

**CITY OF WOBURN  
APRIL 6, 2010 - 7:30 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Gaffney	Raymond
Denaro	

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

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**MAYOR'S COMMUNICATIONS:**

ORDERED That the sum of \$149,586.00 be and is hereby transferred as so stated:  
Transferred out of Sick Leave BB 0121051-515400 \$120,733.00,  
Transferred out of Police Holiday \$28,853.00, Transferred Into Police  
Cruiser Outlay \$149,586.00

I hereby approve the above: s/Mayor Scott D. Galvin  
I have approved the above: s/Chief Philip L. Mahoney  
I have reviewed the above: s/Auditor Gerald Surette

s/President Denaro

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

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ORDERED That the sum of \$4,800.00 be and is hereby appropriated from Cemetery  
Salary Account #0149051-511000 to the Cemetery Over-Time Salary  
Account #0149051-513100.

I hereby approve the above: s/William Kerns, Chairperson  
I hereby recommend the above: s/Scott D. Galvin, Mayor  
I have reviewed the above: s/Gerald W. Surette, Auditor

s/President Denaro

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

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ORDERED That the sum of \$32,512.75 be and is hereby transferred as so stated from Medicad Billing Fees Acct #0113452-530405 \$32,512.75 to Audit Acct #0113452-530200 \$24,000.00, GASB #43 Acct #0113452-530201 \$12.75, Audit/Printer Acct #0113452-524900 \$8,500.00, Total \$32,512.75

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

s/President Denaro

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

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**PUBLIC HEARINGS:**

On the petition concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 4 Ellis Court, 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. A communication dated April 5, 2010 with attachments was received from Thomas C. Quinn, Jr., Inspectional Services Department as follows:

Re: 4 Ellis Court

With regard to the above matter that is the subject of a Nuisance Hearing I offer the following information to update you on this concern.

1. A complaint has been filed with the Department of Public Safety on 12/17/2009 on the owners Construction Supervisors License with the matter pending a hearing with the Board of Regulations and Standards.
2. Verbal communication from Mr. Cremone on 1/22/10 regarding complaint being filed on license with no mention of resolving issues on Property Conditions.
3. Copy of communication from Mr. Cremone to Alderman Anderson dated 2/19/2010 claiming he will contact me to secure a Building Permit. No contact from Mr. Cremone on any issues as of this date 4/5/10.
4. Copy of Alderman Anderson's letter to Mr. Cremone dated 3/23/2010 that also indicates that Mr. Cremone indicated that he will take steps to secure Building Permits.

Enclosed you will also find pictures taken of the subject locus dated 3/16/10 and 4/5/10 from the public ways of Salem Street, Campbell Street and Ellis Court which show that there has not been much of an attempt to resolve the condition of the property known as 4 Ellis Court, which included Removal of Fork Lift, Removal of all Construction Debris on the exterior yard space, securing of all siding and soffit on the Two Family Dwelling, removal of all trash on locus, clearly identify residents on parking on property.

If there are any further questions on this matter as always do not hesitate to contact me.

Alderman Anderson stated that the neighbors are concerned with the condition of the property, that the owner has worked on some properties in the area, that he spoke to the owner and the Board of Health Agent, that steps are being taken to correct issues that are not major concerns, that cleaning up the exterior of the property is an outstanding issue, that the owner indicated that the winter months have delayed his efforts to complete the complete of the outside of the property, and that the matter should be continued. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JUNE 1, 2010, all in favor 9-0.

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On the petition by Town Fair Tire Centers of Massachusetts LLC, 460 Coe Avenue, East Haven, Connecticut 06512 for a special permit pursuant to Section 5.1.44 of the 1985 Woburn Zoning Ordinances, as amended, to allow for an automobile and truck repair garage at 422-424 Washington Street. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that two special permits are sought, that one special permit is for a retail use and this special permit for automobile and truck repair garage, that the uses are allowed in the B-I zoning district by special permit, that an overview of the business operations was presented at the City Council meeting on March 16, 2010 relative to the retail use special permit, that several supporting documents were submitted at that meeting which are relative to this petition as well, that the primary concern expressed at that meeting was the left hand turn into the site, that if the left hand turn restriction was to apply to the self-storage warehouse use on the property it would have to be determined as to how that could be procedurally accomplished, that the Massachusetts DOT permit would have to be modified as well, that only two lots were approved by the Planning Board for this site, and that the self-storage warehouse facility will be constructed on one lot and the petitioner's property would occupy the entire second lot. Patrick Dunford, Vanasse Hangen Brustlin, Inc., 101 Walnut Street, Watertown, Massachusetts 02471-9151 stated that they met with the Massachusetts DOT, that they will increase the larger triangular-shaped island to restrict right turns only into and out of the site and left turns both in and out of the site will not be allowed, that this is a raised island defined by curbing, that it will be clear to drivers that left hand turns are not allowed, that representatives of the Massachusetts DOT welcomed the changes to the plan, that the plan is very clear of the intention of restricting turns, that the Massachusetts DOT generally attempts to resolve these issues at the heart of the matter meaning at the

driveway, and that there is no likelihood that Massachusetts DOT would allow a raised island to be constructed in the middle of Washington Street in this area. Mr. Dunford offered documents entitled "Current Site Access" and "Proposed Site Access" to the City Council for review. Motion made and 2<sup>nd</sup> that the documents be received and made part of the record, all in favor, 9-0. George Bachrach, Self Storage Group LLC, 637 Washington Street, Suite 200, Brookline, Massachusetts 02446 stated that he would be willing to have the special permit for the self-storage facility modified so that the left turn restrictions apply to that use as well. Alderman Mercer-Bruen stated that the traffic from the site is currently restricted to a right turn only, that a left turn into the site is currently allowed, that this proposal would restrict all traffic in and out of the site to right turns only, and that the zoning ordinances allow the City Council to set restrictions on turns in and out of the locus. Alderman Drapeau stated that this restriction would add a new turn restriction on the original permit and this would be beneficial. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park stated that he is in favor of the petition, that this proposal for the driveway entrance is a great change from the original proposal, that these changes can make the project work, and that this is a low impact use that can work in the area. OPPOSED: Donald Graham, 10 Clinton Street stated that he was opposed to the petition coming into the meeting, that a solid, double yellow line exists on Washington Street and a left hand turn is not permitted across this solid, double yellow line however the new plan addresses this issue, and that he is still opposed to the plan because of potential gridlock in this area. Martin Nelson, 19 Hinston Road stated that there is a gasoline station in the area with a similar turn restriction but drivers still turn where they should not, that the new driveway design addresses these concerns but a sharper corner may prevent drivers from taking the left hand turn, and that he would like to see the impact of the self-storage facility operation before moving forward with this petition. Dennis Scott, 21 Washington Street stated that a cement barrier in the center of the street would eliminate the policing of this issue, and that he wants some consideration given as to what else might be built on the lot. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 13, 2010 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

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On the petition by 88 Winn Street LLC, 89 Winn Street, Woburn, Massachusetts 01801 for two special permits pursuant to 1985 Woburn Zoning Ordinances, as amended, as follows: 1. To allow for accessory storage or parking of commercial motor vehicles under Section 5.1.57b, and 2. To allow for the alteration of an existing use in the Groundwater Protection District under Section 16.6.C, both at 88 Winn Street. PUBLIC HEARING OPENED. A copy of a communication dated April 6, 2010 from Brett F. Gonsalves, Senior Engineer to Edmund Tarallo, Planning Director was received as follows:

Subject: 88 Winn Street Accessory Storage or Parking of Commercial Vehicles  
Special Permit  
Drainage Calculations Dated February 4, 2010  
Plan Dated March 11, 2010

This office has reviewed the special permit application for the above referenced location and offers the following comments:

The applicant is seeking permission to allow for accessory storage or parking of commercial vehicles and alteration to an existing use in a groundwater protection district.

The submitted site plan shows the location of the proposed vehicle parking as well as a dry well to mitigate any site runoff. The drainage calculations demonstrate that the post condition runoff will be reduced from predevelopment conditions and the ground water discharge is in keeping with the performance standards of the ground water protection district. An operation and maintenance schedule will should be implemented to insure that the leaching basin functions properly and no contaminants enter into the soil.

The applicant is proposing a 6 foot high fence with privacy slats that will surround the perimeter of the property. A 20 foot wide sliding access gate will be used to enter and exit the parking area.

Upon review of the subject matter, 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 Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that the Planning Board met on the matter this same night, that the Planning Board voted to give the matter a favorable recommendation with several conditions, that Murray's Towing owns 89 Winn Street, that the company has fourteen motor vehicles registered in the city which are mostly tow trucks, that the petitioner will park its commercial vehicles at the front of the lot and stack towed vehicles to the rear of the lot, that one of the petitioner's client's is the Woburn Police Department, that any wrecked vehicles would be limited to remaining on site for no more than five days so that the locus does not become a junkyard, that the lot is currently a mess, that the petitioner will remove trailers from the site, that the petitioner will add a fence around the property, and that the petitioner is required to keep towed vehicles in a fenced yard under its towing contract. Alderman Gately stated that the embankment at the rear of the property should be stabilized. Alderman Gaffney stated that he is in favor of the petition, and that this proposal will take what is a nonconforming use and will become a conforming use. **IN FAVOR:** Paul Meaney, Executive Director, Woburn Business Association, 10 Tower Office Park stated that he is in favor of the petition, that the petitioner is a good businessman, that the petitioner has excellent equipment, that there is a sight distance issue that can be resolved, and that this is one area on the street that needs some clean-up. **OPPOSED:** None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 13, 2010 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

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On the petition by Nextel Communications c/o Clear Wireless LLC, 960 Turnpike Street, Suite 28, Canton, Massachusetts 02021 for a special permit pursuant to Section 7.3 Pre-Existing Non-Conforming Use of the 1985 Woburn Zoning Ordinances, as amended, to allow modification of an existing wireless communications link by replacing three (3) panel antennas and installing two (2) additional backhaul antennas at 21 Warren Avenue. PUBLIC HEARING OPENED. Appearing for the petitioner was Andrew Thompson of Clear Wireless LLC and he stated that this request is for a modification of an existing wireless communications facility on the penthouse of the building, that the panel antenna replacement would not be a noticeable change, that the backhaul antennas are two foot wide dish antennas located below the panel antennas, that the petitioner will install an equipment cabinet on the penthouse roof in a location that would mitigate visibility from the street, that there will be no increase in height or width, hat there will be little visible change, that the location of the dish antennas will prevent the height from increasing, and that the Planning Board will give a favorable recommendation and will limit the height of the facility. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the condition as follows: 1. That the recommendations of the Planning Board and the City Engineer be adopted as conditions of the special permit, all in favor, 9-0.

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On the petition by Mario Abruzzese, 80 School Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow the placements of approximately 1,200 cubic yards of fill to construct a level backyard at 80 School Street. PUBLIC HEARING OPENED. A copy of a communication dated April 5, 2010 from Brett F. Gonsalves, Senior Engineer to Edmund Tarallo, Planning Director was received as follows:

Subject: 80 School Street Fill Special Permit  
Plan Dated March 11, 2010

This office has reviewed the special permit application and plan for the above referenced location and offers the following comments:

The applicant is proposing 1,200 cubic yards of fill to level off the back yard of the property. The site plan shows the proposed limits of fill and the grade of the side slopes. The applicant has not indicated how the proposed 2 to 1 slope will be stabilized other than the application of bark mulch and the steepness of the slope may result in erosion.

The submission falls within the jurisdiction of the Conservation Commission and will need their approval pursuant to MGL Chapter 131.

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

Appearing was the petitioner was Mario Abruzzese and Alyson Abruzzese. Alderman Gately stated that the prior Conservation Commission permit must be renewed, that the Board of Health will have to inspect the fill, and that there are other steps that must be taken before the City Council can act on the special permit. Mario Abruzzese stated that the Planning Board had concerns with the slope and that he will work with the City Engineer on an appropriate surface cover to prevent erosion. Alyson Abruzzese stated that they request the matter be continued so that they can pursue these other issues. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MAY 4, 2010, all in favor 9-0.

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On the petition by Bradco Supply Inc., 8 Draper Street, Woburn, Massachusetts 01801 for three special permits pursuant to Sections 5.1.42, 5.1.57b and 8.2.5 of the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. To allow for warehouse/wholesale use under Sec. 5.1.42; 2. To allow for accessory parking of commercial vehicles under Sec. 5.1.57b; and 3. A reduction of one-third of the required parking spaces for a mixed use under Sec. 8.2.5, all at 8 Draper Street. PUBLIC HEARING OPENED. A communication dated March 31 2010 with attachment was received from Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 as follows:

Re: Bradco Supply Corp. - Special Permit – 8 Draper Street

Dear Council Members:

Enclosed please find 22 copies of supplemental plans for a petition for a Special Permit for the property at 8 Draper Street. There are the architectural plans showing the elevation and proposed layout of the building.

Thank you for your cooperation and please call with any questions.

Very truly yours, s/Mark J. Salvati

A copy of a communication dated April 5, 2010 from Brett F. Gonsalves, Senior Engineer to Edmund Tarallo, Planning Director was received as follows:

Subject: 8 Draper Street – Accessory Parking of Commercial Vehicles Special Permit  
Plan Dated March 12, 2010

This office has reviewed the special permit application and site plan for the above referenced location and offers the following comments:

The applicant is proposing a 3,726 SF addition to an existing 1 story metal building. Ancillary to the proposed addition, the applicant is proposing to remove and replace the existing pavement at the southerly entrance. The existing site has minimal formal

drainage and was installed at the time of the original facility development. With the building addition and other site improvements, an opportunity exists to upgrade existing drainage facilities to meet the intent of the Massachusetts storm water management rules concerning storm water runoff and quality. We strongly recommend that the site be brought up to current standards concerning storm water facilities.

The proposed drainage and utility plan shows a new 6" PVC sewer connection to the proposed addition. The engineering department has calculated a sewer connection fee for the proposed sewer service. The connection/mitigation fee based on Title IV is \$2,453.00

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

Appearing for the petitioner was Attorney Mark Salvati, and he stated that the petitioner has been at this location for over thirty years, that the offices and customer desk are located at the front, that a gate will be removed, that they will keep materials and the commercial vehicles in a fenced in area, that this project will not add to the impervious surface, that there is no existing special permit for the warehouse use, that the proposal will have 43 parking spaces rather than the required 65 parking spaces, that there are only fifteen employees on site at any one time therefore the requested parking will be sufficient for their needs, that the petitioner is in the business of asphalt shingles, siding and windows, and that the petitioner proposes conditions including hours of operation of 7:00 a.m. to 5:00 p.m., there will be no deliveries prior to 7:30 a.m. and that the project will meet the stormwater runoff conditions. Alderman Mercer-Bruen stated that this proposal will be an improvement as it will get vehicles off of Draper Street and onto the lot, and that all the vehicles should be registered in Woburn. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MAY 4, 2010 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

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On the petition by Clear Wireless LLC, 200 5th Avenue, Waltham Massachusetts 02451 for a special permit pursuant to Section 5.6 of the 1985 Woburn Zoning Ordinances, as amended, to locate a wireless broadband communications site on an existing NSTAR utility structure at Russell Street aka back of 3 Linda Street. PUBLIC HEARING OPENED. A communication dated March 18, 2010 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Clear Wireless, LLC – 3 Linda Street – To locate a wireless broadband communication link on an existing NStar utility pole pursuant to Section 5.6

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on March 16, 2010, the Board voted to forward a favorable recommendation to the City Council on the Special Permit application of Clear

Wireless, LLC, regarding the property at 3 Linda Street, subject to the following conditions:

1. That the maximum height of the extended pole shall be 70'; and
2. That the approval be in accordance with the plans revised through 11/04/09 except as modified by the conditions of 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/Edmund P. Tarallo, Planning Director

Appearing for the petitioner was Eric Calio of Clear Wireless LLC and he stated that the petition is to install a wireless communications link on an existing utility pole, that there will be three panel antennas at a centerline of 65.8 feet and two backhaul antennas at a centerline of 69 feet, that the antennas will be connected by a coaxial cable running down the exterior of the utility structure to the cabinet located on the ground level, that the petitioner has leased 49 square feet of area, that the petitioner will comply with the Planning Board recommendations, that T-Mobile is currently located on the site as a cellular service, that the petitioner Clear Wireless LLC provides a high speed broadband service, that all the equipment with the exception of the antennas is located inside the metal cabinet, that there are no generators, that the facility has batteries in the cabinet in the event there is a power loss, that no noise will be emitted from the cabinet, that there is no air conditioning in the unit, that he has a technical expert available at this meeting to answer any questions from the City Council, and that the wires will be laced on the utility pole and not be hanging. Alderman Drapeau stated that he does not want this location to become a multi-use site, that he would prefer the facility to be located on Waltham Street or Lexington Street as they are not as close to residential areas and are out of sight, and that he is not in favor of this service at this location on the face of the application. Alderman Gately stated that he does not want to see a particular location overburdened with wireless facilities. Alderman Mercer-Bruen stated that she would like to know how much money has been collected for the wireless study from providers and that it may be time to conduct the study to determine appropriate locations in the city for wireless facilities. Alderman Raymond stated that these sites should not be located near residences. Alderman Haggerty stated that he will not support the petition because of the proximity to residences. IN FAVOR: None. OPPOSED: Deidre Gillette, 5 Linda Street stated that this location is in her backyard, that she does not want to see more units constructed in that area, that the area has a lot of wires hanging from the poles, and that she is opposed to the petition. Elizabeth Gulla, 8 Seneca Road stated that her residence faces the locus, that this is an entirely residential area, that there is no industrial use in the area except the telephone wire and telephone poles, and that this use would be a blight to the residential neighborhood. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be DENIED for the following reasons: 1. That the proposal will be more of a detriment to the aesthetic line of sight from the surrounding properties, 2, That this will be the addition of commercial apparatus and equipment that will be a blight to the residential neighborhood, and 3. That

there are readily available alternate sites to the locus that could be utilized with the same results, all in favor, 9-0.

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**MUNICIPAL LANDS:**

On the communication relative to a Notice of Intent to Sell pursuant to M.G.L. Chapter 61A a certain parcel of land known as the Spence Farm Stand Parcel located between Lowell Street and Wyman Street, a committee report was received "That a communication be forwarded to His Honor the Mayor requesting his reconsideration of the purchase of the 'Spence Farm' property or make a suggestion of any alternative action to purchase the property." Motion made and 2<sup>nd</sup> that the committee report be received, all in favor, 9-0. Motion made and 2<sup>nd</sup> to suspend the rules for the purposes of hearing from the public, all in favor, 9-0. Vincent Grillo, 10 Frederick Drive asked for the continued support of the City Council to find an alternative use for the property. Laura Lowry, 21 Wyman Street stated that they are looking at alternate solutions which will not cost the city any money. Alderman Anderson stated that he has learned that the Mayor spoke with neighbors and may assign the rights of the city to a non-profit group. Motion made and 2<sup>nd</sup> to return to the regular order of business, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

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**FINANCE:**

On the Order to transfer the sum of \$2,710.00 from various Recreation Department Accounts to Park Equipment Account, committee report was received "ought to pass". Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be RECEIVED AND ADOPTED, all in favor, 9-0.

**Presented to the Mayor: April 8, 2010**

**s/Scott D. Galvin April 8, 2010**

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On the Order to transfer the sum of \$2,205.70 from Veterans Salary Account to Treasurer Salary Account and Recreation Salary Account, committee report was received "ought to pass". Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be RECEIVED AND ADOPTED, all in favor, 9-0.

**Presented to the Mayor: April 8, 2010**

**s/Scott D. Galvin April 8, 2010**

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On the Order to transfer the sum of \$80,000.00 from various Department of Public Works Accounts to DPW Overtime Account, committee report was received "ought to pass".

Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be RECEIVED AND ADOPTED, all in favor, 9-0.

**Presented to the Mayor: April 8, 2010**

**s/Scott D. Galvin April 8, 2010**

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On the communication relative to a request for authorization to settle a claim concerning an oil/gas spill at A.L. Prime Energy, 117 Pleasant Street, Woburn, MA 01801 on November 28, 2008, committee report was received “That the settlement offer of \$36,203.77 be accepted.” Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: April 8, 2010**

**s/Scott D. Galvin April 8, 2010**

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On the Order to rescind certain authorized and unissued bond authorizations for the White Elementary School and Woburn Memorial High School, the Shamrock Elementary School, the Reeves Elementary School, the Refinancing – Police station, School Remodeling, and the Water Treatment Plan, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: April 8, 2010**

**s/Scott D. Galvin April 8, 2010**

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**PERSONNEL:**

On the reappointment of Arthur Duffy and Kevin Meaney as Members of the Woburn Historic District Commission, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: April 8, 2010**

**s/Scott D. Galvin April 8, 2010**

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On the reappointment of Ann Alongi, Margaret Casey, John DeCata and Theresa Donovan as Members of the Council on Aging, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: April 8, 2010**

**s/Scott D. Galvin April 8, 2010**

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On the reappointment of Lori Medeiros and Edward Quinn and the appointment of Jean Rooney and Veronica Andrews as Members of the Woburn Handicapped and Disabled Citizens Commission, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: April 8, 2010**

**s/Scott D. Galvin April 8, 2010**

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On the appointment of Brian Kisiel as a Member of the Human Rights Commission, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: April 8, 2010** **s/Scott D. Galvin April 8, 2010**

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**POLICE AND LICENSES:**

On the petition by Ahmad Abbas dba A.A. Transportation for a new Taxi Cab License for one vehicle, committee report was received “ought to pass subject to all rules.” Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: April 8, 2010** **s/Scott D. Galvin April 8, 2010**

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On the petition by Ali A. Saleb dba Metro Cab Service for renewal of a Taxi Cab License for one vehicle, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: April 8, 2010** **s/Scott D. Galvin April 8, 2010**

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On the petition by Patricia Porrazzo dba Hollywood Limousine Co. for renewal of Livery License for one vehicle, committee report was received “ought to pass with all existing conditions”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: April 8, 2010** **s/Scott D. Galvin April 8, 2010**

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On the petition by New Boston Auto Exchange for renewal of Second Class Motor Vehicle Sales License, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: April 8, 2010** **s/Scott D. Galvin April 8, 2010**

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

**Presented to the Mayor: April 8, 2010** **s/Scott D. Galvin April 8, 2010**

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**CHARTER AND RULES:**

On the Order to designate the Mayor as Chair of the School Committee, committee report was received “ought not to pass”. A communication dated March 25, 2010 was received from Alderman Drapeau as follows:

Subject: Charter Change

I would like to formally request the withdrawal of my charter proposal that would install the Mayor as the School Committee Chair. After discussions in committee it appears to me that the city would be better served by the formation of a Charter Commission to update our city charter.

Respectfully, Ray Drapeau

Alderman Drapeau stated that other areas of the City Charter also need to be addressed, and that rather pick and choose the sections there should be a broader look at the Charter with amendments being made where necessary. Motion made and 2<sup>nd</sup> that the MATTER be GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE, all in favor, 9-0.

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**NEW PETITIONS:**

Petition by Saeed Rajabi dba Sky Taxi of Woburn, 21 Cummings Park, Suite 232 for renewal of a Taxi Cab License for one vehicle. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

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Petition by Checker Cab of Woburn, 289R Salem Street for renewal of a Taxi Cab License for seven vehicles. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

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Petition by Checker Cab of Woburn, Inc., 289R Salem Street for renewal of a Livery License for six vehicles. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

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Petition by Lifeline Ambulance Service, LLC, 6A Gill Street for renewal of a Livery License for seven vehicles. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

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Petition by Amandeep Singh dba HI FI Limo, 193 Main Street for renewal of Livery License for three vehicles. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

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Petition by M&L Transit Systems, Inc., 60 Olympia Avenue for renewal of Common Carrier License, Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

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Petition by GameStop 3315, 103 Commerce Way for renewal of License to Sell Second-Hand and Personal Articles of Value and Collectibles. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

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Petition by Kiwanis Club of Woburn, 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 conduct a carnival on June 18 and 19, 2010 at Library Park. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by Bo-Peep Realty LLC, 28 Torrice Drive, Woburn, Massachusetts 01801 for two special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Pursuant to Section 5.7.57b to allow for accessory parking of commercial vehicles, and 2. Pursuant to Section 8.2.5 for a reduction of one-third in the required number of parking spaces for a mixed use, both at 28 Torrice Drive. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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## **COMMUNICATIONS AND REPORTS:**

A communication dated March 29, 2010 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the March meeting of the Council on Aging and the Director's report for the month of March. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication dated March 17, 2010 was received from Joanne Collins, Director, Woburn Council on Aging, as follows:

Re: Woburn Senior Center "Time Capsule"

On Friday, September 18, 2008, the Woburn Senior Center held its Annual "Fall Festival", Health and Resource Day, at the 144 School Street location. At this time a "Time Capsule", created by Chris Doherty of the Woburn Department of Public Works, was buried in the Woburn Senior Center Courtyard. The contents of the "Time Capsule" included Woburn Council on Aging information, the Woburn Senior Center Newsletter, local newspapers, etc.

The Woburn Council on Aging plans to "open" the "Time Capsule" after it has been in the ground for twenty-five years during September 2033. We would like the future Council on Aging Board to have a sense of who we are and what life was like for seniors

during the early years of the millennium. The Woburn Council on Aging Chair and Director will ensure that their successors know of the location and plan for “opening”.

Sincerely, s/Doris Stanton, Chair, Woburn Council on Aging  
s/Joanne Collins, Director, Woburn Council on Aging

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

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A communication dated March 29, 2010 with attachments was received from the Traffic Commission as follows:

Re: Flashing Speed Radar Signs

At its Regular Meeting on March 18, 2010, the Woburn Traffic Commission voted to forward to the City Council a copy of a written legal opinion received from the City Solicitor regarding the above matter. In brief, the opinion indicates that the Traffic Commission has jurisdiction to authorize the placement of flashing speed radar signs and that authorization should be presented to the Traffic Commission for approval prior to the actual installation of any such signage. A copy of the opinion is attached.

Further, the Traffic Commission voted to advise the City Council that the Traffic Commission will abide by the advice in the legal opinion.

Thank you for your attention to this matter.

s/William C. Campbell, City Clerk

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

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A communication dated April 5, 2010 with attachment was received from City Solicitor John D. McElhiney as follows:

Re: Acceptance of Easement Agreement – Trade Center Park, LLC, 100 Sylvan Road, Woburn, MA 01801

Dear Members of the City Council:

Attached is a draft Easement Agreement with attached Plan, relative to the above site, wherein the owner of the property will formally grant the necessary easements for the City water and drain lines which traverse the property in their current locations. Also included is a grant of a Pedestrian Access Easement, from Pearl Street. Finally, the acceptance of the new location of the water line will release and terminate an older location which will no longer be necessary.

The enclosed draft Easement Agreement is acceptable to both this office and the City Engineer.

Thank you for your cooperation in considering this matter.

Sincerely, s/John D. McElhiney

Attached thereto in addition to the proposed Easement Agreement was the following Order:

**ORDERED** That the Mayor be and is hereby authorized to execute a certain Easement Agreement by and between Trade Center Park, LLC and the City of Woburn so as to accept certain water line, drain line, and pedestrian access easements as shown on a Plan entitled "Easement Plan, 100 Sylvan Road, Woburn, MA 01801 Plan showing City of Woburn water, drain and pedestrian easement areas, scale 1" = 60' September 3, 2008" and so as to further release and terminate certain water easement rights acquired by Document No. 1379394 recorded with the Land Registration Division of the Middlesex South Registry of Deeds.

s/Alderman Anderson

Motion made and 2<sup>nd</sup> that MATTER be REFERRED TO COMMITTEE ON MUNICIPAL LANDS, all in favor, 9-0.

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

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**APPOINTMENTS AND ELECTIONS:** None.

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**MOTIONS, ORDERS AND RESOLUTIONS:**

**ORDERED**

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

1. By deleting Section 4.4 in its entirety and replacing same with the following:

4.4 In addition to the 16 districts listed in 4.2, Floodway and Flood Plain Districts are established as overlay districts and shown on the Middlesex County Flood Insurance Rate Maps for the City of Woburn dated June 4, 2010 as special Floodway and Flood Plain areas in zone AE or as shown on the Local 100 Year

Floodplain Map of Woburn, Massachusetts, prepared by the City of Woburn Engineering Department, dated June 4, 2010 for 100 Year Floodplain Areas. (amended 4/15/97).

2. By deleting Section 4.5.4 in its entirety and replacing same with the following:

4.5.4 Floodway and Flood Plain Districts are established as overlay districts and shown on the Middlesex County Flood Insurance Rate Maps for the City of Woburn dated June 4, 2010 as special Floodway and Flood Plain areas in zone AE. The map panels of the Middlesex County FIRM that are wholly or partially within the City of Woburn are map numbers 25017C0293E, 25017C0294E, 25017C0313E, 25017C0402E, 25017C 0404E, 25017C0406E, 25017C0407E, 25017C0408E, 25017C0409E and 25017C0426E dated June 4, 2010 or as shown on the Local 100 Year Floodplain Map of Woburn, Massachusetts, prepared by the City of Woburn Engineering Department, dated June 4, 2010 for 100 Year Floodplain Areas.

The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the City Clerk and the City Engineer.

3. By deleting Section 9.2 in its entirety and replacing same with the following:

#### 9.2 Establishment of Districts

Floodway and Floodplain Districts are established as overlay districts. The Floodway district is shown for Floodway Areas in Zone AE on the Middlesex County Flood Insurance Rate Maps for the City of Woburn, prepared by FEMA for the National Flood Insurance Program, dated June 4, 2010. The Floodplain District is shown for Special Flood Hazard Areas Subject to Inundation by the 1% Annual Chance Flood in Zone AE on the Middlesex County Flood Insurance Rate Maps for the City of Woburn, prepared by FEMA for the National Flood Insurance Program, dated June 4, 2010, or as shown on the Local 100 Year Floodplain Map of Woburn, Massachusetts, prepared by the City of Woburn Engineering Department, dated June 4, 2010 for 100 Year Floodplain Areas.

4. By deleting Section 9.5.3 in its entirety and replacing same with the following:

3. No occupancy permit shall be issued until the City Council, the Building Commissioner, Building Inspector, and the Board of Health have received and the City Clerk has filed a certified plan showing the foundation and flood elevations, elevations of the completed construction, and until all requirements of all other permits are satisfied.

5. By deleting Section 9.6.2.1 in its entirety and replacing same with the following:

- 1) Within zone AE where base flood elevations are provided on the FIRM: exact base elevations should be located by using the flood profiles in the Flood Insurance Study.

Within the areas shown on the Local 100 Year Floodplain Map of Woburn, Massachusetts, prepared by the City of Woburn Engineering Department, dated June 4, 2010 for 100 Year Floodplain Areas, where the base flood elevation is not shown on the Map, the applicant shall obtain any existing base flood elevation data as a basis for the elevation and flood-proofing requirements of this section and shall submit such base flood elevation data to the City Council at the time of making application for a special permit under this section. Under the Wetland Protection Act Regulations, 310 CMR 10.57, applicants may be required to determine base flood elevations by engineering calculations.

6. By inserting a new Section 9.7 “Reference to Existing Regulations” as follows:

#### 9.7 Reference to Existing Regulations

The Floodway and Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

1. Appendices Section of the Massachusetts State Building Code seventh edition which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");
2. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
3. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
4. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);
5. Woburn Wetlands Ordinance (currently Title VIII of the Woburn Municipal Code) and regulations promulgated there under.

s/President Denaro

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING and that the City Engineer, Planning Board Director, Conservation Commission Administrator and City Solicitor be asked to attend the public hearing, all in favor, 9-0

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ORDERED Whereas, a special committee of the City Council known as the Kraft Ad Hoc Committee had been appointed to work with the Kraft Company relative to air quality control matters at the One Hill Street plant;

Now, Therefore, Be It Ordered by the Woburn City Council that the Kraft Ad Hoc Committee be reauthorized for the purposes of continuing its work and that the members shall include two Aldermen appointed by the President of the City Council, one member appointed by the Mayor, one member appointed by the Board of Health, one Business Representative appointed by the President of the City Council, and one Resident Representative appointed by the President of the City Council.

s/Alderman Mercer-Bruen

Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, all in favor, 9-0. President Denaro stated that he appointed Alderman Mercer-Bruen and Alderman Haggerty as Members of the Ad Hoc Committee and named Alderman Mercer-Bruen as Chair of the Ad Hoc Committee.

**Presented to the Mayor: April 8, 2010**

**s/Scott D. Galvin April 8, 2010**

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RESOLVED Whereas, the Woburn School Committee approved a motion at its meeting on March 24, 2010 to bid out a School Bus Transportation Contract for a period of five (5) years consisting of three (3) years with two (2) one-year options, the options being at the sole discretion of the School Department;

Now, Therefore, Be it Resolved by the City Council of the City of Woburn that the Woburn School Department and Woburn School Committee is hereby authorized to enter into an agreement for regular bus services for a contract duration of three (3) years with two (2) one-year options.

s/President Denaro

Motion made and 2<sup>nd</sup> that the RESOLVE be ADOPTED, AS AMENDED, with the amendment as follows: "That the word 'new' shall be added between the words 'to bid out a' and the words 'School Bus Transportation Contract' in the first sentence", all in favor, 9-0.

**Presented to the Mayor: April 8, 2010**

**s/Scott D. Galvin April 8, 2010**

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RESOLVED Whereas, the way that runs from Lexington Street to Russell Street is in need of repair for the safety of the traveling public;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that His Honor the Mayor instruct the appropriate departments to take whatever action is necessary that will allow the city to repair and maintain the way, including obtaining any easements or other permission necessary to do so and provide a report to the City Council by its Regular Meeting on May 4, 2010.

s/Alderman Drapeau

Motion made and 2<sup>nd</sup> that the RESOLVE be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: April 8, 2010**

**Returned Unsigned April 8, 2010**

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RESOLVED That His Honor the Mayor be authorized to grant an easement for the benefit of 10 Hillside Avenue a distance of five feet into the abutting city property.

s/Alderman Gaffney

Motion made and 2<sup>nd</sup> that the RESOLVE be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: April 8, 2010**

**s/Scott D. Galvin April 8, 2010**

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RESOLVED Whereas, pursuant to the Help America Vote Act of 2002, Massachusetts established a process to reimburse communities for replacing lever voting machines after the 2000 election with so-called Section 102 funds disbursed to the states by the U.S. Election Assistance Commission; and

Whereas, the City of Woburn replaced its lever voting machines by vote of the City Council and approval of the Mayor effective August 7, 2001 and was eligible for such reimbursement; and

Whereas, the City of Woburn received the application package for reimbursement from the Commonwealth on August 3, 2004 and submitted a request for reimbursement on August 18, 2004 in the sum of \$96,400.00; and

Whereas, the City of Woburn has renewed its request for reimbursement from time to time since submitting the original application; and

Whereas, on February 3, 2010, the U.S. Election Assistance Commission issued a report entitled "Annual Report on Grant Programs FY2008" which indicated that the Commonwealth received \$1,519,497.00 in Section 102 funds and had on hand as of December 31, 2008 Section 102 funds in the sum of \$85,224.00; and

Whereas, if the Commonwealth does not expend the remaining Section 102 funds by November 4, 2010, the Commonwealth will be required to return the funds to the U.S. Election Assistance Commission thereby depriving the City of Woburn of the reimbursement;

Now, therefore, the City Council of the City of Woburn hereby requests that the Commonwealth of Massachusetts reimburse the City of Woburn up to \$96,400.00 from the Section 102 funds remaining in possession of the Commonwealth of Massachusetts as soon as practicable and in no event later than November 3, 2010 or such earlier date when the funds will no longer be available for reimbursement.

s/President Denaro

Motion made and 2<sup>nd</sup> that the RESOLVE be ADOPTED with a copy sent to each member of Woburn's State delegation, all in favor, 9-0.

**Presented to the Mayor: April 8, 2010**

**s/Scott D. Galvin April 8, 2010**

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RESOLVED Whereas, on March 7, 2010, while playing in her yard, six-year-old Isabella Sgroi became entangled and was in serious jeopardy of serious injury; and

Whereas, her twin sister, Grace Sgroi, seeing that Isabella was caught and having difficulty breathing, rushed to her aid, lifted her so that she could breath freely, and called out to their mother for help; and

Whereas, by her quick action, Grace Sgroi, saved her sister from more serious harm;

Now, therefore, the City Council of the City of Woburn recognizes the heroic efforts of Grace Sgroi and wishes her and her sister Isabella Sgroi the best wishes of the community and continued good luck and good health.

s/Alderman Gately

Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: April 8, 2010**

**s/Scott D. Galvin April 8, 2010**

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Motion made and 2<sup>nd</sup> to suspend the rules for the purpose of adding the following late filed matters to the Order of the Day, all in favor, 9-0.

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**COMMITTEE REPORTS:**

**POLICE AND LICENSES:**

On the petitions for renewal of Taxi Cab Licenses by Mourad Djar dba ABCE Cab of Woburn for one vehicle; Abdulla Nasser dba AACO Travel Taxi Svcs for two vehicles; Bombay Taxi, Inc. for one vehicle; and Mohamad S. Moharam dba First Cab of Woburn for two vehicles, committee report was received “ought to pass pending Police Department report”. Alderman DiTucci stated that these matters should be returned to the Committee on Police and Licenses for review pending further discussions with the Police Department. Motion made and 2<sup>nd</sup> that the MATTERS be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

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On the petition by Boston Tours, Inc. for renewal of Common Carrier License, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: April 8, 2010**

**s/Scott D. Galvin April 8, 2010**

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A communication dated April 1, 2010 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Mary Ann Chorlton, 312 Lexington Street, to the Woburn Handicapped and Disabled Citizens Committee, with term set to expire on March 2, 2013; subject to approval by the City Council.

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PERSONNEL, all in favor, 9-0.

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Motion made and 2<sup>nd</sup> to return to the regular order of business, all in favor, 9-0.

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Motion made and 2<sup>nd</sup> to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:03 p.m.

A TRUE RECORD ATTEST:

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