

**CITY OF WOBURN
APRIL 1, 2014 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

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|-----------|--------------|
| Anderson | Gaffney |
| Concannon | Gately |
| DiTucci | Mercer-Bruen |
| Drapeau | Raymond |
| Haggerty | |

A moment of silence was observed in memory of former Ward Seven Alderman Edward Crowley and former Woburn Purchasing Agent William McGowan who passed away recently, and Boston Fire Lt. Edward Walsh Jr. and Boston Firefighter Michael Kennedy who were killed while battling a fire in Boston.

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE, all in favor, 9-0.

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$370,000.00 be and is hereby transferred as so stated from Fund Balance Designated for I&I Acct #641-359600 \$370,000.00 to Year 1 CIP Design & Year 2 Sewer System Evaluation \$370,000.00 – Reason: The sum is requested to allow for funding infiltration & inflow.

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

s/President Haggerty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 9-0.

ORDERED That the sum of \$25,000.00 be and is hereby transferred as so stated from Traffic Safety and Infrastructure Acct #360058-588230 \$25,000.00 to Council on Aging Acct #0112158-588035 \$25,000.00 – Purpose: Senior Center Paving.

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

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

s/President Haggerty

Alderman Drapeau stated that he received an accounting of the mitigation funds, that there is \$25,000.00 in the Inwood Park mitigation account for Senior Center paving, and that he wants to know if this is an additional \$25,000.00. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, AS AMENDED with the amendment as follows: 1. That a communication be forwarded to the Mayor requesting information as to whether the \$25,000.00 in the Inwood Park mitigation account earmarked for Senior Center paving can be used of the project or whether this is an additional \$25,000.00, all in favor, 9-0.

ORDERED That the following funds shall be and hereby are transferred to City Clerk City Clerk Office Supplies Account 0116254-542000 from the City Clerk Professional Development Account 0111157-571050 \$159.63, City Clerk Dues Account 0116157-573000 \$85.00, Election and Registration Repairs Voting Machine Account 0116452-524905 \$700.00 and Election and Registration Elections Workers Account 0116251-512005 \$1,250.00.

I hereby approve the above. s/William C. Campbell, City Clerk

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

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

s/President Haggerty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 9-0.

ORDERED That the amount of \$730.00 be and is transferred as follows from Parks/Pick-up Truck Acct #0112158-586727 \$730.00 to Parks Dept/Sod Cutter Acct #0112158-586726 \$730.00

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

I hereby approve the above. s/James H. DeLong, Parks Superintendent

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

s/President Haggerty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 9-0.

ORDERED The City of Woburn, in accordance with Section 31D of Chapter 44 of the Massachusetts General Laws, approve deficit spending that is in excess of appropriation for the removal of snow and ice. The budgeted appropriation for the removal of snow and ice for fiscal year 2014 amounted to \$279,000. The additional amount to be expended, but not to exceed, is \$750,000 (\$1,029,000 total) for the fiscal year beginning July 1, 2013 and ending June 30, 2014. The exact amount of the deficit shall be raised by taxation on the Fiscal Year 2015 tax recapitulation forms.

s/Mayor Scott Galvin 3-27-2014

s/President Haggerty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 9-0.

PUBLIC HEARINGS:

On the petition NStar Electric Company for a grant of right in a way to install approximately 55 feet of conduit south on Water Street northeasterly from pole #299/12 at the intersection of Woburn Parkway and install approximately 890 feet of conduit and also installing two (new) manholes (MH29735 and MH29736) in Woburn Parkway northerly at the intersection of Water Street. PUBLIC HEARING OPENED. Appearing for the petitioner was Jacqueline Duffy, Right of Way Agent, NStar Electric Company and she stated that the plan was forwarded to the Superintendent of Public Works, that the Superintendent provided comments, and that she has responses to the comments. Ms. Duffy offered a copy of the plan and comments to the City Council for review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MAY 6, 2014, all in favor 9-0.

On the petition by National Grid for a grant of right in a way to install approximately 85 feet of 2 inch plastic main to supply house number 3 Hobson Avenue. PUBLIC HEARING OPENED. No one appeared on the petition. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON May 6, 2014, all in favor 9-0.

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. Alderman Gately stated that the property has been cleaned, that a section of the front stairs were replaced, that the parking on the south side of the building has ceased, and that the owners may have made arrangements for parking with the property owner to the rear. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 7, 2014, 8 in favor, 0 opposed, 1 abstained (Concannon abstained).

On the 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. PUBLIC HEARING OPENED. A communication dated March 31, 2014 was received from Attorney Robert C. Buckley, Riemer & Braunstein LLP, Seven New England Executive Park, Burlington, Massachusetts 01803-5008 as follows:

Re: Atlantic Management Corporation/National Express – 205 Wildwood Avenue, Woburn, Massachusetts

Dear Mr. Campbell and President Haggerty:

On behalf of our client, Atlantic Management Corporation, we would respectfully request that the application for two Special Permits and three findings for 205 Wildwood Avenue be "Withdrawn Without Prejudice." This matter is scheduled to appear before the Woburn City Council on Tuesday, April 1, 2014.

Should you have any questions, please feel free to contact me. Thank you.

Very truly yours, s/Robert C. Buckley

Motion made and 2nd to accept the communication and make it part of the record, all in favor, 9-0. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the MATTER be GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE, all in favor, 9-0.

On the petition by C.N. Wood Realty LLC, 200 Merrimac Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning

Ordinances, as amended, to allow an addition to be constructed on the existing building as an extension or alteration of a pre-existing non-conforming structure or use at 200 Merrimac Street. PUBLIC HEARING OPENED. A communication dated March 17, 2014 was received from Erin E. Wortman, City Planner/Grant Writer as follows:

Re: C.N. Wood Realty LLC – 200 Merrimac Street – To allow for an addition to be constructed on the existing building as an alteration of a pre-existing non-conforming structure or use pursuant to Section 7.3

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on March 11, 2014, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of C.N. Wood Realty LLC, regarding the property at 200 Merrimac Street to allow for the alteration of an existing non-conforming structure subject to the following conditions:

1. That the Plan of Record shall be “Building Addition for 200 Merrimac Street, Woburn, MA 01801” Sheets Cover Sheet, ABB-1, ABB-2, EX-1, C-2, C-3, C-4, D-1, D-2 dated January 28, 2014 and Sheet C-1 dated March 6, 2014 prepared by Allen and Major Associates, Inc, 100 Commerce Way, Woburn, MA 01888; and
2. That the Operation and Maintenance Plan shall be in accordance with and outlined within the “Development Impact Statement” prepared by Allen and Major Associates, Inc. dated January 28, 2014; and
3. That the developer provide the Engineering Department with the mitigation fee as outlined in the Development Impact Statement dated January 28, 2014 by Allen and Major Associates prior to the issuance of a building permit; and
4. That all dumpsters shall be enclosed by a sight impervious fence; and
5. That the Engineering Department shall review and approve the drainage calculations submitted by the developer prior to the issuance of a building permit.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Sincerely, s/Erin E. Wortman, City Planner/Grant Writer

Appearing for the petitioner was Attorney Brian D. McGrail, 599 North Avenue, Suite 7, Wakefield, Massachusetts 01880 and he stated that the petitioner has been operating at this location since obtaining a special permit in 2002, that there is a concrete slab at the back of the building, that the petitioner proposes erecting an addition on the slab, that equipment work takes place outside and this proposal will allow the work to take place inside the building, that the petitioner is not expanding the business or adding employees, that the petitioner is trying to improve working conditions for its employees, that the petitioner is in compliance with the 2002 special permit conditions, that vehicles will not be stored in the addition as the addition will only be used for repairs, that there will not be more vehicles, and that the petitioner will be moving what is outside inside. Paula Benard, President, C.N. Wood Co., Inc. stated that the operation is similar to a car

dealership, that the petitioner sells new and old trucks, that the petitioner has never operated on the concept of a total number of trucks, that there is a 47,000 square foot building with shop space but at times the work space is not sufficient in size and employees are required to work outside, and that this is not an efficient method of operation. Timothy Williams, Allen & Major Associates, Inc. stated that the petitioner has not calculated a projected budget or the impact on traffic as there will be no net increase in traffic, that there will be 99 parking spaces striped on site, and that the 2001 special permit required 86 parking spaces but the new building size will require additional parking space striping. Alderman Gately stated that he visited the locus, the petitioner is a good outfit, that this is a clean property, that a prefabricated building will be added to the existing cement slab, that the proposal will get the petitioner's employees out of inclement weather, that the project will be an improvement, and that the only issue is locating the sewer hole cover. Alderman Raymond stated that he view the conditions at the site, that the heavy equipment is lined up like soldiers, that the property is clean, that no complaints have been received from neighbors about the property over the years, that the petitioner voluntarily put up a sign directing equipment away from School Street and Merrimac Street, that the petitioner is a good neighbor, and that the petitioner has clean and well-maintained vehicles. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 15, 2014 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

On the petition by Herb Chambers 128, Inc., c/o The Herb Chambers Companies, 47 Eastern Boulevard, Glastonbury, Connecticut 06033 for a special permit pursuant to Section 7.3 and Section 15 of the 1985 Woburn Zoning Ordinances, as amended to allow for the alteration, change and extension of the existing nonconforming use (overnight parking of commercial vehicles) to allow for the storage, reconditioning and preparation and preparation of motor vehicles at 285 Locust Street. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the property is located in the R-3 zoning district, that there property was used for equipment storage, repairs and administrative offices, that the locus is 4.9 acres in size, that the building was constructed in 1956, that there are 541 parking spaces, that the petitioner owns 52 dealerships and has over 2,000 employees, that the petitioner proposes to store up to 518 new motor vehicles, that there is a requirement in the zoning ordinances for 23 parking spaces for the employees, that there will be four to five vehicle carrier trips per week to the property, that ten vehicles will enter and ten vehicles will exit the property each day, that there will be ne vehicle repairs, that the hours of operation will be 7:00 a.m. to 6:00 p.m. Monday through Friday, 7:00 a.m. to 5:00 p.m. Saturday and 11:00 a.m. to 5:00 p.m. Sunday, that the proposed use is significantly less than the prior use, that there will be no traffic impact, that there will be no car sales at the locus, that the property will only be used for vehicle storage, that the City Engineer requested a development impact statement which has been prepared and will be filed tomorrow, and that the petitioner will lease the building. Attorney Tarby offered a plan of the previous use and a plan of the proposed use of the locus for the City Council to review. Motion made and 2nd that

the documents be received and made part of the record, all in favor, 9-0. David Kelly, Civil Engineer, Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, Massachusetts 02184 stated that the building is in the center of the property, that there is one driveway for entering and exiting the property, that there is a triangular parking area in the front of the lot with a capacity of 100 parking spaces, that there is another area that is fenced in with a locked gate, that the balance of the property was used for storage of utility company vehicles, that there are existing outlets presumably used for block heaters for diesel vehicles, that the petitioner will improve storm sewer usage on the property, that the property will be used for the storage of new vehicles for the dealership, that there will be 528 parking spaces and 23 parking spaces for employees, that the 23 parking spaces are required for a use of this type and size, that there will be only between five and ten employees on site, that the parking to the front of the lot will remain as is, that the parking spaces to the rear will be reorganized, that they met with the Fire Prevention Officer and received recommendations which were incorporated in the plan, that the parking spaces will be regular size parking spaces, that the locus has not been worked on or looked at for many years, that the City Engineer wanted some upgrades to the lot, that the petitioner has agreed to install a stormwater drainage system, that the petitioner proposes a storm treatment device on the site, that this is a large and expensive system but the petitioner has agreed to install the system, that the sewer system must be properly connected to the city sewer and the sewer appears to be in compliance, that one area of the sewer system will be tested, that the petitioner will restripe the parking area, that the locus is 4.9 acres, that they building is 40,000 square feet in area and the is 28,000 square feet of area within canopy areas on each side of the building, that the property will be used for overflow storage for new vehicles, that once the site has filled to capacity ten vehicles will be brought to the dealership and ten vehicles will return to the locus each day, that vehicle carriers will make four to five trips to the locus each week and unload new vehicles, that his is a quiet use with low intensity, that the dealership is the primary location for vehicles, that a customer may want a particular color and the vehicles will be dispatched from the locus to the dealership, that the petitioner is committed to deliveries taking place during regular hours of operation between 7:00 a.m. and 6:00 p.m. Monday through Friday with no vehicle deliveries on Saturday or Sunday, that there will be as many as ten employees at the locus, that reconditioning is preparation of the vehicles for sale such as removing plastic surface covers, washing the vehicles and installing fuses as vehicles do not have fuses installed when delivered, that all vehicle washing will take place within the building, that no car wash is proposed, that the petitioner will use the interior maintenance area with floors drains which was used by the prior occupant, that there will be no change in the limit of pavement, that no vegetation will be removed, that the pavement is in serviceable and useable condition, that the property has not been used for some time, that the pavement is in adequate condition for striping, that no gas, fuel or diesel will be stored on site, that the site will serve the local dealership, that primarily the Kia and Honda dealerships will be served as well as the Porsche Audi dealership, that the site will be under the direction of the Honda dealership located in Burlington, that there will be primarily new vehicles parked on site, and that vehicles taken in trade may from time to time be stored on the site. Alderman DiTucci stated that she visited the dealership recently, that there were no cars in the showroom, and that many cars were delivered in and out of the dealership. Alderman Gately stated that there is a problem with the

drainage system in that area. PUBLIC COMMENTS: Valerie Caso, 16 Kelly Drive stated that for many years the neighborhood had to deal with the Verizon operation at the locus, that Cambridge Road is a high traffic area, that Locust Street is busy with the nearby location of the Joyce Middle School and the soccer fields, that she is concerned about the impact of this proposal on public safety, that it will require many tractor trailer vehicle trips to the locus to fill the over 500 parking spaces, that she does not want this type of business at the locus, that this is not an appropriate use for the site, and that the use will not look nice. Attorney Thomas Gorman, Sherin and Lodgen LLP, 101 Federal Street, Boston, Massachusetts 02110 stated that he represents Tudor Glen, that Tudor Glen has 180 residential units, that the property is zoned for townhouse garden apartments, that the locus is surrounded on three sides by apartment uses, that there will be an adverse visual impact with over 500 cars parked in the residential area, that the transportation of vehicles to the locus by trailer will be an issue, that there will be a conflict between the trailers and residential use vehicles, that the proposed hours of operation are a concern, that the Verizon employees came in the morning for their vehicles and returned at the end of the night Monday through Friday, that this proposal is a seven day per week operation with many vehicles trips in and out of the property all day, that there is a concern about the noise and odor emitted from the property, that his client's property goes to the fence along the property line, that he wants the opportunity to review the development impact statement, that this petition presents a more substantially detrimental use than the former use of the site, and that there is a basis to deny the special permit. Carol Wall stated that she is the property manager for the Pheasant Ridge Apartments, that the their property abuts two sides of the locus, that she wants to know if the locus will be lit all night and what the impact of the lights will be on the tenants of her property, and that she has tenants who work at night and she wants to know the impact of the proposed use on noise during the day. A communication dated March 24, 2014 was received from Attorney William Duffy, In House Counsel, Tudor Glen Village, Inc., 411 Waverly Oaks Road, Suite 340, Waltham, Massachusetts 02452 objecting to the hearing on the basis of a claimed defective and deficient notice. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MAY 6, 2014 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

On the petition by Peter Mamakos, 43 Almont Street, Medford, Massachusetts for a special permit to amend a special permit pursuant to Section 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended to allow alteration of the floor plan and amend the plan of record at 487-489 Main Street. PUBLIC HEARING OPENED. A communication dated March 17, 2014 was received from Erin E. Wortman, City Planner/Grant Writer as follows:

Re: Peter Mamakos – 487 – 489 Main Street – To allow for the modification of the Special Permit decision by changing the Plan of Record and to allow for the alteration of the floor plan pursuant to Section 5.1.29

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on March 11, 2014, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Peter Mamakos, regarding the property at 487-489 Main Street to allow for the modification of the Special Permit decision subject to the following conditions:

1. That the condition #11 of the Special Permit issued April 7, 2005 be stricken and in its place be inserted a new condition #11 as follows “11. That the special permit be limited to Peter Mamakos for “The Restaurant” and that the allowable occupancy may not exceed 117 persons as per the Building Code”; and
2. That all conditions of the City Council Special Permit issued on April 7, 2005 and amended on March 11, 2011 shall remain in full force and effect unless further modified by this decision.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Sincerely, s/Erin E. Wortman, City Planner/Grant Writer

Appearing was the petitioner Peter Mamakos and he stated that he obtained a special permit in 2005 which was amended in 2011 when a bar was added and the floor plan was changed, that he wants the special permit to allow any future remodeling without the requirement of a new special permit, that whenever he changes his floor plan this tedious process is required, that the License Commission approved the new floor plan, that if a proposal does not exceed the occupancy he wants future remodeling to be allowed without the special permit process, and that he asks that the special permit be revised to amend this process. Alderman Gately stated that he reviewed the plan, that he has no issue with the proposal, and that the matter has to be reviewed further in committee. Alderman Raymond stated that he understands that the process can be frustrating however the City Council is the last line of defense, and that the petitioner could request a minor modification in some cases to avoid the full process. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 15, 2014 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

On the petition by Woburn Truck & Auto, Inc., 1095 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended to allow for the alteration and extension of the preexisting nonconforming use (motor vehicle junkyard) to allow heavy manufacturing at 1095R Main Street; Lot 04-01-01, 04-01-02, 04-01-03, 04-01-04; Kensington Avenue; 03-06-02, 03-05-05 Ingelow Avenue 03-05-06; Florence Avenue 03-05-12. PUBLIC HEARING OPENED. Alderman Mercer-Bruen stated that she contacted the State Ethics Commission about participation in this matter, that she was advised that there was no conflict, that she will file a disclosure with the City Clerk indicating that her sister's

husband's step-father is related to the petitioner, and that she will participate in this matter. Appearing for the petitioner was Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the special permit is to allow the alteration of a present nonconforming use, that the property is located in the I-G zoning district, that under 15,000 square feet manufacturing is allowed by right and over 15,000 square feet manufacturing requires a special permit be issued by the Planning Board, that the locus was a motor vehicle junkyard, that the petitioner is proceeding under Section 7.3 of the Woburn Zoning Ordinances to alter or extend a preexisting use, that there are currently three proceedings, that there has been an appeal of a cease and desist order by the Building Commissioner which is pending before the Board of Appeals, that there is an action pending at the Middlesex Superior Court relative to an order to remove the recycled scrap metal facility, that the third proceeding is this petition to obtain a special permit, that these are three separate and distinct matters, that this is a straight forward petition to consider whether to allow the continuance of the nonconforming use with conditions, that on June 21, 2006 the petitioner purchased the property, that since May 1951 the locus had been licensed as a motor vehicle junkyard, that motor vehicle parts and other scrap metals have been processed at the site since 1959, that from 1959 to 2006 Donald Robbins owned the property, that in 2006 the property was sold to the petitioner, that the petitioner continued the business of buying junk vehicles and scrap metal, that processing scrap metal is manufacturing and allowed under the Woburn Zoning Ordinances, that the locus is nonconforming due to the junkyard, that standing alone with under 15,000 square feet manufacturing is allowed, that courts have defined manufacturing under tax cases, that the courts have found rock crushing not to be manufacturing, the conversion of tree logs to lumber is manufacturing and scrap metal is manufacturing, that manufacturing is change wrought by the application of forces from one element to another, that the Building Commissioner signed off on the application, that in December 1988 a special permit issued to Janpet to use 23 Atlantic Avenue as light manufacturing for wood mulch and boiler fuel which is now the location the Anderson Transportation Center, that the company was a predecessor of Kaknes Wood Products, that in 1994 the Board of Appeals determined that Kaknes Wood Products was manufacturing, that there is another paper recycling business on Atlantic Avenue where trucks drop off plastic and paper collected from office parks and the materials is processed, bailed and sold for other uses which has been determined to be manufacturing, that many processes are used in the manufacturing process, that most of the material is considered unprepared, that copper pipes may contain solder, that the petitioner will cut the ends off the pipe leaving the highest level of copper pipes, unwanted elements are removed to make a better product for sale, that wire stripping takes place leaving copper for sale, that unprepared steel larger than four feet will be brought down to four feet thereby being prepared material, that there is cleaning and bailing for aluminum and steel products, that there is cleaning and striping of old computers and the part are sold individually, that the recycled parts are reused, that there will be improvements to the site and screening, that the hours of operation will be 7:00 a.m. to 5:00 p.m. Monday through Friday, 7:00 a.m. to 4:00 p.m. Saturday and there will be no Sunday hours, that the tax cases are looked at for defining manufacturing, that the piles will be no higher than fourteen feet, that eight foot walls with fences and screening of the outside of the wall will be provided, that the petitioner will operate the business,

that Scrap-It is a customer of the petitioner, that the use might be considered heavy manufacturing, that this use has been ongoing at the location since 1959, that a duly noticed site visit would be appropriate, that the property is located near the Wilmington line off Breed Avenue, and that there are court cases that directly determined scrap metal as manufacturing. Attorney Tarby offered an Affidavit of Roger Lessard, 9 Border Avenue, Wilmington, an Affidavit of Peter Spinazola, 3 Breed Avenue, Woburn and a book of materials entitled "City of Woburn City Council Public Hearing Special Permit Petition of Woburn Truck & Auto Inc. April 1, 2014" for the City Council to review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Attorney Tarby reviewed each section of the book of materials. Alderman Raymond stated that he was looking for a development impact statement, that he saw mountains of mixed material on the property which were not neatly separate in piles, that he wants to know how high the piles will be, that concerns have been expressed about the impact of the project on the utility transmission towers nearby, that the cases cited by the attorney were for tax purposes not for zoning, that this issue before the City Council is regarding zoning, that the property site between two Superfund sites being the Olin property and the former dump which drains to New Boston Street, that the Department of Environmental Protection visited that site in November 2013 and gave the locus a clean bill, and that the property drains from the locus to North Maple Street and then to New Boston Street. Alderman Drapeau stated that he shares the concerns of the Ward Alderman and will defer to him as to the impact on the neighborhood, that the type of equipment being used is heavy duty, that the petitioner has a long road to demonstrate that this is light manufacturing, that he cannot imagine what this business will do to the neighborhood, that he understands the profit motive but this is a difficult location for the business, that the petition looks like an overreaching of the zoning, that the proposal is not a good fit for the neighborhood, that there was a recent request for a major transfer station in this area, that the proposed use would be similar to the transfer station, that the City Council was opposed to the transfer station because of added traffic and the type of use, that an opinion may be needed as to whether this is a legitimate business similar to second hand jewelry sales, that it takes a lot to fill the Council Chamber with people, that this is a very convenient location for the business, and that he is concerned that one the facility is built the use will attract a lot of traffic. Alderman Mercer-Bruen stated that she does not know where the property is, that she attempted to locate the site, that the city already does recycling collections in neighborhoods with processing taking place elsewhere, that she wants to know how loud the process is, that she asks the cases defining manufacturing be submitted to the City Council. Alderman Gately stated that he worked on a major drain job in that area many years ago, that the locus was a junkyard at the time, that the petitioner has cleaned up the property, and that this is an operation and not a junkyard now. Bob Holland, President of Woburn Truck & Auto, Inc., 1 Overlook Avenue, stated that some of the business is performed inside, that the copper and aluminum are prepared with shears, that this noise cannot be heard from outside the building when the doors are closed, that an auto body shop, industrial building and the former dump are abutters to the property, that the closest residential neighbor is located in Wilmington, that the term parts cleaning refers to changing the material from unprepared to prepared, that no solvents or chemicals are used, that cutting the metal with shears is cleaning, that he has been licensed since 1996 to remove Freon from air

conditioners, that he has operated car crushers at the location for eight years without complaint, that a car crusher is louder than the shear, and that the closest similar facilities are located in Everett, Chelsea and Lowell. Alderman Drapeau stated that law enforcement could comment on how to ensure that copper and other materials brought to the site are not stolen. Mr. Holland stated that he has never had a problem with stolen materials, that he obtains licenses from people dropping off material, and that he has cameras installed and films everyone on site. Alderman Drapeau asked how the petitioner knows that material is coming from a legitimate source. Mr. Holland stated that he knows where material is coming from when brought to the facility, that a plumber may drop off copper pipe or an electrician may drop off wire, and that they do have stray customers. Alderman Drapeau asked how the petitioner knows the stray customer is legitimate. Mr. Holland stated that if a customer brings in a new roll of wire the material would clearly be stolen and he would not accept the wire, that if the customer comes to the facility with small pieces of wire that have been cut up then that is clear that the customer has been collecting the material, that he has never had law enforcement on site relative to stolen material, and that his operation does not compare at all with the Olin plant which was large and materials were carried by train. Alderman Drapeau stated that he wanted the police department opinion on the operation. PUBLIC COMMENTS: Dan McElhinney, 16 North Maple Street stated that he was opposed to the petition, that the old junkyard was a ghost town with no cars, that you could not tell there was a business operating at the location, that the city has to look to the future with the 56 new apartments to be built, that the city will not look back with pride ten years from now if this petition is allowed, and that the petitioner is supposed to be a great guy but he was already running the business without approval. Bob Fucarile, 24 Glad Valley Drive, Billerica stated that he has been going to that yard since the 1970s dropping materials, that the petitioner has cleaned the property, and that he is in favor of the petition. Paulette Uvino, 5 Ashburton Avenue stated that there has been a lot of activity both pro and con in North Woburn, that this is a residential area first, that new townhouses are being built, that there are two neighborhood schools, that there is an active church community, that she is concerned that light manufacturing will have hills as high as 14 feet, that she is concerned about increased traffic hauling material, that the junkyard is still existing in this area in this day is surprising, that this is a State road, that the sidewalks are not always cleaned because of this, that there is no traffic light to allow pedestrians to cross Main Street at the Altavesta School, that there are 60 hours of operation proposed for the facility each week with trucks going in and out of the site, that North Woburn has had a lot of issues, that the dump has been capped, and that the petitioner should find another location. Bryan Winkle, 36 Ashburton Avenue stated that the site has been cleaned, that he uses the company, that the trash pickers will be in the neighborhoods whether the business is located in the neighborhood or not, and that he is in favor of the petition. Kathleen Barry stated that she is a Wilmington resident and the President of the Aberjona Study Coalition, that the area was a Superfund site, that they have opposed the Olin proposal which is still under active consideration, that this is an environmentally sensitive area, that there is a landfill for Wilmington across the street, that there is a blasting proposal in the area, that she cannot believe the city is doing this to the neighborhood, and that she opposed the proposal. A woman named Tanya (last name inaudible) stated that she is a resident of Reading, that she collects scrap as a method of supporting her family, that it is

easier to use this site than going into Boston, that this is a clean operation, and that she is in favor of the proposal. Louie Barretto, 10 Park Street stated that he is in favor of the petition, that he has used the business, that this property is industrial zoned, that he is pro-business, and that the locus has been cleaned. Bryan Wiebold, 3 Kendal Drive stated that he is a current employee of the petitioner, that he works to keep the locus clean, that the petitioner buys solely clean material that must be prepared, that the petitioner purchases material, sorts the material and then sell the material to be recycled, and that the location saves customers a trip into Boston. Carolyn Youngclaus, 2 Park Drive stated that she is concerned about the environment, that the petitioner is a business person not following the letter of the law, that the petitioner is violating a cease and desist order, that the City Council should not trust the petitioner's word, that the locus is the perfect operation for a chop shop due to its location, and that she is not accusing the petitioner of such action but is concerned about this issue. Gary Bagiullo stated that the locus is an easy and accessible area, that the property is organized, that the vehicle license plates and customer licenses are photographed, that the piles are organized and do not go over 14 feet in height, and that this location makes his life easier. Christopher Schrimpf, Schrimpf Welding Fabrication, 3 Breed Avenue stated that he owns his business which abuts the locus, that this is clean material, that he works with metals but has never had any stolen for scrap, that there are security cameras at the locus, that this business has been located on Breed Avenue for five years and he has not seen an increase in traffic, and that he is in favor of the petition. Patrick Snell, Snell Construction, 3 Breed Avenue sated that his business is a neighbor of the locus, that the area has been cleaned, and that he is in favor of the petition. Motion made and 2nd that the that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MAY 6, 2014, THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, that a communication be forwarded to the Police Department to determine whether complaints have been received relative to the locus and the operation, and that a communication be forwarded to the City Solicitor requesting a written opinion of the definition of manufacturing as it relates to this petition, all in favor, 9-0.

Motion made and 2nd for a two minute recess, all in favor, 9-0.

President Haggerty called the meeting back to order.

On the petition by Adriano Lopes, 1386 Summit Street #3, Lynn, Massachusetts 01905 for a special permit pursuant to the Section 5.1.44 of the 1985 Woburn Zoning Ordinances, as amended, to allow automotive and truck repair (not mechanical) paint spray booth at 10 Draper Street, Unit 32. PUBLIC HEARING OPENED. A copy of a communication dated March 31, 2014 was received from Erin E. Wortman, City Planner/Grant Writer as follows:

Re: Adriano Lopes – 10 Draper Street, Unit 32 – To allow automotive and truck repair (not mechanical) paint spray booth pursuant to Section 5.1.44

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on March 25, 2014, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Adriano Lopes, regarding the property at 10 Draper Street, Unit 32, to allow for the automotive and truck repair (not mechanical) paint spray booth subject to the following conditions:

1. That the hours of operation shall be limited to Monday through Friday 7 AM to 7 PM and Saturdays from 8 AM to 1 PM; and
2. That all signage on the building shall not be illuminated; and
3. That any necessary flammable storage permits be granted by the Fire Department prior to occupancy of building; and
4. That all conditions of the Planning Board Special Permit issued on October 8, 2004 and modified on May 12, 2005 shall remain in full force and effect unless further modified by this decision.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Sincerely, s/Erin E. Wortman, City Planner/Grant Writer

A copy of a communication dated March 24, 2014 to Tina Cassidy, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 10 Draper Street Unit 32 – Special Permit – Spray Booth Sketch Dated 8/8/12

The applicant has submitted a special permit application to allow for an interior spray booth at the above referenced.

Upon review of the special permit application, there is only interior work being proposed and this office takes no exception to the special permit application as submitted.

If you or the board have any questions concerning this information, do not hesitate to contact this office.

Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the locus is in the I-G zoning district, that a 2004 special permit allowed for commercial condominiums, that the unit is located at the back of the building abutting the railroad tracks, that the petitioner will service four to six cars per day, that the petitioner will and one additional future employee will work at the locus, that the hours of operation will be 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 1:00 p.m. Saturday, that the petitioner works on vehicles by appointment only, that there will be no traffic issues, that this will

be a low volume auto body repair business, that the Planning Board gave a favorable recommendation, that the unit is 1,500 square feet, that there is a 364 square foot mezzanine area, that the Building Commissioner reviewed the petition and determined that this was an automotive repair business, that other unit owners have been given notice of the public hearing, that one car at a time will be located in the spray booth, that a plan showing the layout inside the building and specifications for the spray booth were included with the petition, that the Planning Board recommendations are acceptable to the petitioner, and that Federal Heating and Oil was the prior tenant of the unit and parked oil trucks inside the building. The petitioner Adriano Lopes stated that three cars can be parked outside and three cars parked inside the building, that the spray booth will be located inside the building, that the spray booth is designed to contain 98% of the odors, and that he will perform only auto body work and no mechanical maintenance work. Alderman Mercer-Bruen stated that she wants to know how the odors and fumes will be contained, and that she would be concerned if she were a condominium owner at the building. Alderman Anderson stated that ventilation at the unit is an important issue. Alderman Gately stated that scrubbers and odors will be an issue, that 1,500 square feet is not a very large area, and that the unit will be a confined space. PUBLIC COMMENTS: Pat Fitzgerald stated that he is employed at 10 Draper Street, Unit 33 stated that there was spraying taking place at the unit without a spray booth, that the odors were nauseating, that there is a waterway at the end of the building, that the spray booths do work but they have to be perfect or there will be an issue, that if the booth is working there should not be a need to vent outside, and that he would prefer 100% rather than 98% effectiveness. Charles Shiner stated that he owns 10 Draper Street, Unit 21, that he is concerned about the impact on parking, that there is not supposed to be any overnight parking, that cars will be left outside and this will adversely affect the parking, that the odor is not a concern as his unit is located away from the petitioner's unit, that he is concerned about car hulks being stored outside, that most of the businesses are storage facilities and delivery trucks cause parking issues, and that he does not want to stop the petitioner from running his business but he also does not want an adverse impact on the property. Steve Silvestro stated that he owns 10 Draper Street, Unit 19, that he has a parking space under the condominium documents, that this is not an ideal location for an auto body shop, and that a prior special permit said there is to be no other car repair business at the development. Mr. Silvestro offered a copy of the conditions of a prior special permit. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Motion made and 2nd that the that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MAY 6, 2014 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

Presented to the Mayor: April 3, 2014

s/Scott D. Galvin April 3, 2013

On the petition by SureRide, LLC for renewal of a Taxi Cab License for one vehicle, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor April 3, 2014 and ten days having elapsed without same being approved, said License became effective without his signature on April 15, 2014.

On the petition by Patricia Porrazzo for renewal of a Livery License, committee report was received “ought to pass subject to filing copy of current motor vehicle registration”. Motion made and 2nd to suspend the rules for the purposes of hearing from the petitioner, all in favor, 9-0. Appearing was Patricia Porrazzo and she stated that she has had her EIN reinstated, that she will be spending her insurance company and the Registry of Motor Vehicles tomorrow, that the vehicle will be put in her name, that the Registry of Motor Vehicles will not allow a “dba” on the motor vehicles registration, and that she asks whether she should proceed with registering the motor vehicle in her name. Alderman Concannon stated that he wants the company name on the registration, and that this should go back to committee to resolve the registration issue. Alderman Drapeau stated that there should be consistency with the vehicles being in the business name and at the business address, and that this license is being held in a personal name at a personal residence. President Haggerty stated that the matter should be sent back to committee until the Registry of Motor Vehicle issues are resolved, and that the petitioner should move forward with the Registry of Motor Vehicles. Motion made and 2nd to return to the regular order of business, all in favor, 9-0. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

On the petition by LifeLine Ambulance Service, LLC dba Coach Line Limousine & Motor Coach for renewal of a Livery License, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor April 3, 2014 and ten days having elapsed without same being approved, said License became effective without his signature on April 15, 2014.

On the petition by Woburn Bowladrome Inc. for renewal of Bowling Alley License, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor April 3, 2014 and ten days having elapsed without same being approved, said License became effective without his signature on April 15, 2014.

On the petition by Milano Jewelry LLC for renewal of a License to Purchase and Sell Second-Hand and Personal Articles of Value and Collectibles, committee report was received “ought to pass, pending a report for the Police Department regarding the petition”. A communication dated March 27, 2014 was received from Woburn Police Detective James Flynn as follows:

Re; City Council Committees on Public Safety and Licenses

In regards to the request for feedback pertaining to the renewal of Milano Jewelry LLC License to Purchase and Sell Second Hand and Personal Articles. The company has been doing a good job meeting all requirements of the City’s ordinance. There have been only a couple of minor infractions that Mr. Lalayan was made aware of and corrected. These incidents appear to be merely oversights on Mr. Lalayan part, as he still recorded the sales as required. I have no objection to the renewal of said license.

Thank you, Detective James Flynn

Motion made and 2nd that the LICENSE be APPROVED, all in favor, 9-0.
Presented to the Mayor April 3, 2014 and ten days having elapsed without same being approved, said License became effective without his signature on April 15, 2014.

NEW PETITIONS:

Petition by St. Anthony Parish, 80 Elm Street, Woburn, Massachusetts 01801 for a special event permit to allow a festival at Ferullo Field on June 7, 2014. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petitions for renewal of Taxi Cab Licenses by Maqsd Shaikh dba Bombay Taxi, 165U New Boston Road, Suite 275; and Woburn Cab Company, 100 Ashburton Avenue. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petition by American Classic Limo Inc., 215 Salem Street for renewal of a Livery License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petition by TransAction Corporate Shuttles, Inc. 5 Wheeling Avenue for a new Common Carrier License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

A communication dated March 26, 2014 with attachments was received from Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Request for Minor Modification

- 1) Ryeknot Properties–Woburn LLC, 307 Main Street and 6 High Street, Woburn, Massachusetts
- 2) OL Fresh, LLC, 307 Main Street and 6 High Street, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent Ryeknot Properties-Woburn LLC and OL Fresh, LLC. On January 9, 2014 your office issued Landowner’s Decisions and Notices of Special Permit setting forth approvals by the Woburn City Council of the Special Permits granted to my clients (the “Decisions”).

Enclosed please find ten (10) copies of a plan entitled “Site Plan in Woburn, MA Showing Proposed Re-Development at 307 Main Street and 6 High Street” dated October 18, 2013 revised February 25, 2014 and March 12, 2014 prepared by Millennium Engineering, Inc., 62 Elm Street, Salisbury, MA 01952 (the “Revised Plan”).

The Plan referenced in Condition 4 of the Decisions required that the parking “shall be in accordance with the plan dated October 29, 2013” (ten copies enclosed). As a result of site conditions it is necessary to move slightly the proposed foundation. The specific site conditions are as follows:

1. Using the existing retaining wall during construction to hold back abutting embankment.
2. Removal of the existing retaining wall will require extensive sheet pile temporary retaining structure.
3. The sheet pile method will require extensive excavation and more importantly potentially damage the existing embankment and the large brick building and its parking lot that abuts the property.

The original proposed foundation line is outlined as a solid line and the proposed new foundation line is outlined as a hash mark. As you can see the proposed new foundation line is for the most part within the original proposed foundation line.

The proposed revisions to the Decision by substituting the plan approved in the Decisions does not result in any change or modification to the location of the buildings nor does it change any of the conditions contained in the Decisions.

Further, the proposed modifications do not result in a substantive amendment which changes the result of the Decisions or which grants relief different from that originally granted.

On behalf of my clients, I respectfully request approval by the City Council at its meeting on April 1, 2014 of minor modifications to the Decisions by replacing the plan referenced in Condition 4 with the Revised Plan. If the City Council finds that this request is not a minor modification I respectfully request that the City Council allow for a late filing of a Special Permit Petition and schedule a public hearing for May 6, 2014.

If you have any questions, please do not hesitate to contact me. Thank you.

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

Motion made and 2nd to accept the communication and make it part of the record and that the MINOR MODIFICATION be APPROVED, 7 in favor, 2 opposed (Anderson, Mercer-Bruen opposed).

COMMUNICATIONS AND REPORTS:

A communication dated March 26, 2014 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 February 2014: number of violations issued 213, number of violations paid 102, number of violations outstanding 97, amount collected and submitted to the Collector's Office \$8,630.00. There exists a backlog of 3242 tickets from 1982 through 2013. Demand will be sent until all tickets have been paid. Parking fines referred to the Handicapped Commission \$1,300.00.

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

Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated March 27, 2014 with attachment was received from Ellen Callahan Doucette, City Solicitor as follows:

Re: Acceptance of Ingalls Street and Josam Lane as Public Ways

This memorandum is in response to an email I received from the City Clerk relative to the Order submitted for the acceptance of Ingalls Street and Josam Lane as public ways, and correspondence received by the developer of Mentas Way. The City Clerk informed me that the City Council voted to hold a public hearing on April 15 but that based upon the October 1, 2007 memorandum from the City's former legal contractor which discussed the street layout/acceptance procedure, "it was the sense of the City Council that the matter required several other procedural steps in order to accept the streets." (The October 31, 2007 memorandum discusses the distinctions between the WMC procedure for roadway layout and that which is detailed in M.G.L. c.82, §§21-24. Section 12-5(E) requires a notice and a public hearing where c.82 does not.) There are indeed additional steps which must be taken before the streets can be accepted which will be discussed below. A copy of the City Clerk's email is attached hereto for reference.

As to the remaining procedural steps, I offer the following:

- A petition is not required where an Order signed by one or more Alderman will suffice to bring the matter to the City Council's attention. As neither an Order nor a petition accompanied the letter filed regarding Mentas Circle, I question whether the acceptance of that street is properly before the City Council.
- The Planning Director will forward all documentation regarding the Planning Board's approval of Ingalls Street and Josam Way including the Planning Board's Certificate of Completion for the subject streets which should suffice as a recommendation.
- The executed original deed from the developer of Josam Lane and Ingalls Street was delivered to the Planning Board.

Further to the acceptance process, though the subject streets were developed in accordance with approved definitive subdivision plans, notably absent from the Planning Board's Subdivision Rules and Regulations is a procedure for the submittal of newly constructed streets to the City Council for acceptance as public ways. I have discussed this issue at length with the Planning Director, who indicated to me that revising the subdivision rules and regulations is one of several goals she has moving forward, and that such revisions will include a procedure for acceptance of the newly constructed streets which would streamline the procedure.

Sincerely, s/Ellen Callahan Doucette

Motion made and 2nd that the MATTER be REFERRED TO PLANNING BOARD AND CITY ENGINEER FOR INVESTIGATION AND COMMENT, all in favor, 9-0

UNFINISHED BUSINESS OF PRECEDING MEETING:

On the notice of intent file by Alderman Drapeau relative to his vote in support of the motion to approve renewal of Taxi Cab Licenses by Mourad Djiar dba ABCE Taxi of Woburn, Ahmad S. Abbas dba A.A. Transportation, and Saeed Rajabi dba Sky Taxi of

Woburn. Motion made by Alderman Drapeau and 2nd to allow reconsideration of the vote to approve renewal of Taxi Cab Licenses by Mourad Djar dba ABCE Taxi of Woburn, Ahmad S. Abbas dba A.A. Transportation, and Saeed Rajabi dba Sky Taxi of Woburn, all in favor, 9-0. Alderman Drapeau stated that on the night of the vote he asked if each license was registered in the business name and he was told that they were, that he was later notified that the vehicles are not held in the name of the business, and that the City Council should be consistent in requiring the registrations be in the business name and at the business address. President Haggerty stated that there is nothing in the Woburn Municipal Code that requires the license to be in the business name. Alderman Anderson stated that if the license was sought in the business name then the license must be in the business name, that a “dba” does not exist, that the legal entity is the individual who obtains the license, and that if the applicant is a corporation then the license can be held in the corporate name. Alderman Drapeau stated that the licenses should not be granted until the new ordinance is concluded, and that if these licenses are granted to the individual and there are issues this may open the city to liability. Alderman Concannon stated that the current taxi and livery ordinance is basic and specific, that the ordinance does not state that the motor vehicle must be registered in the business name and at the business address, that these petitions are all for licenses renewals, that these licenses would have passed review in the past, that the requirement of the business name and business address is a gray area, that conditions are being applied to the licenses without a basis in the ordinances, that these licenses expire in the next few weeks, and that the city cannot put these companies out of business while the City Council works on the new ordinance. Alderman Raymond stated that once the proposed ordinance is passed all these licenses will be under the new rules, and that the licenses should be renewed until the new ordinance is adopted and then apply the new requirements. Alderman Anderson stated that the gray area has been allowing license holders to park their vehicles at their home, and that the liability insurance is an issue in the interest of the public who uses these services. Alderman Concannon stated that the zoning issues, licenses in the name of the business and the business address have all been recurring issues, and that the insurance issue has recently been raised as an issue. Motion made and 2nd that the THREE LICENSES be APPROVED, all in favor, 9-0.

Presented to the Mayor April 3, 2014 and ten days having elapsed without same being approved, said Licenses became effective without his signature on April 15, 2014.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Be it Ordained by the City Council of the City of Woburn that Title 6, Article I, Section 6-10 of the 1989 Woburn Municipal Code, as amended, be further amended by deleting the numbers “\$15.00” in the third sentence and replacing same with the numbers “\$5.00”.

s/Alderman Drapeau

Alderman Drapeau stated that this is a constituent issue, that the constituent believes the late fair is unfair, and that she believed the late fee should be reduced to \$5.00. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES and that a communication be sent to the City Clerk requesting a report on the impact of the change of the office, all in favor, 9-0.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:56 p.m.

A TRUE RECORD ATTEST:

William C. Campbell
City Clerk and Clerk of the City Council