

**CITY OF WOBURN
MAY 7, 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 sum of \$132,500.00 be and is hereby transferred as so stated from BLS Receipts Acct #31359-595000 \$132,500.00 to Ambulance Salaries Acct #0122051-513100 \$100,000.00, Ambulance Maintenance Acct #0122054-544300 \$15,000.00, Apparatus Maintenance Acct #0122054-544400 \$10,000.00, Medical Attention Acct #0122054-558103 \$7,500.00

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 _____

ORDERED That the sum of \$56,826.36 be and is hereby transferred as so stated from Police Rood Acct #0112158-586691 \$56,826.36 to Stabilization Fund Acct #704049-497100 \$56,826.36

I have approved the above: s/Gerald W. Surette, City Auditor
I hereby reviewed the above: s/Scott D. Galvin, Mayor

s/Alderman _____

ORDERED That the sum of \$10,000.00 be and is hereby transferred as so stated from Police Rood Acct #0112158-586691 \$10,000.00 to Police Stairs Acct #0112158-586689 \$10,000.00

I have approved the above: s/Gerald W. Surette, City Auditor
I hereby reviewed the above: s/Scott D. Galvin, Mayor

s/Alderman _____

A communication dated May 1, 2013 with attachments was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Order authorizing Mayor to execute IMA – Municipal Hearings Officer

This memorandum shall serve to explain the attached Order seeking authorization for the Mayor to execute an Intermunicipal Agreement (“IMA”) with the Towns of Winchester and Lexington for the appointment of a municipal hearing officer in accordance with M.G.L. c.148A, §2. A copy of the IMA is attached hereto for the Council’s information.

The purpose for the IMA is to allow the three communities to share the services of a Municipal Hearing Officer (an individual from the Lexington Fire Department will serve) who will conduct hearings solely on appeals from the issuance of citations for non-criminal violations of the state fire code. As §5 of c.148A requires cities and towns to pay municipal hearing officers a stipend of “not less than \$2,500 a year”, the terms of the IMA allocate this cost among the three communities.

I am available to meet with the City Council to discuss this matter further.

Sincerely, s/Ellen Callahan Doucette

Attached thereto was the following Order:

ORDERED Be it ordained by the City Council of the City of Woburn that the Mayor be authorized pursuant to M.G.L. c.40, §4A to enter into an Intermunicipal Agreement with the Towns of Winchester and Lexington for the appointment of a Municipal Hearing Officer in accordance with M.G.L. c.148A, §2.

s/Alderman _____

PUBLIC HEARINGS:

On the petition by Woburn Kiwanis, c/o Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.75 of the 1985 Woburn Zoning Ordinances, as amended to allow a carnival on June 14 and 15, 2013 at Library Park. PUBLIC HEARING OPENED. A communication dated April 25,

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

Re: Kiwanis Club of Woburn – Library Park – To operate a carnival June 14 & 15, 2013 under Section 5.1.75

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on April 23, 2013, the Planning Board voted to send a favorable recommendation to the City Council regarding the Special Permit application of the Kiwanis Club of Woburn for their Annual Flag Day Festival at Library Park with the condition that the applicant comply with Section 5.1, Note 14 of the Woburn Zoning Ordinance.

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, Joanna Reck, 9 Bartlet Street, #316, Andover, Massachusetts for a special permit to amend a special permit issued February 28, 2013 pursuant to Section 5.1.35 of the 1985 Woburn Zoning Ordinances, as amended, 1. To allow for the addition of a residential dishwasher and 2. To move partition wall forty (40) inches to the left, at 34D Holton Street. PUBLIC HEARING OPENED. A communication dated April 25, 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 modification of Special Permit decision by changing the Plan of Record

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 modification of Special Permit application for Great Dog Rescue NE, regarding the property at 34 Holton Street by changing condition number four of the original special permit to read “That the facility shall be limited to no more than 36 dogs in accordance with the plan dated “1/2/2013 Revised” Sheet A1 prepared by Joanna Reck Architect, 15 Rockridge Rd., Andover, MA 01810 for “Great Dog Rescue NE, 34D Holton Street, Woburn, MA 01801”.

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 April 2, 2013 was received from Thomas C. Quinn, Jr., Building Commissioner, Department of Inspection Services as follows:

Re: Great Dog Rescue 34D Holton Street

With regard to the above referenced property, as you are aware a Special Permit was granted on February 5, 2013 and recorded on February 28, 2013 for Great Dog Rescue. On March 15, 2013 a Building Permit was issued to construct the interior in accordance with the Special Permit granted with attention to condition three (3) which references a plan shown as Sheet A1 dated January 2, 2013.

Since the issuance of the building permit the owners have requested a change to the floor plans which would have been different than the approved plans as referenced in the recorded decision and if approved by Inspectional Services would be different than what was presented during the hearing process.

If you have addition concerns with this matter or wish to discuss further do not hesitate to contact me.

On the petition by Robert W. Murray, Trustee, Three Hundred Thirty Lexington Street Trust, 27 Cambridge Street, Burlington, Massachusetts 01803 for a special permit to modify a special permit dated June 11, 2009 as modified by Notice of Modification dated September 3, 2009 by 1. Deleting the reference to the plan of record in Condition 2 of the Decision and replacing with the plan filed with this Petition entitled "Plan of Land in Woburn and Lexington, 330 Lexington Street, Middlesex County, Massachusetts" dated January 30, 2009 as revised on January 30, 2013 prepared by Commonwealth Engineering Inc, Civil Engineers and Land Surveyors, 27 Cambridge Street, Suite 106, Burlington, MA 01803 as the plan of record, and 2. Revising Condition 9 of the Decision which states: "That this proposal shall comply with the requirements of Section 11.11 the Affordable Housing Requirement of the Woburn Zoning Ordinance" by allowing the Petitioner to substitute a cash payment for the provision of affordable housing units pursuant to Section 11.11.1 of the Zoning Ordinances, at 500 Lexington Street a/k/a 330 Lexington Street. PUBLIC HEARING OPENED.

On the petition by Soonyoung, Inc. dba Fashion Cleaners, 18 Swanton Street, Winchester, Massachusetts 01890 for a special permit pursuant to Section 7 of the 1985 Woburn Zoning Ordinances, as amended, to allow a professional cleaners at 102-104 Main Street. PUBLIC HEARING OPENED. A communication dated April 25, 2013 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Soonyoung, Inc., DBA Fashion Cleaners – 102-104 Main Street – To allow for the alteration of a pre-existing nonconforming use to allow for a professional cleaners pursuant to Section 7.3

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on April 23, 2013, the Planning Board voted to send an unfavorable recommendation to the City Council regarding the Special Permit application of Soonyoung, Inc., DBA Fashion Cleaners to allow for a professional cleaners due to inadequate parking.

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 Stephanie Almeida, 24 Grace Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.5 of the 1985 Woburn Zoning Ordinances, as amended to allow filling of yard at 24 Grace Road. PUBLIC HEARING OPENED.

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:

FINANCE:

On the Order to transfer the sum of \$300,000.00 from Fire Ambulance Receipts Account to Fire Salary Account, committee report was received “ought to pass”.

On the Order to transfer the sum of \$110,000.00 from DPW Operations Salary Account, Wellness Recreation Account, Police Sick Leave Buy Back Account and Auditor Salary Account to Fire/Overtime Account, committee report was received “ought to pass”.

On the Order to transfer the sum of \$40,000.00 from DPW Administration Salary Account and DPW Operations Account to DPW/Overtime Account, committee report was received “ought to pass”.

On the appointment of Christopher E. Doherty to the Woburn Agricultural Commission, committee report was received “ought to pass”.

On the petition by ecoATM for a new License to Purchase and Sell Second-Hand and Personal Articles of Value and Collectibles, committee report was received “ought to pass”.

On the petition by Boston Super Transportation, Inc. for renewal of a Common Carrier License, committee report was received “ought to pass”.

On the petition by Boston Tours Inc. for renewal of a Common Carrier License, committee report was received “ought to pass”.

NEW PETITIONS:

Petition by American Classic Limousine, Inc., 215 Salem Street, Suite 8, Woburn for renewal of Livery License for thirteen (13) vehicles.

Petition by Woburn Cab Company, Inc., 100 Ashburton Avenue, Woburn for renewal of a Taxi Cab License for twelve (12) vehicles.

Petition by Woburn Cab Company Inc., 100 Ashburton Avenue, Woburn for renewal of Livery License for three (3) vehicles.

Petition by Parker Hannifin Corp., 6035 Parkland Blvd., Cleveland, Ohio 44124 for amendment of an Inflammable License to allow Class 1A flammable liquid maximum 20 gallons in drums/pail, Class 1B flammable liquid maximum quantity 1,680 gallons in drums/pail, Class 1C flammable liquid maximum quantity 300 gallons in drums/pail/cylinder at 8 Commonwealth Avenue.

Petition by Parker Hannifin Corp., 6035 Parkland Blvd., Cleveland, Ohio 44124 for amendment of an Inflammable License to allow Class 1A flammable liquid maximum 5 gallons pail, Class 1B and Class 1C flammable liquid maximum quantity 730 gallons in drums/pail at 70 Dragon Court.

Petition by Parker Hannifin Corp., 6035 Parkland Blvd., Cleveland, Ohio 44124 for amendment of an Inflammable License to allow Class 1A flammable liquid maximum 15 gallons in drums/pails, Class 1B flammable liquid maximum quantity 645 gallons in drums/pails, Class 1C flammable liquid maximum quantity 100 gallons in drums/pails at 84 Dragon Court.

COMMUNICATIONS AND REPORTS:

A communication dated April 19, 2013 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 March 2013: number of parking violations issued 337, number of violations paid 195, number of violations outstanding 125, amount collected and submitted to the Office of the Collector \$15,488.80. There exists a backlog of 6,116 for 1982 through 2012. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$3,400.00.

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

A communication April 16, 2013 with attachment was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Kushnirsky v. Blomquist, et al, 12 MISC 464638-KCL

As the City Council is aware, the above-captioned matter involves an abutter's appeal from the City Council's grant of a special permit for the alteration of a nonconforming structure located at 300 Cambridge Road, Woburn. After completing discovery, legal counsel for the co-defendants, Seaver Properties, LLC and Larry G. Blomquist d/b/a Fellsway Foreign Motors filed a Motion for Summary Judgment/Motion to Dismiss with

the Land Court. The abutter did not oppose the Motions and the Land Court entered Judgment for the co-defendants and dismissed the appeal. A copy of the Land Court's decision is attached hereto.

As the abutter acknowledged that he did not have standing to appeal the special permit, an appeal from the Land Court's decision will not be filed. I envision that once the appeal period ends, the co-defendants will seek the issuance of the special permit from the City Clerk's office, and proceed with their project.

Please don't hesitate to contact me if there are any questions regarding this matter.

Very truly yours, s/Ellen Callahan Doucette

A communication dated April 18, 2013 was received from Veterans Agent Larry Guiseppe as follows:

Dear Bill:

I would like the opportunity to go before the City of Woburn Land and Buildings Comm. to discuss 3 projects that the Friends of Woburn Veterans would like to pursue over the next 12 months.

Those being the replacement of the Horn Pond flag pole by Foley Beach, restoration of the "housing" of the USS Main Cowl on Woburn Common, and the restoration of the Dallin Monument at Woodbrook Cemetery. These projects are all located on city property and we would like City Council approval to perform each.

We, Friends of Woburn Veterans, would also get the proper approvals and permits from all necessary city Departments and Commissions before beginning any of these projects.

The anticipated cost of these projects is \$140,000, we are fundraising currently to meet these goals.

Sincerely, s/Larry Guiseppe

A communication dated April 19, 2013 with attachment was received from Larry Means, Treasurer, Northeast Metropolitan Regional Vocational School District, 100 Hemlock Road, Wakefield, Massachusetts 01880-3597 advising that the City of Woburn assessment for the FY2014 budget is \$1,134,199.00.

UNFINISHED BUSINESS OF PRECEDING MEETING:

On the Order to amend Title 2, Article XXXVI, Section 2-234 of the 1989 Woburn Municipal Code, as amended by designating the members of the Woburn Agricultural Commission as special municipal employees under Massachusetts General Laws Chapter 268A.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED That the Committee on Special Permits meet with representatives of the Dollar Tree Store to review the special permit issued on November 10, 2011 relative to the property located at 425 Washington Street.

s/Alderman Mercer-Bruen

RESOLVED Whereas, 2012-2013 was a severe snow season which cost the city a substantial amount of money; and

Whereas, the City Council has the responsibility to oversee the city's finances; and

Whereas, the City Council is heading into discussions about the Fiscal Year 2014 budget;

Now, Therefore be it Ordered that the City Auditor provide a detailed breakdown of snow plowing related costs for the last three fiscal years.

s/Alderman Richard Haggerty

From the Woburn Traffic Commission:

ORDER UTICA STREET – That a stop sign restriction be established on Utica Street at the intersection with Washington Street.

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 a 1999 Ford Taurus Registration M#* 938 VIN #1FAFP53U3XA310882, 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 _____

ORDERED That the City Auditor and City Treasurer/Collector provide a report to the City Council that would lead to a streamlining of the weekly bill paying and review process and elimination of the Committee on Accounts and Audit review.

s/President Denaro

ORDERED That in accordance with precepts issued by His Excellency the Governor Deval L. Patrick and in accordance with Massachusetts General Laws Chapter 54, as amended, the City Clerk is hereby authorized and directed to notify and to warn such of the inhabitants of the City of Woburn as are qualified to vote in Special State Elections to assemble at the polling places in their respective wards in the City of Woburn as designated herein, on TUESDAY, the TWENTY-FIFTH OF JUNE, 2013 from 7:00 a.m. to 8:00 p.m., then and there to cast their votes in the Special State Election for the candidates for the office of SENATOR IN CONGRESS FOR THE COMMONWEALTH at the following polling places:

| <u>Ward-Precinct</u> | <u>Polling Place Location</u> |
|----------------------|---|
| 1-1 | Joyce Middle School Library, 55 Locust Street |
| 1-2 | Clapp Elementary School Cafeteria, Hudson Street and Arlington Road |
| 2-1 | Shamrock Elementary School Gymnasium, 60 Green Street |
| 2-2 | Shamrock Elementary School Gymnasium, 60 Green Street |
| 3-1 | Hurld Elementary School Gymnasium, 75 Bedford Road |
| 3-2 | Hurld Elementary School Gymnasium, 75 Bedford Road |
| 4-1 | Wyman Elementary School Auditorium, Main Street and Eaton Avenue |
| 4-2 | White Elementary School, 36 Bow Street |
| 5-1 | Goodyear Elementary School Gymnasium, 41 Central Street |
| 5-2 | Goodyear Elementary School Gymnasium, 41 Central Street |

- 6-1 Altavesta Elementary School Gymnasium, 990 Main Street
- 6-2 Altavesta Elementary School Gymnasium, 990 Main Street
- 7-1 Reeves Elementary School Gymnasium, 240 Lexington Street
- 7-2 Reeves Elementary School Gymnasium, 240 Lexington Street

s/Alderman _____

Motion made and 2nd to ADJOURN.