Main Street with exit to Ash Street; and
4. That prior to occupancy of the structure all gates and locks shall be removed to allow for parking by all tenants.

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 Great Dog Rescue NE, Joanne Reck, 9 Bartlet Street #316, Andover, Massachusetts 01810 for a special permit pursuant to Sections 35 and 35a of the 1985 Woburn Zoning Ordinances, as amended to operate a kennel or pet care facility at 34 Holton Street. PUBLIC HEARING OPENED. A communication dated January 10, 2013 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Great Dog Rescue NE – 34 Holton Street – To allow for a kennel and pet care facility pursuant to Sections 5.1.35 and 5.1.35a

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on January 8, 2013, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Great Dog Rescue NE, regarding the property at 34 Holton Street to allow for a kennel pursuant to Section 5.1.35 subject to the following conditions:

1. That the Pet Care Facility pursuant to Section 5.1.35a be denied.
2. That the kennel pursuant to Section 5.1.35 be allowed for an isolation facility in accordance with the May 26, 2005 Massachusetts Department of Agricultural Resources Emergency Order to strengthen animal import laws;

3. That this permit shall be limited to Great Dog Rescue New England, an approved isolation facility licensed by the Department of Agricultural Resources and not be transferable;
4. That the facility shall be limited to no more than 36 dogs in accordance with the plan dated 1/2/2013 Sheet A1 prepared by Joanna Reck Architect, 15 Rockridge Rd., Andover, MA 01810 for "Great Dog Rescue NE, 34D Holton Street, Woburn, MA 01801; and
5. That all dogs kept at said facility shall not be allowed outside of the facility except for drop off and pick up.

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 communication dated December 10, 2012 was received from Building Commissioner Thomas C. Quinn, Jr. as follows:

Re: 34 Holton Street (Special Permit Great Dog Rescue)

With regard to the above referenced address owner Lorraine Realty Trust and Great Dog Rescue have filed a petition for a Special Permit. It appears that this application was filed without review or approval from this writer to be suitable for public hearing.

The Sections of the Woburn Zoning Ordinance Table of Use Regulations Section 5.1 line 35 Kennel does allow for a Special Permit in the Industrial General I-G Zone, the use of line 35A Pet Care Facility however is not an allowed use in the Industrial General Zone.

If further information is needed with this matter as always do not hesitate to contact me.

\*\*\*\*\*

On the petition by Alderman Michael Anderson to amend the 1985 Woburn Zoning Ordinances, as amended by replacing the current Section 7.4 with the following: "7.4 Abandonment/Non-use - No nonconforming use or structure shall be reinstated once it is abandoned or once it is not used for a period of two (2) years." PUBLIC HEARING OPENED. A communication dated January 10, 2013 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Alderman Michael Anderson – Zone Change – To Amend Section 7.4

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on January 8, 2013, the Board voted to forward a favorable recommendation to the City Council to amend Section 7.4 by replacing the same with the following: "7.4 Abandonment/Non-use - No nonconforming use or

structure shall be reinstated once it is abandoned or once it is not used for a period of two (2) years.”

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

Sincerely, s/Edmund P. Tarallo, Planning Director

\*\*\*\*\*

On the petition by Alderman Michael Anderson, President Paul Denaro and Alderman Michael Raymond to amend the 1985 Woburn Zoning Ordinances, as amended, as follows: By adding the definition “MEDICAL MARIJUANA TREATMENT CENTER” between the definition of “Massage Therapist” and “Menu Board/Order Board” as follows: MEDICAL MARIJUANA TREATMENT CENTER: An establishment that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana or products containing marijuana and/or related supplies, for medical purposes; and further, to amend Section 5.1 – Table of Use Regulations of the 1985 Woburn Zoning Ordinances, as amended, by inserting a new line “33c MEDICAL MARIJUANA TREATMENT CENTER” after “33b Muscular Therapy” as follows: A “-“ under R-1, R-2, R-3, R-4, B-N, B-H, B-D, BI, I-P, I-G, S-1, S-2, O-P, OP-93, O-S, a “P” under IP-2 and “19b” under Notes; and to further amend Section 5.1, Table of Use Regulations by adding Note 19b as follows: 19b. No MEDICAL MARIJUANA TREATMENT CENTER shall be allowed: A. Within one thousand feet of a residential zoning district, public or private school, or church or other structure used in whole or in part all the time or part of the time for religious or spiritual services; B. Within one thousand feet of any facility where large numbers of minors regularly congregate; C. Within two thousand feet of a public park, playground, nursery school or day care center. PUBLIC HEARING OPENED. A communication dated January 10, 2013 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Alderman Michael Anderson, City Council President Paul Denaro and Alderman Michael Raymond – Zone Change - To include the definition “MEDICAL MARIJUANA TREATMENT CENTER” and further, to amend Section 5.1 – Table of Use Regulations by inserting a new line “33c MEDICAL MARIJUANA TREATMENT CENTER” and to further amend Section 5.1, Table of Use Regulations by adding Note 19b.

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on January 8, 2013, the Board voted to recommend that the City Council adopt a temporary moratorium on the use of land and structures in Woburn for the siting of medical marijuana treatment centers and associated activities, so as to allow the City sufficient time to engage in a planning process to address the direct and secondary effects of siting such centers in Woburn and to enact zoning amendments

in a manner consistent with sound land use planning goals and objectives and any regulations promulgated by the State Department of Public Health. Such moratorium shall be in effect through and including January 1, 2014 or until relevant zoning changes are adopted which reflect or incorporate the siting of medical marijuana treatment centers and associated activities, whichever shall be sooner. Said amendment could be as follows:

That the Zoning Ordinance is hereby amended by adding a new Section as follows:

“Section 26 Medical Marijuana Treatment Centers and associated activities

26.1 Temporary moratorium on the establishment and permitting of medical marijuana treatment centers and associated activities.

1. No building permit, special permit, variance, site plan approval decision or other permit may be issued under this zoning ordinance for the purpose of establishing a medical marijuana treatment center or associated activities.
2. The moratorium shall be in effect through and including January 1, 2014 or until relevant zoning changes are adopted which reflect or incorporate the siting of medical marijuana treatment centers and associated activities, whichever shall be sooner.
3. During the moratorium period, the City shall undertake a planning process to address the potential direct and secondary impacts of siting one or more medical marijuana treatment centers in the City and shall review and consider the Department of Public Health regulations regarding the siting of such centers and related uses, and shall consider proposing the adoption of zoning amendments to address the potential direct and secondary impacts of siting one or more medical marijuana treatment centers and related uses in the City.
4. Zoning amendments resulting from the aforementioned study process shall be deemed to be continuations of this moratorium and not new zoning amendments. Applications for permits submitted after the first publication of the notice of the public hearing which results in the adoption of this moratorium but before the moratorium's effective date, shall be administered according to established procedures until the effective date of this moratorium, and if a permit or other relief is granted prior to such effective date, it shall be subject to the effectiveness of this moratorium and shall be issued at the peril of the permit applicant and/or recipient. During the moratorium, any application shall be denied on the basis of this moratorium. In no event shall any permit or other relief sought after the first publication of the notice of the public hearing create or result in any protections with respect to the land, its uses or structures upon it.
5. Unless extended, continued or modified by a subsequent action of the City Council, this section shall cease to be effective January 2, 2014 or until relevant zoning changes are adopted which reflect or incorporate the siting of medical marijuana treatment centers and associated activities, whichever shall be sooner."

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

Sincerely, s/Edmund P. Tarallo, Planning Director

---

**CITIZEN'S PARTICIPATION:** None.

---

**COMMITTEE REPORTS:**

**FINANCE:**

On the Order to Transfer the sum of \$50,000.00 from BLS Receipts Acct. to Ambulance Maintenance Acct, committee report was received "ought to pass".

\*\*\*\*\*

**ORDERED** That the City of Woburn hereby accepts Massachusetts General Law Chapter 59, Section 5N, in order to authorize Woburn to establish a program to allow veterans, as defined in clause Massachusetts General Law Chapter 4, Section 7, Clause 43, to volunteer to provide services in exchange for a reduction in the real estate property tax obligations of that veteran on the veteran's tax bills, which reduction shall be in addition to any exemption or abatement to which that person is otherwise entitled.

Committee report was received "ought to pass".

\*\*\*\*\*

**PUBLIC SAFETY AND LICENSES:**

Petition by Hashem Obaid dba Logan Taxi, 329 Washington Street for a new Taxi License for one vehicle, committee report was received "ought to pass, as amended with the conditions as follows: 1. That the taxi be registered in Woburn, and 2. That the taxi be lettered in accordance with the Woburn Municipal Code."

\*\*\*\*\*

Petitions for renewal of Second Class Motor Vehicles Sales Licenses by Tracy M. Batten dba Tracy's Auto, 62R Winn Street; and Murray's Enterprises, Inc. dba Murray's Auto & Truck Sales, committee report was received "ought to pass".

---

**NEW PETITIONS:**

Petition for renewal of First Class Motor Vehicle Sales License by Northeast Tree, Inc., 62 Holton Street.

\*\*\*\*\*

Petition for renewal of Second Class Motor Vehicles Sales License by Robert Fucarile dba Classic Auto Sales, 9 Salem Street.

\*\*\*\*\*

Petition by Lawless Chrysler Jeep, Inc., 196 Lexington Street, 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 9 Forbes Road.

\*\*\*\*\*

Petition by Preferred Meal Systems, Inc., 5240 St. Charles Road, Berkeley, Illinois 60163 for a special permit pursuant to Sections 5.1.42 and 57B to allow for warehouse and distribution center and parking of commercial vehicles at 242 Salem Street.

\*\*\*\*\*

Petition by KMP, Holdings, 45 Main Street #3, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended, to operate a café with no onsite kitchen at 494 Main Street.

\*\*\*\*\*

Petition by Boys & Girls Club of Woburn, Charles Gardner Lane, Woburn, Massachusetts 01801 for a special permit pursuant to section 5.1.14 of the 1985 Woburn Zoning Ordinances, as amended, to conduct a carnival from May 7, 2013 through May 12, 2013 at 25 Middlesex Canal Park (Showcase Cinemas site).

\*\*\*\*\*

Be it Ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinances, as amended, be further amended as follows:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOBURN AS FOLLOWS:

1. That Section 2 Definitions of the 1985 City of Woburn Zoning Ordinance as amended be further amended by adding the following definition to Section 2:

CHURCH BUILDINGS: A building or structure constructed prior to 1950 for religious purposes on land owned by a religious sect or denomination at time of construction.

2. That a new Section 27 entitled "CHURCH BUILDINGS" be added to the 1985 City of Woburn Zoning Ordinance as amended as follows:

27.1 PURPOSE AND INTENT.

The purpose of this section is to allow for the reuse of historic church buildings in a manner that will promote economic development and provide housing in the community.

27.2 SPECIAL PERMIT.

Church Buildings located in an R-1 or R-2 Zoning District may be converted to a multifamily dwelling by Special Permit of the City Council in accordance with Section 11 of this ordinance.

27.3 MAXIMUM NUMBER OF UNITS.

Church Buildings converted under this Section shall not exceed a total of five (5) dwelling units. In no event shall more than five (5) dwelling units be allowed per Church Building.

27.4 DIMENSIONAL REGULATIONS.

Subject to the provisions set forth in Section 27.5 below, any alteration or extension of a Church Building shall comply with the following dimensional regulations:

Lot Size Minimum: 3,500 S.F. for the first unit and 2,000 S.F. for each additional unit

Lot Width Minimum: 40'

Street Frontage Minimum: 100'

Front Yard Setback: 25'

Side Yard Setback: 25'

Rear Yard Setback: 30'

Landscaped Usable Open Space: 20%

Height: 35'

Height Stories: 3

Building Ground Coverage: 50%

At the time of the Special Permit filed pursuant to this Section, the City Council may grant a Special Permit for relief from the Dimensional Regulations set forth herein.

27.5 EXISTING DIMENSIONS.

The height of the existing building, if presently in excess of 35' and all existing building and parking setbacks, existing landscaped useable open space and existing building ground coverage, shall be allowed to remain if granted a Special Permit from the City Council.

27.6 OFF-STREET PARKING REQUIREMENTS.

At a minimum, off-street parking spaces shall be provided as follows:

1. 1.25 spaces per studio or one bedroom unit.
2. 1.75 spaces for every two bedroom unit.
3. 2.0 spaces for every three bedroom unit or greater.

By John P. Flaherty and Kathryn A. Flaherty,  
individuals owning land to be affected by

change or adoption

---

**COMMUNICATIONS AND REPORTS:** None.

---

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

---

**APPOINTMENTS AND ELECTIONS:** None.

---

**MOTIONS, ORDERS AND RESOLUTIONS:**

RESOLVED Whereas, Darkness to Light was created as a nonprofit entity with the mission of reducing the incidence of child sexual abuse through public awareness and education; and

Whereas, the ultimate mission of the Darkness to Light program, to end childhood sexual abuse, can only be accomplished by sharing the solution of prevention, awareness and education with more and more people; and

Whereas, the North Suburban YMCA of Woburn is a leading voice in educating the public on such issues through the Darkness to Light program and continues to reach out to local youth groups, businesses and municipal officials in an effort to educate our community on child sexual abuse;

Now therefore be it Resolved that the Woburn City Council invites a representative from the YMCA's Darkness to Light Program and the Woburn Recreation Director to apprise the Committee on Public Safety on this program and to discuss additional municipal partnership opportunities.

s/Alderman Haggerty

\*\*\*\*\*

ORDERED Be it Ordained by the City Council of the City of Woburn that Title 2, Article XXVII, Section 2-180 of the 1989 Woburn Municipal Code, as amended, be further amended as follows:

1. That the base salary of the Mayor be amended to \$105,000.00; and
2. That this section shall be effective January 1, 2014.

s/President Denaro

\*\*\*\*\*

ORDERED Be it Ordained by the City Council of the City of Woburn that Title 2, Article XXVII, Section 2-180 of the 1989 Woburn Municipal Code, as amended, be further amended as follows:

1. That the base salary of the City Council Member be amended to \$14,000.00;
2. That the base salary of the City Council President be amended to \$15,000.00; and
3. That this section shall be effective January 1, 2014.

s/President Denaro

\*\*\*\*\*

ORDERED Be it Ordained by the City Council of the City of Woburn that Title 2, Article XXVII, Section 2-180 of the 1989 Woburn Municipal Code, as amended, be further amended by adding a new second paragraph as follows:

1. That the base salary of the School Committee Member be amended to \$6,000.00;
2. That the base salary of the School Committee Chair be amended to \$7,000.00; and
3. That this section shall be effective January 1, 2014.

s/President Denaro

\*\*\*\*\*

ORDERED Be it Ordained by the City Council of the City of Woburn that Title 2, Article XXVII, Section 2-180 of the 1989 Woburn Municipal Code, as amended, be further amended by adding a new third paragraph as follows:

Effective January 1, 2016 and on the first day of January in each odd-numbered year thereafter, a percentage increase of the mayoral salary, city council salaries and school committee salaries will be established consistent with the average of the annual consumer price index (CPI-U) of the previous two calendar years, with a minimum of no increase and a maximum increase of five percent.

s/President Denaro

---

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