

**CITY OF WOBURN
APRIL 15, 2008 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Denaro	Gately
Drapeau	Gonsalves
Dwyer	Mercer-Bruen - Absent
Galvin	Raymond - Absent

Doherty

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

Motion made and 2nd to suspend the rules for the purposes of taking the following matter out of order, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

RESOLVED Whereas, each year thousands of schools in the United States participate in the National Geographic Bee using materials prepared by the National Geographic Society, and

Whereas, the contest is designed to encourage teachers to include geography in their classrooms, spark student interest in the subject, and increase public awareness about geography; and

Whereas, schools with students in grades four through eight are eligible for this entertaining and challenging test of geographic knowledge; and

Whereas, one student from each State is selected through a series of elimination rounds to represent their State at the National Geographic Bee; and

Whereas, William Lee, an 8th Grade Student at the Joyce Middle School, advanced in rigorous competition to attain the title of 2008 Massachusetts State Geographic Bee Champion and will represent the Commonwealth of Massachusetts in the National Geographic Bee in Washington, D.C.;

Now, Therefore, the City Council of the City of Woburn on behalf of the residents of the city of Woburn extend their warm and proud congratulations to William Lee for his dedicated work and accomplishments in attaining the title of 2008 Massachusetts Geographic

Bee Champion and further extend their best wishes for his continued success in his future endeavors.

s/Alderman Drapeau

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

Presented to the Mayor: April 18, 2008 s/Thomas L. McLaughlin April 22, 2008

Motion made and 2nd to return to the regular order of business, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$80,500.00 be and is hereby transferred as so stated: Transferred out of Regular Salary 0121051-511000 \$64,112.00, Sick Leave BB 0121051-515400 \$11,388.00, Animal Control – PT 0121051-515700 \$5,000.00 Transferred into Police Matron 0121051-512800 \$3,500.00, Narcotics 0121054-558902 \$2,000.00, Court Time 0121051-515000 \$8,000.00, Equipment 0121058-585000 \$10,000.00, Heating 0121052-521102 \$5,000.00, Auto Maintenance 0121052-524600 \$8,000.00, Medical 0121052-530100 \$6,000.00, Office Supplies 0121054-542000 \$3,000.00, Building Maintenance 0121054-54300 \$10,000.00, Gas 0121054-548100 \$15,000.00, Computer Maintenance 0121054-558301 \$10,000.00

I hereby approve the above: s/Mayor Thomas L. McLaughlin

I have approved the above: s/Chief Philip L. Mahoney

I have reviewed the above: s/Auditor Gerald Surette

s/President Doherty (per request)

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

ORDERED That the sum of \$60,000.00 be and is hereby appropriated as so stated from Unreserved Fund balance Acct #01-356000 \$60,000.00 to Shamrock Energy Conservation Acct #0112158-587005 \$60,000.00

I hereby approve the above: s/Thomas L. McLaughlin

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

s/President Doherty (per request)

Motion made and 2nd that the ORDER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

PUBLIC HEARINGS:

On the petition by City of Woburn Recreation Department, Woburn City Hall, 10 Common Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.79 of the 1985 Woburn Zoning Ordinances, as amended, to install recreational improvements to Ferullo Field, including the rehabilitation of the existing public pool, installation of a new tennis court and basketball court, and landscaping the areas disturbed by the construction activities at 885 Main Street. PUBLIC HEARING OPENED. A communication dated April 14, 2008 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: City of Woburn Recreation Department – 885 Main St. (Ferullo Field) – rehabilitate existing pool, install new tennis court, and basketball court under Section 5.1.79

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on April 8, 2008, the Board voted to send a favorable recommendation to the City Council to allow the rehabilitation of the existing pool as well as installing a new tennis court, and basketball court at 885 Main Street, Ferullo Field, under Section 5.1.79 with the condition that a bike rack be centrally located in the area of the existing pool, proposed tennis court, and proposed basketball court in accordance with the February 1, 2008 Site Plan by Warnick Associates, Inc. The Planning Board would also like to extend their thanks to the Shelzi family for their generosity in making this donation to the City of Woburn.

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 Recreation Director Rory Lindstrom and she stated that the city received a gift from the Schelzi family for improvements to Ferullo Field, that the money will fund tennis and basketball courts and a rehabilitation of the pool, that the bathrooms are uses a bathhouses and not public restrooms, that some in-kind services will be performed by the Department of Public Works, that there will be a hook-up to the city sewer, that there will be a minimal increase in traffic with the court users and a minimal increase in water and sewer use, that the ward alderman is aware of and supports the change, that there are health regulations that limit the bathrooms to bathhouses, that the commission is looking at a possible Phase II to install new restrooms, that it would be taking a step back to make the current bathhouse a public restroom, and that the city engineer is drafting the sewer hook-up plans. Alderman Denaro stated that the bathrooms

are an issue and that he would like to see access to building as a public restroom for all users of the field amenities. IN FAVOR: Mayor Thomas L. McLaughlin stated that he fully supports the plan, that the Schelzi family has been working with the Recreation Department, and that this will enhance the recreation facilities in north Woburn. Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn, Massachusetts 01801 stated that he supports the petition. John Paladino, 72 Pearl Street stated that he supports the plan. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent). PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the amendment as follows: 1. That the recommendations of the Planning Board be added as a condition of the special permit, all in favor 7-0-2 (Mercer-Bruen, Raymond absent).

On the petition by Andrew G. Eromin and Mary Eromin, both of 13 Waverly Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to alter and change a pre-existing non-conforming structure, by razing the same and constructing a new, two-family structure which will conform to all dimensional requirements excepting lot size at 7 Richmond Avenue. PUBLIC HEARING OPENED. A communication dated March 28, 2008 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Andres G. & Mary Eromin – 7 Richmond Ave. – To raze pre-existing non-conforming single family house and construct a new two family house under Section 7.3

Dear Mr. Campbell and members of the City Council:

At the meeting held on March 25, 2008, the Planning Board voted to forward an unfavorable recommendation to the City Council on the Special Permit application of Andrew G. & Mary Eromin, regarding the property at 7 Richmond Avenue to raze the pre-existing non-conforming single family house and construct a new two family house under Section 7.3, because the Board does not feel that this is the correct procedural route. However, the Planning Board is not opposed to the proposal.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

A communication dated April 14, 2008 was received from Carol B. Seitz, Co-Chair, Woburn Historical Commission as follows:

Dear Mr. Campbell:

Pursuant to your letter dated March 19, 2008 regarding the special permit petition for 7 Richmond Avenue, the Woburn Historical Commission cannot research the property unless a formal application for the demolition has been submitted to the Building Department. The Historical Commission will then determine if the property is subject to the Demolition Delay Ordinance.

Sincerely, s/Carol B. Seitz, Co-Chair

Appearing for the petitioner was Attorney John D. McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 and he stated that the petition is to change a non-conforming structure to different non-conforming structure, that the property is located in the R-2 zoning district, that the current building is set back from the street less than the permitted setback, that the petitioner will raze the structure and erect a new two-family structure, that the new structure will be consistent with the dwellings in the area, that the new building will meet rear, side and front lot line setbacks, that the lot size is 13,210 square feet, that 15,000 square feet is required for new construction of a two-family dwelling in the zoning district, that the petitioner could convert the current structure to a two-family dwelling or add onto the current structure to create a two-family dwelling as the lot size is only required to be 10,000 square feet in that case, however the structure is old and adding onto it would not be aesthetically beneficial, that the Planning Board considered the proposal to be a variance situation, that this special permit is the more appropriate process as the review would consider whether the proposed structure is substantially more detrimental than the present structure, that the Planning Board has no problems with the petition on the merits but did have concerns with the procedure, and that the property appears to be of an age to trigger review by the Woburn Historical Commission. Alderman Drapeau stated that a decision on this matter should be postponed to allow the ward alderman an opportunity to review and be involved with the decision. Alderman Galvin stated that from a procedural point of view if the property is non-conforming because of the setback then it is sufficient reason to allow review under this procedure although the suitability of the petition will depend upon public input. A copy of a communication dated March 10, 2008 to Edmund Tarallo, Planning Director from Brett F. Gonsalves, Senior Engineer, Engineering Department was follows:

Subject: 7 Richmond Avenue – Two Family Special Permit – Special Permit Application
Dated February 12, 2008

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

The petitioner is seeking permission to raze and existing single family dwelling and construct a two family structure on the same lot. It will meet all dimensional requirements except lot area and the lot resides in an R-2 zoning district.

The utilities should be disconnected prior to demolition and if possible existing utility service be reused and brought up to city standards. If the existing services are found not

to be sufficient, they will need to be cut and capped at their respective mains in Richmond Avenue and new services installed.

After reviewing the submitted materials, 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.

Motion made and 2nd that the copy of the communication dated March 10, 2008 from Brett F. Gonsalves, Senior Engineer, Engineering Department to Edmund Tarallo, Planning Director be received and made part of the record, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent). IN FAVOR: Mike Ellis, 9 Richmond Avenue stated that he is in favor of the petition, that the current house is out of place with the neighborhood, that there may be a lot of asbestos and lead paint in the structure which should be controlled during demolition due to the number of children in the neighborhood, and that there are drainage issues in the neighborhood. Karen Green, 8 Richmond Avenue stated that the current house is an eyesore, and that the new house would be a good improvement to the neighborhood. Paul Spinazola, 11 Richmond Avenue stated that he supports the petition but is concerned with the drainage issues in the neighborhood. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MAY 20, 2008 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 7-0-2 (Mercer-Bruen, Raymond absent).

On the 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 all for the Flag Day Festival on June 13, 2008 and June 14, 2008 at Library Park and on the petition Michael Han, 5 Waldo Avenue, Unit 3, Somerville, Massachusetts 02143 for a special permit pursuant to Section 8.3.2 of the 1985 Woburn Zoning Ordinances, as amended, to allow for seven off-site parking spaces at 106-110 Winn Street. Motion made and 2nd that the MATTERS be LAID ON TABLE, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

On the petition by Sam Gandor, 290 Turnpike Road, Suite 354, Westborough, Massachusetts 01581 for a special permit pursuant to Section 7.1.3 of the 1985 Woburn Zoning Ordinances, as amended, for reconstruction or structural change to a pre-existing and non-conforming four family frame residential dwelling to allow the construction of a deck or porch structure at the rear elevation of principal dwelling at 11-13 Porter Street. PUBLIC HEARING OPENED. President Doherty stated that he spoke to the petitioner's attorney, Malcolm Houck, that the structural reports are not available yet, and that the matter should be referred back to committee. 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 20, 2008 AND THAT

THE MATTER REMAIN IN THE COMMITTEE ON SPECIAL PERMITS, all in favor 7-0-2 (Mercer-Bruen, Raymond absent).

On the petition by Lowe's Companies, Inc., 15 Commerce Way, Woburn, Massachusetts 01801 for special permits pursuant to Section 5.1.45, 5.1.57a and 5.1.57b to allow for the rental of moving trucks; accessory storage or parking of storage containers, storage trailers or commercial trailers; and the accessory storage or parking of commercial motor vehicles at 15 Commerce Way. 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 the Planning Board will review this matter at its meeting on April 29, 2008, that one component of the special permit is tied to a matter pending in Land Court, that a settlement offer being discussed may resolve that issue, and that the petitioner is looking to allow on flatbed truck for deliveries and two Lowes-to-Go trucks to be rented by customers of the store. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that he is in favor of the petition. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MAY 20, 2008, THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS AND THAT A COMMUNICATION BE FORWARDED TO THE CITY SOLICITOR FOR CLARIFICATION, all in favor 7-0-2 (Mercer-Bruen, Raymond absent).

On the petition by American Venture Corporation, 88 Broad Street, Boston, Massachusetts 02110 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to extend and alter a pre-existing non-conforming use, by developing an additional 11,200 square feet (approx.) of retail space on the currently vacant portion of the site, and combining the property at 159 Main Street into the overall site development at 159-175 Main Street. PUBLIC HEARING OPENED. A communication dated April 14, 2008 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: American Venture Corporation – 159 – 175 Main St. – To develop an additional 11,200 S.F. of retail space under Section 7.3

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on April 8, 2008, the Board voted to send a favorable recommendation to the City Council to allow for the development of an additional 11,200 S.F. of retail space at 159 – 175 Main Street under Section 7.3 in accordance with the plans prepared by Sitec Enviromental Sheets 1-6 dated 2/5/08; Revised 3/19/08 & 4/2/08; and Sheets 7 & 8 dated 2/5/08; Revised 3/19/08 except as modified by the following conditions:

1. All lighting shall comply with Section 8.5 of the Woburn Zoning Ordinance;

2. The Planning Board shall retain jurisdiction over the landscaping and the curbing within the parking lot;
3. An "ANR" Plan shall be submitted to the Planning Board combining Lots 19 & 20 as shown on Sheet 1 prior to obtaining a building permit;
4. The area behind the proposed retail store and liquor store shall be marked loading zone and signage regulating this area shall be for traffic flow and loading shall be approved by the Planning Director prior to Building permit;
5. One way/ Do Not Enter signs shall be provided between the parking lot and Richardson St. Ext. as shown on Sheet 2;
6. The water main shall be a minimum 8" with a hydrant at the entrance of the parking lot.
7. The force sewer main connection shall comply with detail provided by the City Engineer and said connection shall be approved by the City Engineer;
8. The petitioner shall install a TS2-2 MP-42 (city standard) traffic controller improvements in lieu of paying the mitigation payment;
9. The modifications to Richardson extension and site access as outlined in Sheet 2 and written on page 2 of the McMahan letter to the Planning Director dated March 20, 2008 shall be required as part of this approval;
10. The access from this site shall be two way to Fowle at the 20' wide access easement. However, the City Council shall review the need for two way access 12 months from the date of occupancy of the building; and
11. That the vertical concrete curbing shown on the plans on the lot shall be replaced with sloped granite curbing.

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

Motion made and 2nd that the communication be received and made part of the record, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent). A report was received from the Committee on Special Permits as follows: "ought to pass, adopting the twelve Planning Board recommendations and adding two additional conditions: 1. That the dumpster pick up shall be between 8:00 a.m. and 4:00 p.m. only and no weekends, and 2. That the petition must have a snow removal plan." Appearing for the petitioner was Attorney John D. McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 and he stated that the plans of record are those referred to in the Planning Board recommendations, that the petitioner agrees to these conditions as well as to the two additional recommendations made by the Committee on Special Permits, that the property shares a common boundary line with the Irish-American Club, that there is a bay door at the rear of the Irish-American Club to which they need access, that there were discussions about pulling the curb back to allow a truck access to the Irish-American

Club, that these changes are reflected on a supplemental plan, that Ken Moskow will be the contact for the petitioner and can communicate with neighbors prior to and during construction, that the petitioner can assist in arranging a meeting with Walgreen's representative concerning the condition of their building, that the corporate structure of Walgreen's slows the discussion process, and that it is not a lack of effort on the part of the petitioner. Attorney McElhiney offered a plan entitled "Irish America Club Access Sketch - 175 Main Street, Woburn - Packet Realty" prepared by SITEC Environmental dated April 15, 2008 to the City Council for review. Motion made and 2nd that the document be received and made part of the record, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent). Attorney McElhiney offered a copy of a plan entitled "175 Main Street, Woburn - Packet Realty - Site Plan" prepared by SITEC Environmental with a revision date of 4/2/2008 with notations made in blue ink indicating the limit of paving near the Walgreen's building to the City Council for review. Motion made and 2nd that the document be received and made part of the record, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent). Ken Moskow of Packet Realty Trust stated that Walgreen's occupies its building under a triple net lease, that Walgreen's is responsible for all costs and maintenance of the building until the end of their lease, that the landowner will be liable for the maintenance of the new building, that Walgreen's has leased their property since 1991, that Walgreen's is doing everything that they are contractually required to do, that the lease does not expire for another twelve years, that the landowner cannot force Walgreen's to do anything to the property but working with the city can encourage them to make improvements, that Walgreen's leases the building and half of the property, and that Walgreen's does not intend on subleasing the vacant portion of the property formerly occupied by the China Mama restaurant. President Doherty stepped down from the chair and Alderman Galvin assumed the chair. President Doherty stated that the landowner should see that Walgreen's maintains the condition of their building, that he wants to see the Walgreen's lease to determine what can be done to clean the property, that any further use of the sub-leased property as a restaurant may require a special permit, that he is concerned with the lack of maintenance of the building by Walgreen's as well as having the vacant retail unit in the building, and that he has been meeting with the petitioner for over a year concerning improvements to the Walgreen's building but with little cooperation. Alderman Drapeau stated that it is possible that the proposed improvements to the site may encourage Walgreen's to improve their building. Alderman Gately stated that the area has been poorly maintained for 25 years, that he wants this petition to move forward as it will improve the whole area, that in the rear access there should be one way for trucks leaving the property but no trucks allowed onto the property by that way, that trucks used for deliveries can exit onto Fowle Street then to Main Street, that Richardson Street Ext. will be paved its entire length curb to curb, that cars from the locus cannot exit by way of Richardson Street Ext., and that there will be a bump out on Richardson Street Ext. for the residents on that street to park. Alderman Gonsalves asked for information as to the proper contact for the Walgreen's corporate office. Attorney McElhiney offered a document to the City Council containing contact information for Walgreen's. Motion made and 2nd that the document be received and made part of the record, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent). Alderman Denaro stated that a traffic directional restriction from the locus is not enforceable by the police department, and that only the building department can enforce such a restriction which would be difficult to do. IN

FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that it will be beneficial to move the current building back off the street, and that the City Council must take into consideration the neighboring businesses such as P.J. Gill Co., which has right of access to the right of way at the rear of the building. OPPOSED: Denise Gill stated that she is one of the owners of P.J. Gill Co., that when the easement was open to traffic in the 1960s and 1970s there were traffic and littering problems, that these issues will be greater now with the increase in traffic on the streets, that the area is narrow between the Walgreen's building and P.J. Gill Co., that this is not an easement as it is owned by P.J. Gill Co., that the only easement was a twenty foot easement between their building and the Sal's building, that the right of way was used as a cut through to avoid the traffic lights, that when traffic is moderate the light cycle works well, that she wants contact information for the landowner for when there are problems, that she wants the condition of the easement repaired, and that updated traffic control signals will be installed as part of the mitigation but the current lights are working. Carol Gill stated that she is President of P.J. Gill Co. and that she wants to know if there will be two way traffic for vehicles over the easement but a one way restriction for trucks. Motion made and 2nd to close the public hearing, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent). PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the amendments as follows: 1. That the recommendations of the Planning Board be adopted as conditions of the special permit and 2. That the two additional recommendations of the Committee on Special Permits be adopted as conditions of the special permit, 3. That trucks shall be precluded from using the access easement as an entrance to the locus from Fowle Street, 4. That the plan entitled "Irish America Club Access Sketch - 175 Main Street, Woburn – Packet Realty" prepared by SITEC Environmental dated April 15, 2008 be adopted as an additional plan of record and 5. That the plan entitled "175 Main Street, Woburn – Packet Realty – Site Plan" prepared by SITEC Environmental with a revision date of 4/2/2008 with notations made in blue ink be adopted as an additional plan of record for the limited purpose of indicating the limit of paving near the Walgreen's building, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

Alderman Galvin stepped down from the chair and President Doherty assumed the chair.

On the 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 all for the Flag Day Festival on June 13, 2008 and June 14, 2008 at Library Park. PUBLIC HEARING OPENED. A communication dated April 14, 2008 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Kiwanis Club of Woburn – Library Park – Annual Flag Day, June 13 & 14, 2008

Dear Mr. Campbell and Members of the City Council:

At the meeting held on April 8, 2008, the Planning Board voted to forward a favorable recommendation to the City Council regarding the Special Permit for the Annual Flag Day Festival at Library Park with the condition that the applicant comply with Section 5.1, Note 14 of the Woburn Zoning Ordinance.

If Council members have any questions or concerns regarding the above recommendations, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that the petition is for the annual carnival. IN FAVOR: None. OPPOSED: None. Motion made and 2nd to close the public hearing, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent). PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

On the petition by Michael Han, 5 Waldo Avenue, Unit 3, Somerville, Massachusetts 02143 for a special permit pursuant to Section 8.3.2 of the 1985 Woburn Zoning Ordinances, as amended, to allow for seven off-site parking spaces at 106-110 Winn Street. PUBLIC HEARING OPENED. A copy of a communication dated April 8, 2008 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 106 Win Street – Offsite Parking Special Permit – Special Permit Application
Dated March 6, 2008 – Plan Dated May 16, 2005

The petitioner is seeking a special permit to allow 7 offsite parking spaces for the existing restaurant. This office takes no exception to the offsite parking request as submitted.

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

A communication date April 14, 2008 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Michael Han – 106-110 Winn St. – To allow for 7 off-site parking spaces under Section 8.3.2

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on April 8, 2008, the Board voted to send a favorable recommendation to the City Council to allow for 7 off-site parking spaces at 106 -110 Winn Street under Section 8.3.2 subject to the following conditions:

1. That this special permit shall be exclusive to Michael Han d/b/a Flighty's Restaurant and terminate if they cease operations.
2. That the hours of operation shall be Sunday through Saturday 10:00AM to 10:00 PM.
3. The prior to the issuance of a building permit, petitioner shall provide to the building department an executed lease for seven (7) parking spaces, similar in form to the lease submitted to the City Council. If the lease is not renewed or is terminated by Borselli then the special permit shall be automatically revoked.
4. That the petitioner shall erect signs signifying that the seven (7) off site parking spaces are for "Breakers Only" or "Flighty's Only" and a sign at the rear exit stating "Additional Parking" shall be erected.
5. That any tables intended for exterior dining shall be located as shown on the plan of record, with no others allowed, and shall be surrounded by a guardrail, shall be handicapped accessible and meet all ADA requirements.
6. That the exterior ramp shall be at lease six (6) feet in width and ADA compliant.
7. That Breakers Ice Cream shall service customers from either the interior windows or the exterior windows but never bother and there will be no service window at the front of the building.
8. That the petitioner agrees that the only uses allowed during the duration of this special permit shall be for Breakers Ice Cream and Flighty's and no other use shall be made of the area marked "Storage."
9. That the dumpster shall be screened by fencing.
10. That the Planning Board shall retain jurisdiction over landscaping.
11. That all snow removal shall be removed off site
12. That the plan of record shall be: "Parking Plan Restaurant at 106 Winn Street" dated May 16, 2005 by Borselli Engineering.
13. That no banner shall be allowed on the outside of the building.
14. That the lease shall contain a provision allowing of access to 106 Winn Street through the property at 110 Winn Street.

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 Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that the locus is the former site of the Crazy Karry's restaurant, that this will be a full service restaurant, that they will reduce the size of the area needed in the building and the amount of parking that will be needed, that the accessory parking for seven vehicles will be in the rear of the property and is needed to meet the parking requirements, that there is no present intention to apply for a liquor

license, that there are currently no liquor licenses available, that without the leased parking it would be difficult to run the business, that this will be a 99 style restaurant with burgers and pizza, and that there will be no change in the operation of Breakers ice cream. Alderman Gonsalves stated that a full service restaurant is a better fit for the neighborhood rather than the fast food use and that there should be a condition prohibiting the sale of alcohol. Alderman Dwyer stated that the licensing of alcohol is under the jurisdiction of the License Commission and that is the proper venue for that issue. Alderman Galvin stated that without the additional parking this plan does not work for the neighborhood. IN FAVOR: None. OPPOSED: None. Motion made and 2nd to close the public hearing, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent). PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the amendments as follows: 1. That the recommendations of the Planning Board be adopted as conditions of the special permit, 2. That the word “bother” in Planning Board condition number 7 be stricken and the word “both” be inserted in its place, and 3. That the parking lease with Borselli shall contain a provision allowing of access to 106 Winn Street through the property at 110 Winn Street, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

Motion made and 2nd that the public hearings on the next three petitions be held collectively, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

On the petition by 112 Commerce Way LLC, c/o National Development, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 for a special permit pursuant to Section 5.1.35 of the 1985 Woburn Zoning Ordinances, as amended, to modify a special permit granted November 22, 2007 which allowed for a Pet Care Facility to allow for 1.) an amended floor plan and 2.) an amended site plan, at 112 Commerce Way/Lot 40C Commerce Way. 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 the petition to amend the zoning map concerns a strip of land approximately fifteen feet wide, 921 feet long and with 22,330 square feet of area, that the current zoning is listed in the petition as being in the I-P zoning district but it should state the IP-2 zoning district, that there is a special permit petition to modify the previously approved site plan and adding 6,999 square feet of gross floor area to the retail building, that the fast food use will remain as presently permitted, that the business needs permission to park commercial vehicles on site overnight, that there is a special permit to amend the floor plan for the pet care center, that the locus will include the additional fifteen foot strip as part of the development, that OfficeMax will not be locating at the locus, that Bob’s Discount Furniture will locate there, that there are thirty Bob’s Discount Furniture stores with seven located in Massachusetts and has been in business in 1982, that the additional space is needed to accommodate the new tenant, that there will be one or two box trucks for the Bob’s Discount Furniture store parked on site, that the zoning district line will be pushed over fifteen feet to include the strip of land, that the petitioner is still committed to the mitigation package, and that there will be actual work performed at the intersection for the mitigation. Tim Williams, Allen &

Major stated that this is the same project that was recently approved with the exception of the additional fifteen foot strip, that there will be 297 parking spaces with eleven handicapped accessible parking spaces, that the petition meets all zoning requirements, that all utilities and drainage is identical to the prior proposal, that an access drive has been eliminated and the dumpster relocated, that forty additional parking spaces are provided under this proposal, that they will be incorporating the swale, and that the drainage will be handled as previously approved. Vinod Kalikiri, VHB stated that they previously analyzed the site as general retail which reflected that particular retail uses could change, that they compared traffic counts with current Bob's Discount Furniture store operations, and that the Bob's Discount Furniture store will generate 12% to 20% less traffic than the OfficeMax proposal. Bryan Clancy stated that the Bob's Discount Furniture store will be smaller than the typical Bob's Discount Furniture store. Alderman Galvin stated that he is in favor of the petition. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that he supports the petition. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MAY 6, 2008 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 7-0-2 (Mercer-Bruen, Raymond absent).

On the petition by Resources for Responsible Site Management Inc., Trustee of the Industri-Plex Site Interim Custodial Trust, P.O. Box 487, Chestnut Hill, Massachusetts 02467 to amend the Zoning Map of the City of Woburn by amending a parcel of property known as Lot 40C, Commerce Way from the I-P zoning district to the B-I zoning district. PUBLIC HEARING OPENED. SEE RECORD NOTE FROM PRECEDING HEARING. 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, 2008 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor 7-0-2 (Mercer-Bruen, Raymond absent).

On the petition by 112 Commerce Way LLC, c/o National Development, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 for a special permit pursuant to Section 5.1.22c, 5.1.23, 5.1.29 and 5.1.57b to modify a special permit granted November 22, 2007 which allowed for 1.) a retail shopping center in excess of 15,000 square feet (47,010) and 2.) a fast food restaurant to allow for 1.) an amended site plan, 2.) an additional 6,999 square feet of gross floor area for the retail shopping center allowing for a total of 54,009 square feet of gross floor area, 3.) the fast food restaurant as originally approved by the Decision, and 4. the accessory parking of commercial vehicles at 112 Commerce Way/Lot 40C Commerce Way. PUBLIC HEARING OPENED. SEE RECORD NOTES FROM PRECEDING HEARING. 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, 2008 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 7-0-2 (Mercer-Bruen, Raymond absent).

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$8,400.00 from various Recreation Commission Accounts to Recreation Commission Fence Account, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

Presented to the Mayor: April 18, 2008 s/Thomas L. McLaughlin April 23, 2008

PERSONNEL:

On the petition by Christopher Kisiel relative to an exemption as required by M.G.L. Ch. 268A, Sections 20(c) and 20(d), committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

Presented to the Mayor: April 18, 2008 s/Thomas L. McLaughlin April 22, 2008

NEW PETITIONS:

Petition by James F. Catania and Ann M. Catania, 131 Main Street, Woburn, Massachusetts to amend the Zoning Map of the City of Woburn by changing the zoning district for the property found identified in the Assessors records on Map 59, Block 25, Parcel 25 and known and numbered as 131 Main Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

Petition by 239 Main LLC, Frank Fedora Jr., Manager, 126 Main Street, Unit 2, North Reading, Massachusetts 01864 for a special permit to amend a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to replace two multi-family dwellings with one building containing four (4) dwelling units at 239 Main Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

Petition by Kenneth Harrington, 8 Mill Street, Woburn, Massachusetts 01801 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 Unit 12, 10 Draper Street.

Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

David Richardson and Deborah Richardson, 2 Lafayette Road, Billerica, Massachusetts 01821 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow renovation of non-conforming property damaged by fire at 53-55 Prospect Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

COMMUNICATIONS AND REPORTS:

A communication dated April 10, 2008 with attachment was received from Joanne Collins, Director, Woburn Council on Aging including the March Director's Report. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

A communication dated April 3, 2008 entitled "Fuel Transactions (short format) From 03/01/2008 to 03/31/2008 – Woburn Police" was received. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

A communication dated March 6, 2008 with attachment was received from Mark LaLumiere, Inspection Services Department as follows:

Re: 40-42 Porter Street

I spoke to Alderman Doherty today in regards to some changes to the special permit for 40-42 Porter St. He asked me to provide you copies of the proposed changes (attached). If you have any questions please give me a call.

Motion made and 2nd that MATTER be RECEIVED AND PLACED ON FILE, all in favor. 7-0-2 (Mercer-Bruen, Raymond absent).

A confidential communication dated April 10, 2008 was received from City Solicitor Mark Reich, Kopelman and Paige, P.C. relative to pending litigation in the matter of Lowe's Companies, Inc. and Lowe's Home Centers Inc. v. The City Council of the City of Woburn, et. al., Land Court Misc. No. 291848. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON LIAISON, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

A communication dated April 7, 2008 was received from Britte McBride, Assistant Attorney General/Policy Advisor, Massachusetts Office of the Attorney General, One Ashburton Place, Boston, Massachusetts 02108 advising that she is the Municipal Liaison for the Attorney General. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

A communication dated March 10, 2008 along with a copy of the 2007 Winchester Hospital Annual Report was received from Dale M. Lodge, President and CEO, Winchester Hospital, 41 Highland Avenue, Winchester, Massachusetts 01890. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to re-pave Forest Park Road side to side starting at the intersection with School Street to the intersection with Alfred Street; and

Be It Further Resolved, that His Honor the Mayor instruct the Superintendent of Public Works to repair and replace, if necessary, the sidewalks along that portion of Forest Park Road.

s/Alderman James J. Dwyer

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

Presented to the Mayor: April 18, 2008 s/Thomas L. McLaughlin April 23, 2008

ORDERED The City of Woburn hereby petitions the Great and General Court of the Commonwealth of Massachusetts to amend the Charter of the City of Woburn by adopting the following proposed Special Act:

AN ACT DESIGNATING THE MAYOR AS CHAIR OF THE SCHOOL COMMITTEE IN THE CITY OF WOBURN

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 28 of Chapter 172 of the Acts of 1897, as amended by Chapter 194 of the Acts of 1928, Chapter 589 of the Acts of 1952, Chapter 128 of the Acts of 1953, Chapter 636 of the Acts of 1954, and Chapter 174 of the Acts of 1960 is hereby further amended by striking the first sentence in its entirety and inserting in its place the following: The management and control of the public schools of said city of Woburn shall be vested in a school committee, consisting of eight members. Seven members shall be elected at large by and from qualified voters of said city, as set forth herein. One member shall be the Mayor who shall serve by virtue of holding office.

SECTION 2. Section 29 of Chapter 172 of the Acts of 1897 is hereby amended by striking therefrom the first sentence and the second sentence in its entirety and inserting in its place the following: The Mayor shall be present at all sessions of the School Committee, and when present shall participate in the discussions and shall preside, and shall have the right to vote. The School Committee shall meet on the first Monday in January in each year, and shall at such meeting, or as soon thereafter as may be, choose by ballot a Vice-Chairman from among its members who shall serve in the absence of the Mayor, and the votes of majority of all the members of the School Committee shall be required in order to elect.

SECTION 3. This Act shall take effect upon its passage.

s/Alderman Drapeau

Motion made by Alderman Denaro to deny, 2nd by Alderman Gonsalves. Alderman Drapeau stated that he was prepared to have this matter sent to committee for review, that he is not prepared to discuss this tonight, that he wants all interested parties to be able to comment on the matter, that it was borne from the recent school department negotiations with the teachers and how the mayor determines the budget figure for the schools, that 60% of the budget is passed to the schools without oversight on the city-side of the budget, that this would allow the mayor to have oversight over school expenses, that the City Charter allows the mayor to sit and preside at meetings of the school committee but there is no value to that if there is no right to vote on the issues, that this is intended as an opportunity to inject the mayor into the school budget process, that no school committee member would lose his or her position, that other towns have similar situations, that he discussed this proposal with the Mayor and believes that he is in favor of it, that he discussed this matter with School Committee Chair Joseph Crowley and he believes that he is not in favor of it, that this matter was meant to go to committee for review, that it is intended as a draft to be worked through in committee, and that he did not lobby City Council members as he expected this to go to committee for review. Alderman Galvin stated that the authority of the mayor currently is unmatched, that the mayor sits on the bargaining committee under the Education Reform legislation, that the mayor sets the budget for the school department by stating how much the school committee has available to spend, that if the mayor does not like how money is being spent then the mayor can go to every budget meeting and tell the school committee members his

opinion, and that this proposal puts a greater burden on the mayor to attend all these meetings. Alderman Denaro stated that the mayor is a strong position, that having the mayor coordinating his schedule to attend school committee meetings is not an effective use of the mayor's time, that the city has seven generally elected school committee members with a professional support staff, that it would be difficult for the mayor to coordinate this duty, that the city cannot go to the legislature too often, if there is not a consensus for this proposal that it will likely not be approved by the legislature, and that the matter should be withdrawn rather than be denied as it may be a better issue to address some time in the future. Alderman Gonsalves stated that this may be a divisive issue to the school committee and that this should be a collaborative effort among all of the parties. Motion to deny and 2nd withdrawn. Motion made and 2nd that the MATTER be GIVEN LEAVE TO WITHDRAW and that a communication be forwarded to the mayor, school committee and school finance committee to establish an open method to discuss these issues, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

RESOLVED That the City Council of the City of Woburn hereby authorizes the Mayor to accept a deed in lieu of foreclosure pursuant to and in accordance with Mass. Gen. L. c. 60 §77C in and to that certain parcel of land taken by the City on July 14, 2003 for non-payment of taxes, designated as Map 13, Block 23, Lot 03, on Baldwin Avenue and Belmont Avenue, which parcel is described as:

Property Address: 0 Baldwin & Belmont Account #000555-32 A parcel of land with any buildings thereon, containing about 36,400 square feet being described as Map 13, Block 23, Lot 03 in the Office of the Assessors and identified in Book 10462 on Page 024 at the County Registry of Deeds in the County of Middlesex.

on such terms and conditions as the Mayor, in consultation with the City Solicitor and Tax Title Custodian, deems appropriate, and to take all actions necessary or convenient to accomplish the foregoing.

s/President Doherty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON MUNICIPAL LANDS/HIGHWAYS with a communication to the Treasurer/Collector as to the outstanding taxes due on the parcel and whether there are any Brownfields issues with the parcel, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

RESOLVED That the City Council of the City of Woburn hereby authorizes the Mayor to accept a deed in lieu of foreclosure pursuant to and in accordance with Mass. Gen. L. c. 60 §77C in and to that certain parcel of land taken by the City on October 19, 1962 for non-

payment of taxes, designated as Map 13, Block 20, Lot 01, on Longwood Avenue, which parcel is described as:

About 7,350 Sq. Ft. of land situated in said Woburn, on Longwood Avenue, being Lots 1, 2, 3 in Block 8 on a plan recorded with the Middlesex South District Registry of Deeds in Book 59, Plan 2;

on such terms and conditions as the Mayor, in consultation with the City Solicitor and Tax Title Custodian, deems appropriate, and to take all actions necessary or convenient to accomplish the foregoing.

s/President Doherty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON MUNICIPAL LANDS/HIGHWAYS with a communication to the Treasurer/Collector as to the outstanding taxes due on the parcel and whether there are any Brownfields issues with the parcel, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

ORDERED That the Regular Meeting of the City Council scheduled for May 20, 2008 shall begin at 6:30 p.m., however any public hearings previously scheduled for that meeting shall not commence until 7:30 p.m. at the earliest.

s/Alderman Gately

Motion made and 2nd that the ORDER be ADOPTED, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

Motion made and 2nd to suspend the rules for the purposes of taking the following matters from Committee and adding to the Order of the Day as late filed matters, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

POLICE AND LICENSES:

On the petitions for renewal of Livery Licenses by George Pike dba Pike Executive Transportation, Frances Lucas dba Professional Livery and American Classic Limousine, Inc. Motion made and 2nd that the LICENSES be GRANTED, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

Presented to the Mayor: April 18, 2008 s/Thomas L. McLaughlin April 22, 2008

On the petition by Robert Fucarile dba Classic Auto Sales. Motion made and 2nd that the LICENSE be GRANTED, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

Presented to the Mayor: April 18, 2008 s/Thomas L. McLaughlin April 22, 2008

ORDINANCES:

On the Order to amend Title 8, Article IV, Section 8-10 relative to Inflammable Licenses. Motion made and 2nd that the ORDER be ADOPTED, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

Presented to the Mayor: April 18, 2008 s/Thomas L. McLaughlin April 22, 2008

Motion made and 2nd to return to the regular order of business, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent).

Motion made and 2nd to ADJOURN, all in favor, 7-0-2 (Mercer-Bruen, Raymond absent). Meeting adjourned at 9:50 p.m.

A TRUE RECORD ATTEST:

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