

**CITY OF WOBURN
MARCH 19, 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:

ORDERED That the City of Woburn appropriate the amount of Eight Hundred Seventy-five Thousand (\$875,000) Dollars for the purpose of paying costs of a feasibility study for the Wyman School, located at 677 Main Street, which study may include an evaluation of the deficiencies at the Hurld School, located at 75 Bedford Road, including the payment of all costs incidental of related thereto, and for which the City of Woburn may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the School Building Committee. (To meet this appropriation the Woburn City Council, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44), or City of Woburn acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the City of Woburn incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City of Woburn; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the City of Woburn and the MSBA.

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

s/Alderman _____

ORDERED Be it Ordained by the City Council of the City of Woburn that \$871,000.00 is appropriated for infiltration/inflow improvements including the payment of all costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow an amount not to exceed \$871,000.00 under G.L. c44 Sec. 7(1); or any other enabling authority, that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Resources Authority (MWRA) and in connection therewith to enter into a loan agreement and/or security agreement with the MWRA with respect to such loan; and the Mayor is authorized to contract for and expend any federal, state or local or other aid available for the project, including any grant related to such project from the MWRA, which shall be expended in addition to the amount appropriated by the order, and to take any other action necessary of convenient to carry out this project; provided that \$871,000.00 may be borrowed upon passage of this order. Only if the city is intending on making this borrowing contingent on a commitment from the MWRA, then this comment should be used upon a commitment received from the MWRA of a \$391,950.00 grant and a \$479,050.00 interest-free loan for this project.

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

s/Alderman _____

ORDERED That the sum of \$100,000.00 be and is hereby appropriated as so stated from Fire BLS Receipts Acct #31359-595000 \$100,000.00 to Fire Overtime Acct #0122051-513100 \$100,000.00.

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

s/Alderman _____

ORDERED That the sum of \$98,000.00 be and is hereby appropriated as so stated from Unreserved Fund Balance Acct #01-359000 \$98,000.00 to Veteran's Cash Aid Acct #0154357-577000 \$98,000.00

I hereby approve the above: s/Scott D. Galvin, Mayor
I recommend the above: s/Lawrence Guiseppe, Veteran's Agent
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/Alderman _____

ORDERED That the sum of \$449,000.00 be and is hereby transferred as so stated from Eastside System Evaluation Design Acct #64158-584200 \$449,000.00 to Dix Road Pumping Sewer Station Acct #64158-584100 \$449,000.00

I hereby approve the above: s/Scott D. Galvin, Mayor
I recommend the above: s/John Corey, City Engineer
I recommend the above: s/John F. Duran, DPW Superintendent
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/Alderman _____

ORDERED That the sum of \$60,000.00 be and is hereby transferred as so stated from Enterprise Fund Chemicals Acct #64252-524401 \$50,000.00, Federal Testing Acct #64252-524402 \$10,000.00, Total \$60,000.00 to Enterprise Fund Preventative Maintenance Acct #64258-584018 \$60,000.00

I recommend the above: s/John F. Duran, III, DPW Superintendent
I have reviewed the above: s/Gerald W. Surette, City Auditor
I hereby approve the above: s/Scott D. Galvin, Mayor

s/Alderman _____

ORDERED That the sum of \$18,000.00 be and is hereby transferred from the Cemetery Interest Fund to the following Accounts: \$5,000.00 to Burial Sections #0149058-586601, \$5,000.00 to New Equipment #0149058-586600, \$8,000.00 to Over-time #0149051-513100

I hereby approve the above: s/William Kerns, Chairperson
I recommend 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 College Street Partners, LLC, 900 Cummings Center, Suite 3010, Beverly, Massachusetts 01915 for special permits pursuant to Sections 7.3 and 57b of the 1985 Woburn Zoning Ordinances, as amended, and for modification of a special permit dated January 12, 2011 to allow for the alteration of a pre-existing non-conforming use (shopping center) and structure containing approximately 53,379 square feet of gross floor area to allow for: 1. A retail store in Unit 3 consisting of approximately 8,000

square feet of net floor area, 2. A reduction in the square footage of Unit 1 from approximately 26,400 square feet of net floor area to approximately 15,532 square feet of net floor area for a retail store, 3. A retail store in Unit 2 containing approximately 28,099 square feet of net floor area, 4. The overnight parking of commercial vehicles, and 5. To provide for 231 parking spaces, all at 335 Washington Street. PUBLIC HEARING OPENED. A communication dated March 14, 2013 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 College Street Partners LLC – 335 Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for March 19, 2013 be continued to the City Council meeting on April 2, 2013. Thank you.

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

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. A communication dated March 14, 2013 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Woburn Armory LLC/Proposed Amendment to 1985 City of Woburn Zoning Ordinance, as amended

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for March 19, 2013 be continued to the City Council meeting on April 2, 2013. Thank you.

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

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. A communication dated March 14, 2013 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Woburn Armory LLC/Proposed Amendment to 1985 City of Woburn Zoning Ordinance, as amended

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for March 19, 2013 be continued to the City Council meeting on April 2, 2013. Thank you.

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

On the petition by Lowe’s Companies, Inc., 15 Commerce Way, Woburn, Massachusetts 01801 for a special permit pursuant to the 1985 Woburn Zoning Ordinances, as amended,. As follows: 1. Section 5.1.57a, Note 17 to allow for the storage of trailers for the collection of used appliances and pallets; 2. Section 8.2.5 and Section 11 to allow for a further reduction in the number of parking spaces from 589 to 554; and 3. To replace the site plan of record with the site plan entitled “Proposed Outdoor/Seasonal Storage, 15 Commerce Way, Woburn, MA” dated January 31, 2013 prepared by Allen & Major Associates, Inc., for the property located at 15 Commerce Way. PUBLIC HEARING OPENED. A communication dated March 14, 2013 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Lowe’s Companies, Inc. – 15 Commerce Way – To replace the current site plan of record with the site plan entitled “Proposed Outdoor/Seasonal Storage, 15 Commerce Way, Woburn, MA” to allow for the storage of trailers for the collection of used appliances and pallets and to allow for a further reduction in the number of parking spaces from 589 to 554 pursuant to Sections 5.1.57(a), Section 8.2.5 and Section 11.

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on March 12, 2013, the Planning Board voted to send an unfavorable recommendation to the City Council on the Special Permit application of Lowe’s Companies, Inc., regarding the property at 15 Commerce Way to replace the current site plan of record with the site plan entitled “Proposed Outdoor/Seasonal Storage, 15 Commerce Way, Woburn, MA” dated 1/31/13; to allow for the storage of trailers for the collection of used appliances and pallets; and to allow for a

further reduction in the number of parking spaces from 589 to 554 pursuant to Sections 5.1.57(a), Section 8.2.5 and Section 11 based on the request for additional outside storage and the elimination of parking spaces to accommodate the outside storage.

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 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 March 14, 2013 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Woburn Auto Sales LLC – 1095R Main Street – To allow for the sale or rental of automobiles, trucks, truck trailers, and motorcycles pursuant to Sections 5.1.45 and 7.3

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on March 12, 2013, the Planning Board voted to send an unfavorable recommendation to the City Council on the Special Permit application of Woburn Auto Sales LLC, regarding the property at 1095R Main Street to allow for the sale or rental of automobiles, trucks, truck trailers, and motorcycles pursuant to Sections 5.1.45 and 7.3 based on the inadequacy of road access and constructed street frontage to the site and the allowing of a use for retail sale or rental of vehicles that is only accessed through a gated road.

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

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS:

ORDINANCES:

On the Order to amend Section 6-14 of the 1989 Woburn Municipal Code, as amended, relative to kennel fees, committee report was received “ought to pass”.

On the Order to amend Section 2-5(2)(d) of the 1989 Woburn Municipal Code, as amended, relative to exempting the veterans tax abatement program from mandatory conflict of interest education and training requirements, committee report was received “ought to pass”.

NEW PETITIONS:

Petition by SureRide, LLC, 400 TradeCenter, Suite 5900, Woburn, Massachusetts 01801 for renewal of a Taxi Cab License for one (1) vehicle.

Petition by LifeLine Ambulance Service, LLC dba CoachLine Transportation, 11 State Street, Woburn, Massachusetts 01801 for renewal of a Livery License for ten (10) vehicles.

Petition by GameStop, Inc. dba GameStop #3315, 103 Commerce Way, Suite B, Woburn, Massachusetts 01801 for renewal of License to Purchase and Sell Second-Hand and Personal Articles of Value and Collectibles.

Petition by Rafi Lalayan dba Milano Jewelry, 494B Main Street, Woburn, Massachusetts 01801 for a new License to Purchase and Sell Second-Hand and Personal Articles of Value and Collectibles.

Petition by Corner Office Gourmet, 600 West Cummings Park, Suite 1950, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended, to allow a lunch take-out business for consumption of premises at 600 West Cummings Park, Suite 1950/322 Washington Street.

COMMUNICATIONS AND REPORTS:

A communication dated February 27, 2013 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 February 2013.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated March 12, 2013 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 Edward S. Robertson, 16 Hart Place, to the Woburn Board of Appeals, with a term to expire May 31, 2015.

Respectfully, s/Scott D. Galvin, Mayor

A communication dated March 12, 2013 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 Margaret M. Pinkham, 3 Frances Street, to the Woburn Board of Appeals, with a term to expire May 31, 2015.

Respectfully, s/Scott D. Galvin, Mayor

A communication dated March 12, 2013 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 Daniel Parrish, 35 Prospect Street, to the Woburn Board of Appeals, with a term to expire on May 31, 2015.

Respectfully, s/Scott D. Galvin, Mayor

A communication dated March 12, 2013 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 appoint Sheila T. McElhiney, 7 Sonrel Street, as an alternate member to the Woburn Board of Appeals, with a term to expire on May 31, 2016.

Respectfully, s/Scott D. Galvin, Mayor

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That the City Council Regular Meeting scheduled for December 3, 2013 shall rescheduled for December 10, 2013.

s/President Denaro

ORDERED That pursuant to 1989 Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6 the Superintendent of Public Works is hereby authorized to dispose of the following equipment which the Superintendent has determined is of no longer of any value to the department and that any proceeds received from the disposal of the said equipment may be utilized by the Superintendent of Public Works for the acquisition of additional equipment by the Department of Public Works:

Year	Make	Model	VIN	Mileage
1997	Ford	Crown Vic	2FALP71W1VX215874	131792
1997	Ford	Crown Vic	2FALP71WXVX229935	129596
2000	Ford	Crown Vic	2FAFP71W4YX200058	122950
1997	Ford	Crown Vic	2FALP71W1VX229919	113455
1995	Ford	Crown Vic	2FALP71W4SX206680	135163
2003	Ford	Crown Vic	2FAFP71W33X135471	144126
1997	Ford	Crown Vic	2FALP71W5VX224707	131381
2000	Ford	Crown Vic	2FAFP71W0YX125990	116929
1997	Ford	Crown Vic	2FALP71W1VX224686	96453
1997	Ford	Taurus	1FALP52U6VG284101	72378
1998	Ford	Taurus	1FAFP52U2WA260850	59710
1997	Jeep	Cherokee	1J4FJ78SXTL327864	122348
1997	Chevrolet	3500	1GBJK34R1VE118176	101081
2000	Chevrolet	3500	1GCGK24R1YF500688	50026
	John Deere	210C	T0210CA736893	9801 HR
1969	Austin	Grader	P34646613	
1987	Bombard	SW48F	1871007	2211 HR
1987	Bombard	SW48F	1780322	1746 HR
1985	Bombard	SW48F	1870998	1088 HR
1965	Ford	F-750	F75K0684571	55140
	Hot Box	Trailer		
	Clerk	Fork lift		

2000	Ford	Taurus	1FAFP53U9YG119630	75842
1998	Ford	Taurus	1FAFP52U7WA260925	62849
1988	Ingersoll	Compres	163298U87179	4704HR
1988	Ingersoll	Compres	163299U87179	
1999	Ford	Taurus	1FAFP53U2XA191979	69433
2000	Ford	Taurus	1FAFP53U9YG119630	75842
2000	Ford	Crown Vic	2FAFP71W3YX200049	131355

s/Alderman _____

Motion made and 2nd to ADJOURN.