

**CITY OF WOBURN
JANUARY 7, 2014 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gaffney
Concannon	Gately
DiTucci	Mercer-Bruen
Drapeau	Raymond
Haggerty	

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 Gately concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 141-143 Main 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 859 Main Development, LLC, 215 Lexington 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 dated October 10, 2012 to allow changes to previously approved Site Layout Plan (Sheet 3 of 8 of the approved plan set dated August 14, 2012) including revised sidewalk layout, repositioning of the building footprint for Units 33-35 to accommodate revised sidewalk layout, revised building layout for Flats 8-40 to accommodate addition of decks, and enlargement of clubhouse building, at 855 Main Street. PUBLIC HEARING OPENED. A communication dated December 20, 2013 with attachment was received from Attorney Shaun W. Briere, Mawn and Mawn, P.C., 275 Mishawum Road, 4th Floor, Woburn, Massachusetts 01801 as follows:

Re: 859 Main Development LLC – Special Permit Modification – 855 Main Street

Dear Mr. Campbell:

In connection with the above referenced petition scheduled for public hearing before the City Council on January 7, 2014, please find enclosed herewith twenty (20) copies of the revised plan entitled “Proposed Residential Development Site Layout Plan, 859 Main Street in Woburn, Massachusetts (Middlesex County)” Sheet 1 dated November 27, 2013, prepared by Keenan Survey, 8 Winchester Place, Winchester, MA 01890 concerning the property located at 855 Main Street. The plan originally filed with the application has been revised to reflect changes required by the Planning Board in their decision dated December 9, 2013 modifying their approval of the revised plans for more than one residential building on a lot.

Kindly file same in your usual course. Thank you very much for your assistance in this matter.

Very truly yours, s/Shawn W. Briere

On the petition by Kohl’s Illinois, Inc., N56 W17000 Ridgewood Dr., Menomonee Falls, Wisconsin 53051 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended to allow remodeling to building exterior, including adding less than 110 square feet of uninhabited area to the store entrance for cosmetic reasons, adding EIFS to enhance the existing façade, and minor maintenance where needed around the building at 425 Washington Street. PUBLIC HEARING OPENED. A communication dated December 4, 2013 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Kohl’s Illinois, Inc. – 425 Washington St. – To allow for the alteration of the existing nonconforming structure and use. Said alterations will include but are not limited to exterior design elements and the adding of less than 110 S.F. of uninhibited area the store entrance pursuant to Section 7.3

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on December 3, 2013, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Kohl’s Illinois, Inc, regarding the property at 425 Washington Street to allow for the alteration of the existing nonconforming structure and use pursuant to Section 7.3 subject to the following conditions:

1. That the site plan shall be in accordance with the plan titled “Proposed Site Plan” for Permit 11/27/13 – Exterior, Sheet SP dated 11/01/2013;
2. That all conditions of the original Special Permit granted August 2, 2012 for this locus shall remain in full force and effect unless modified by this Special Permit;

3. That this permit will not serve as approval of any new or modified signs requiring a separate permit from the Building Commissioner.

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 10 Presidential Way Associates, LLC, 10 Presidential Way, Woburn, Massachusetts 01801 for a special permit with any dimensional relief as may be required pursuant to Sections 5.1.80a, 5.6, 6 and 11 of the 1989 Woburn Zoning Ordinances, as amended, to establish a telecommunications facility to be used for education, training and transmission of secure data at 10 Presidential Way. PUBLIC HEARING OPENED. A communication dated December 4, 2013 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: 10 Presidential Way Associates, LLC - 10 Presidential Way – To construct and operate a telecommunication facility pursuant to Sections 5.1, 5.6, 6, and 11

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on December 3, 2013, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of 10 Presidential Way Associates, LLC, regarding the property at 10 Presidential Way to allow for the construction and operation of a telecommunication facility subject to the following conditions:

1. That the Plans of Record shall be the plans Z-1 – Z-8 with a Title Sheet T-1 revised through 11/22/13 by Dewberry Engineers Inc., 280 Summer Street, 10th Floor, Boston, MA 02210 entitled “Model Tower: An Educational Training Facility” except as modified by this decision;
2. The Carrier Equipment Shelter Interior Isometric on Sheet Z-8 shall be unmanned and not be used as an educational classroom and only as an equipment shelter;
3. The Future Carrier Equipment Shelter shall not be allowed;
4. That prior to building permit a license for secure data link shall be issued for the proposed facility by the FCC;
5. That 16’ wide paved access road as shown on the plan shall be provided for access and the elimination of the two parking spaces to be utilized for access shall be eliminated to provide for fire access and general access the compound area;
6. That the proposed height of the Tower shall not exceed 160’; and
7. That the Planning Board shall retain jurisdiction over the landscaping.

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 Eleftheria Exarchos, 422-426 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.5 and 11.6.11 of the 1985 Woburn Zoning Ordinances, as amended, to renovate existing apartment and convert the space to three apartments on the second floor at 422-426 Main Street. PUBLIC HEARING OPENED. A communication dated December 4, 2013 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Eleftheria Exarchos – 422-426 Main Street – To allow for the conversion of 2 apartments on the second floor to 3 apartments on the second floor pursuant to Sections 5.1.5, and 11.6.11

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on December 3, 2013, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Eleftheria Exarchos, regarding the property at 422-426 Main Street to allow for the conversion of 2 apartments on the second floor to 3 apartments on the second floor in accordance with the plans titled “Sec. Fl. Renovations, 426 Main Street, Woburn, MA”, dated December 1, 2013 consisting of 4 sheets including the cover page.

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: None.

NEW PETITIONS:

Petition by Joseph Zink, Atlantic Management Corporation, 205 Newbury Street, Framingham, Massachusetts 01701 for special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended as follows: 1. Section 5.1.44 to allow operation of a garage, automobile and truck repair, 2. Section 5.1.57b to allow accessory storage or parking of commercial motor vehicles other than as provided for in Section 5.1.58, trucks, buses or contractor’s equipment, and 3. Section 7.3 findings for extension or alteration of non-conforming uses/structures for the following: a. minimum landscaped usable open space requirement under Section 6.1 and footnote 7 (30%), and b. retaining loading bays facing Wildwood Avenue under Section 8.7.10, at 205 Wildwood Avenue.

COMMUNICATIONS AND REPORTS:

A communication dated December 20, 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 this report to you on the parking violations within the city of Woburn for the period ending November 2013: number of violations issued 671, number of violations paid 357, number of violations outstanding 216, amount collected and submitted to the Collector's Office \$38,493.20. There exists a backlog of 3,068 tickets from 1982 through 2012. Demand will be sent until all tickets have been paid. Parking fines referred to the Handicapped Commission \$7,900.00.

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

A communication dated January 2, 2014 was received from Building Commissioner Thomas C. Quinn as follows:

Re: Woburn Municipal Code Title 15 Article VIII 15-42

Dear Members of City Council:

With regard to the above referenced section of the Woburn Municipal Code, I submit the following quarterly nuisance report for the period of October 1, 2013-December 31, 2013.

As of this time there are currently two properties that the Inspectional Services Department is assisting the Ward Alderman as they are listed below:

143 Main Street (request of Alderman Gately).
4 Pheasant Lane (request of Alderman Drapeau).

In addition the following property 602 Main Street has had some concerns and communications between this writer and property owner have been ongoing and I will provide a further update as this proceeds.

As always if there are any questions do not hesitate to contact this writer.

s/Thomas C. Quinn, Jr., Building Commissioner, City of Woburn

A copy of a communication dated December 9, 2013 to His Honor the Mayor Scott Galvin was received from Rachel Freed, Acting Deputy Regional Director, Bureau of

Resource Protection – NERO, Department of Environmental Protection, Northeast Regional Office, 205B Lowell Street, Wilmington, Massachusetts 01887 as follows:

Re: Wetlands/Woburn – Community Gardens – ACOP-NE-10-6W023 – Return to Compliance

Dear Mayor Galvin:

On November 5, 2010, the Massachusetts Department of Environmental Protection (“MassDEP”) entered into an Administrative Consent Order (“Consent Order”) with the City of Woburn that required certain activities to be performed within prescribed timelines in order to bring the site reference above into compliance with Massachusetts wetlands regulations.

Based upon the information submitted to date in accordance with the requirements under the Consent Order Agreement and on observations made during site inspections, MassDEP has determined that all requirements of the Consent Order have been met. MassDEP hereby acknowledges that the site has been returned to compliance.

If you have any questions about this authorization or continued regulatory compliance, please contact me.

Sincerely, s/Rachel Freed, Acting Deputy Regional Director, Bureau of Resource Protection – NERO

A copy of a communication dated December 9, 2013 to His Honor the Mayor Scott Galvin was received from Rachel Freed, Acting Deputy Regional Director, Bureau of Resource Protection – NERO, Department of Environmental Protection, Northeast Regional Office, 205B Lowell Street, Wilmington, Massachusetts 01887 as follows:

Re: Wetlands/Woburn – Washington Circle – ACOP-NE-10-6W020 – Return to Compliance

Dear Mayor Galvin:

On November 5, 2010, the Massachusetts Department of Environmental Protection (“MassDEP”) entered into an Administrative Consent Order (“Consent Order”) with the City of Woburn that required certain activities to be performed within prescribed timelines in order to bring the site reference above into compliance with Massachusetts wetlands regulations.

Based upon the information submitted to date in accordance with the requirements under the Consent Order Agreement and on observations made during site inspections, MassDEP has determined that all requirements of the Consent Order have been met. MassDEP hereby acknowledges that the site has been returned to compliance.

If you have any questions about this authorization or continued regulatory compliance, please contact me.

Sincerely, s/Rachel Freed, Acting Deputy Regional Director, Bureau of Resource Protection – NERO

A copy of a communication dated December 9, 2013 to His Honor the Mayor Scott Galvin was received from Rachel Freed, Acting Deputy Regional Director, Bureau of Resource Protection – NERO, Department of Environmental Protection, Northeast Regional Office, 205B Lowell Street, Wilmington, Massachusetts 01887 as follows:

Re: Weltands/Woburn – Harrison Avenue – ACOP-NE-10-6W021 – Return to Compliance

Dear Mayor Galvin:

On November 5, 2010, the Massachusetts Department of Environmental Protection (“MassDEP”) entered into an Administrative Consent Order (“Consent Order”) with the City of Woburn that required certain activities to be performed within prescribed timelines in order to bring the site reference above into compliance with Massachusetts wetlands regulations.

Based upon the information submitted to date in accordance with the requirements under the Consent Order Agreement and on observations made during site inspections, MassDEP has determined that all requirements of the Consent Order have been met. MassDEP hereby acknowledges that the site has been returned to compliance.

If you have any questions about this authorization or continued regulatory compliance, please contact me.

Sincerely, s/Rachel Freed, Acting Deputy Regional Director, Bureau of Resource Protection – NERO

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated December 18, 2013 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Campbell|:

In accordance with Title 2, Article XL of the 1989 Woburn Municipal Code, and by the power vested in me as Mayor of the City of Woburn, I hereby reappoint the following individuals to the Woburn Agricultural Commission:

- Timothy Mooney, 6 Bow Street, with a term to expire on December 31, 2013;
- Michael J. Benenate, 83 Burlington Street, with a term to expire December 31, 2015;
- Robert F. Carley, 25 Wright Street, with a term to expire December 31, 2016; and
- Paul A. Medeiros, Chairman, 9 Marietta Street, with a term to expire December 31, 2016.

Respectfully, s/Scott D. Galvin, Mayor

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That City Council lift the moratorium on Livery Licenses; and
Be it further Ordered that the Committee on Public Safety and Licenses review the number of Livery Licenses available.

s/Alderman Haggerty

Motion made and 2nd to ADJOURN.