

**CITY OF WOBURN  
DECEMBER 15, 2015 – 6:30 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gaffney
Concannon	Gately
DiTucci	Mercer-Bruen
Drapeau	Raymond
Haggerty	

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The City Council observed a moment of silence in memory of former Ward Three Alderman Paul J. Meaney, Jr. who recently passed away.

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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:** None.

**PUBLIC HEARINGS:**

On the petition by Rosematwo, LLC, 10 Dorrance Street, Boston, Massachusetts 01219 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, to modify a special permit issued February 27, 2014 to eliminate the handicapped parking spaces at the front of the site at 7 State Street PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that he represents the petitioner, that he will meet with the Building Commissioner to determine any outstanding issues with respect to the petition, and that the petitioner requests the matter be continued. Attorney Tarby offered a document from Planners Designers Architects, Inc. dated November 2, 2015 regarding the petition and a plan entitled "Rosematwo, LLC, Proposed Building Expansion, As-Built Site Plan" dated November 13, 2013, rev. 9/30/2014, rev. 11/7/2014, rev. 1/12/2015, rev. 6/10/2015 and rev. 9/28/2015 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. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 19, 2016 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**PUBLIC SAFETY AND LICENSES:**

On the petition by Sumaya Transportation, Inc. for a new Livery License for one (1) 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 December 17, 2015 and ten days having elapsed without same being approved, said License became effective without his signature on December 29, 2015.**

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On the petitions for renewal of First Class Motor Vehicle Sales Licenses by Lawless, Inc.; M&L Transit Systems, Inc.; and Northeast Tree, Inc., 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 December 17, 2015 and ten days having elapsed without same being approved, said License became effective without his signature on December 29, 2015.**

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On the petitions for renewal of Second Class Motor Vehicle Sales Licenses by EC Inc. dba Xpress Fuel; Joseph P. Mahoney Company, Inc.; Velozo Enterprises, Inc. dba Rogers Radiator; Francis Garbino dba Tom’s Auto Body; Louis Jen Brunet dba Woburn Motors; Jeffrey Pollock dba Exclusive Automobiles; Anchor Auto Sales, Inc.; Enterprise Rent-a-Car Company of Boston, Inc.; Nicolas Saba dba Montvale Service; and Tracy M. Batten dba Tracy’s Auto, 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 December 17, 2015 and ten days having elapsed without same being approved, said License became effective without his signature on December 29, 2015.**

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On the petition for renewal of Third Class Motor Vehicle Sales License by Woburn Truck and Auto, Inc., 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 December 17, 2015 and ten days having elapsed without same being approved, said License became effective without his signature on December 29, 2015.**

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On review of the petition by TransAction Corporate Shuttles, Inc. for renewal of Common Carrier License, committee report was received “ought to pass for 70 licensed vehicles with the condition that no more than 43 licensed vehicles shall be on site at any

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

**Presented to the Mayor December 17, 2015 and ten days having elapsed without same being approved, said License became effective without his signature on December 29, 2015.**

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**SPECIAL PERMITS:**

On the request by Madison Woburn Holdings LLC to review Condition 23 of a Special Permit Decision issued on August 11, 2015 for special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended, to allow for the construction at 369 Washington Street of a Mixed Use Hotel/Restaurant Use as follows: 1. Special Permit pursuant to Section 5.1.20a to allow for a Mixed Use Hotel/Restaurant Use; 2. Special Permit pursuant to Section 5.1.29 and Section 11.6.10 to allow for a fast food restaurant with a drive up customer service facility; 3. Special Permit pursuant to Section 5.1.28, Note 16 to allow for restaurant hours in excess of 11:00 p.m.; 4. Special Permit pursuant to Section 5.7.6 to allow alternative screening devices; 5. Special Permit pursuant to Section 6.1, Note 8 to allow for the height of the proposed hotel to be in excess of thirty-five (35) feet; 6. Special Permit pursuant to Section 8.7.6 to allow for a reduction in off street loading requirements; 7. Site Plan Approval pursuant to Section 12.2.1 and 12.3.2 to allow for a fast food restaurant; and 8. Site Plan Approval pursuant to Section 12.2.4 and 12.3.2 to allow for construction in excess of 15,000 square feet and more than 100 parking spaces, all at 369 Washington Street, committee report was received “to accept and make part of the permanent record.” Motion made and 2<sup>nd</sup> that COMMITTEE REPORT be ADOPTED, AS AMENDED with the amendment as follows: 1. That in connection with Condition 23 to the Special Permit granted to Madison Woburn Holdings LLC dated August 11, 2015 the City Council finds that no amendment is required to the proposed mitigation for the proposal allowed by the Special Permit and a communication to that affect be forwarded to the Building Commissioner, 6 in favor, 3 opposed (Anderson, Concannon, Mercer-Bruen absent).

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**ORDINANCES, CHARTER AND RULES:**

On the Order to amend City Council Rules 20, 20a, 21, 38, 39 and 40, committee report was received “ought to pass subject to final review and revision of Rule 40 by the Chair of the Committee on Ordinances, Charter and Rules.” Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, AS AMENDED with the amendment as follows: “That Rule 40 be further amended to read as follows:

Rule 40. Power to Summons

Pursuant to Chapter 233, Section 8 of the General Laws, the City Council has the authority to summons witnesses to attend and testify and to produce books and papers at a hearing before the City Council. An Order for Summons shall be filed by the City

Council Committee invoking the summons power or shall be filed by a member of the City Council who is seeking to invoke the summons power. An Order for Summons shall state the reason for issuing the summons, a general description of the books and papers to be sought and whether the testimony sought shall be before the City Council as a whole or a committee thereof.

An Order for Summons filed by a City Council Committee shall be taken up for consideration at the next City Council meeting or subsequent City Council meetings where the Council President shall bring the matter before the City Council for consideration.

An Order for Summons filed by a City Council member shall be referred to the appropriate standing committee as determined by the City Council as a whole. If the standing committee approves of the Order for Summons it shall be submitted to the City Council as set forth in the previous paragraph.

No Order for Summons shall issue without having been considered and approved by the appropriate committee.

If the City Council votes to approve the Order, then the Chair of the City Council Committee that voted to invoke the summons power shall sign the summons requiring a person to appear before the committee or City Council as a whole to be examined in reference to any matter within the scope of the inquiry being conducted by such committee and to produce the books and papers requested.”, all in favor, 9-0.

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On the Order to transfer a portion of the 7.497 acre parcel of land known as Spence Farm as shown on a plan entitled “41 Wyman Street Shared Site Use – October 2015”, committee report was received “ought to pass”. Alderman Anderson stated that the project must already have started. Alderman Concannon stated that the proposed Conditions 8 and 9 reflect his expectations about what was to occur all along and which were discussed during the discussion for funding the new Hurd-Wyman School, that the Mayor stated at that time that if the funding was approved for the new Hurd-Wyman School the former Clapp Elementary School building would be demolished and a beautiful park would be built in its place, and that these conditions will have no impact on the progress of the new Hurd-Wyman School project. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, AS AMENDED with additional conditions as follows: “8. This Order shall be effective upon the transfer and conveyance of the care, custody and control of the land commonly known as the Clapp School and surrounding fields, acquired by the City on or about 1909, and the buildings and other structures thereon, located at the intersection of Hudson Street and Arlington Road in the City of Woburn, Massachusetts shown as Assessors Map 59, Block 26, Lot 20, containing 2.92 acres more or less, and shown on a plan entitled, ‘Use and Limitation Plan’ dated September 2, 2009, and prepared by Leblanc Survey Associates, Inc., by the Woburn School Committee to the Woburn Recreation Commission, and in accordance with and in affirmation of the mandate of Home Rule Petition H4999, enacted as State Law under the

Acts of 2010, Chapter 71, ‘An act relative to the use of a parcel of land in the city of Woburn for recreational purposes’, approved by the Governor, April 9, 2010. 9. The building or buildings currently on site shall be demolished and removed and the foundation of the building or buildings thereon shall be filled on or before May 1, 2016 or this Order shall be null and void.”, all in favor, 9-0.

**Presented to the Mayor December 17, 2015 and ten days having elapsed without same being approved, said Order became effective without his signature on December 29, 2015.**

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**LIAISON:**

On the Order to petition the General Court for a special act entitled “An Act Relative to the Use of a Parcel of Land in the City of Woburn for Recreational Purposes” relative to the land commonly known as the Hurd elementary school and surrounding fields, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, AS AMENDED with the amendment as follows: “1. That the words ‘determine whether such property is necessary for educational purposes and, if not, then it shall’ shall be deleted, all in favor, 9-0.

**Presented to the Mayor: December 17, 2015 s/Scott D. Galvin December 17, 2015**

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**NEW PETITIONS:**

Petition for renewal of Second Class Motor Vehicle Sales Licenses by Boston Wholesales Motorcars, Inc., 20 High Street; Robert Khouzami, 317 Montvale Avenue; and Murray’s Enterprises, Inc. dba Murray’s Auto & Truck Sales, 88 Winn Street. Motion made and 2<sup>nd</sup> that the MATTERS be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

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Petition by Musto Jewelers, Inc., 186 Cambridge Road #9 for a new Secondhand Dealers and Secondhand Collectors License. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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A Conservation Easement and Restriction was received from JDC Realty Trust, by and through its Trustees, John Natale and Christopher Natale, pursuant to Sections 31, 32 and 33 of Chapter 184 of the Massachusetts General Laws granting, with quitclaim covenants, to the City of Woburn in perpetuity and exclusively for conservation purposes a Conservation Restriction on a parcel of land located in the City of Woburn, Massachusetts, consisting of approximately 17,390 square feet, being shown on a plan entitled “Conservation Restriction Plot Plan of Land in, Woburn, MA”, dated November 6, 2015, prepared for the Grantor by Todd Chapin of Chappell Engineering, Inc., attached as Exhibit A, said area shown on said Exhibit A as shaded area depicted as “CR”, and

more particularly described in Exhibit B attached. Motion made and 2<sup>nd</sup> that the CONSERVATION RESTRICTION be ACCEPTED, all in favor, 9-0.

**Presented to the Mayor: December 17, 2015 s/Scott D. Galvin December 17, 2015**

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Petition by International Stone, Inc. for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 11 and 5.1.42 to allow warehouse us at 3-15 Normac Road. 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 City Clerk William C. Campbell for approval of an exemption under M.G.L. Ch. 268A, §19 to allow the administration of the oath of office, certification of the election, overseeing the election of the Woburn City Council President, and signing stipend forms and other documents from time to time for the City Council, and filing of Disclosure as required by M.G.L. Ch. 268A, §23(b)(3). Motion made and 2<sup>nd</sup> that the EXEMPTION PURSUANT TO M.G.L. Ch. 268A, SECTION 19 be GRANTED, all in favor, 9-0.

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**COMMUNICATIONS AND REPORTS:** None.

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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 That pursuant to 1989 Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6 the City Clerk is hereby authorized to dispose of hereby authorized to dispose of the Massachusetts Reports, Massachusetts Appeals Court Reports, Northeast Reporter and Northeast Reporter Second Series which the City Clerk has determined is of no value to the department and which no other department has expressed an interest in obtaining.

s/President Haggerty

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

**Presented to the Mayor: December 17, 2015 s/Scott D. Galvin December 17, 2015**

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President Haggerty requested a moment of personal privilege, thanked Alderman DiTucci, Alderman Drapeau and Alderman Raymond for their service as members of the City Council and presented each of them with a plaque on behalf of the City. Alderman Drapeau thanked his family, the residents of Ward Seven, the department heads, and the Aldermen and Mayors he worked with over the years for their support, that his goals when elected were affordability, the schools and smart development, that the developments have enhanced the city and helped keep taxes low, that the city will be left in good hands, that there is mistrust of public servants but his experience is that they work for the good of the city, that he recommends there be an improved sound system installed in the Council Chamber, that air conditioning be installed in the Council Chamber and that the budget process include the City Council in the planning stages and be more collaborative, and he wishes his colleagues well. Alderman Raymond stated that he thanks his family and the residents of Ward Six for their support, that he enjoyed working on the City Council, that the city is in better shape than it was ten years ago, and that he recommends the new Aldermen get on as many committees as they can as it helps to learn the process. Alderman DiTucci thanked her family and the residents of Ward One for their support, that she will miss her colleagues on the City Council, and that she wished her colleagues the best in the future. Alderman Gately stated thanked Alderman DiTucci, Drapeau and Raymond for their service on the City Council and to the city.

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Motion made and 2<sup>nd</sup> to ADJOURN, all in favor, 9-0. Meeting adjourned at 6:58 p.m.

A TRUE RECORD ATTEST:

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