

**CITY OF WOBURN  
JANUARY 15, 2013 - 7:00 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:**

A communication dated January 11, 2013 was received from His Honor the Mayor as follows:

Dear President Denaro and Members of the Woburn City Council:

Although I do believe that, at some point, the salary of the City's Mayor should be reviewed and upgraded to better reflect the increasingly complex range of duties and responsibilities of Woburn's chief executive officer, I don't believe now is the right time to do it.

For instance, in negotiating city contracts I have asked our employees to make a number of sacrifices related to salary increases and health insurance contributions. In addition, our local economy—although improving—has left many of our fellow residents faced without salary increases for years in some cases.

I'm proud to be Mayor of this City. At this time, our focus should be holding the line to the best of our abilities with regard to discretionary cost increases, and working together toward this end.

Respectfully, s/Scott D. Galvin

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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ORDERED That the sum of \$155,000.00 be and is hereby transferred as so stated from BLS Receipts Acct #13159-595000 \$155,000.00 to Fire/Ambulance Salary Acct #0122051-511500 \$100,000.00, Fire/Overtime Acct #0122051-513100 \$50,000.00, Fire/Medical Attention Acct #0122054-558103 \$5,000.00

I hereby recommend the above: s/Paul Tortolano, Chief, Fire Department  
I have reviewed the above: s/Gerald W. Surette, City Auditor  
I hereby approve the above: s/Scott D. Galvin, Mayor

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 by NSTAR Electric Company and Verizon New England Inc. for a grant of right in a way to install one anchor guy in Lowell Street southerly side at the intersection of Sendick Road (pole 136/33). PUBLIC HEARING OPENED. A communication dated January 15, 2013 was received from Richard M. Schifone, Supervisor, Rights and Permits, NSTAR Electric Company, 101 Linwood Street, Somerville, Massachusetts 02143 as follows:

Re: Lowell Street, Woburn – W.O. #1903469

Dear Mr. Campbell:

The NSTAR Electric Company and Verizon New England Inc., request “Leave to Withdraw” its petition dated November 30, 2012 to install and anchor guy on Lowell Street, Woburn. Lowell Street – Southerly sider, at the intersection of Sendick Road (pole 136/33) install one anchor guy.

If you have any questions, please contact Jacqueline Duffy.

Very truly yours, Richard M. Schifone, Supervisor, Rights and Permits

IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> to close the public hearing, all in favor, 9-0. 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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On the petition by Luigi Colucciello, 142 Washington Circle, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow addition to a pre-existing nonconforming structure and

to convert from a single-family to a two-family residence at 142 Washington Circle. PUBLIC HEARING OPENED. A communication dated January 9, 2013 was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Special Permit Application – 142 Washington Circle, Woburn  
Jurisdiction of the City Council under Section 7.3 of the WZO

The City Council’s Committee on Ordinance (“Committee”) submitted two questions to this office, relative to a pending special permit application (the “Application”) for the property located at 142 Washington Circle, Woburn, MA (the “Property”). The Committee’s request and a copy of the Application (without the attached architectural plans) are attached hereto for reference.

Briefly, the City Council wants to know if the Applicant’s future intent to convert the Property from a single family dwelling to a two family dwelling brings the petition within its jurisdiction under ¶4 of Section 7.3 of the WZO or, if the petition should be filed with the Board of Appeals which has jurisdiction over the alteration and expansion of nonconforming single and two family dwellings where there is no request “to change its use”. After reviewing the Application in light of the applicable provisions of the WZO, it is my opinion that the Application is not properly before the City Council.

Although the Application seeks to physically expand a non-conforming single family dwelling in order to add a second dwelling unit, the current use of the Property (single family), as well as its proposed use (two family) are conforming uses in the R-2 zoning district.<sup>1</sup> The authority granted by M.G.L. c.40A, §6 specifically authorizes the enactment of local zoning bylaws/ordinances to regulate non-conforming structures and non-conforming uses and changes to those non-conforming structures and non-conforming uses, with additional protections afforded non-conforming single and two family dwellings. When a conforming use is being changed to another conforming use, Section 7.3 does not apply unless a special permit is required for the alteration or expansion of the non-conforming structure in which the conforming use is located, the scenario which is presented by this Application. Where there is no “change of use” within the meaning of ¶4 of Section 7.3, the special permit granting authority for purposes of expanding the structure is the Board of Appeals.

However, assuming that the Board of Appeals were to grant a special permit under Section 7.3 to expand or alter the non-conforming single family structure, before the Applicant could obtain a building/occupancy permit for the “conversion” of that use a two family, he would have to obtain variances from the side setback requirements of Section 6.1 which are increased to 20’ when such a “conversion” occurs.

If you have additional questions or require further assistance regarding this matter, please don’t hesitate to contact me.

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<sup>1</sup> The structure is non-conforming because the front yard setback is 12.1’ and Section 6.1 requires a 25’ front yard setback in the R-2 zoning district.

Very truly yours, s/Ellen Callahan Doucette

Appearing for the petitioner was Attorney Joseph R. Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that that petitioner request leave to withdraw without prejudice for the petition. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> to close the public hearing, all in favor, 9-0. 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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On the petition by John Baldasaro, Manager, IsabellaB LLC, 21G Olympia Avenue, Suite 20, Woburn, Massachusetts 01801 for a special permit pursuant to the 1985

Woburn Zoning Ordinances, as amended, as follows: 1. Pursuant to Section 5.1.43 for outside storage of earthen materials and paving materials used, or recovered for recycling, in connection with Petitioner's commercial paving and site preparation business, and 2. Pursuant to Section 5.1.57b for accessory storage and parking of commercial contractor trucks, other vehicles and equipment in designated parking spaces on the premises, both at 210 New Boston Street. PUBLIC HEARING OPENED.

Appearing for the petitioner was Attorney Malcolm Houck, 7 Winn Street, Woburn, Massachusetts 01801 and he stated that the building was constructed in 1979, that the locus is located in the I-P zoning district, that the locus has 2.09 acres, that the property has a mixed use building, that the building has 10,000 square feet of office use and 12,000 square feet of warehouse use, that there are 44 parking spaces for the allowed uses as required by the zoning ordinances, that there are pallets of materials, bins for ground paving material, landscaping materials and some demolition materials stored on site, that asphalt is stored in separate bins during asphalt paving season, that the asphalt is remixed and recycled at an asphalt plant, that materials are stored outside in bins, that the property is screened and fenced with eight foot woven wire fencing and slats, that there is a six foot fence continuously along the Merrimac Street boundary line, that contractor vehicles will be parked outside including four trailers, five heavy dump trucks, six to ten pick-up trucks, tag-alongs, bobcats and other machines, that the petitioner operates six days per week during asphalt season Monday through Saturday 5:00 a.m. to 7:00 p.m., that the vehicles are off-site during asphalt season, that snowplowing activities take place up to seven days per week as needed, that the entire building will be vacated and renovated for the petitioner's use, that the petitioner has the property under a purchase and sale agreement pending the granting of the special permit, that there is currently a 2,000 gallon above ground storage tank for diesel fuel on site, that the fuel tank will be relocated on site, that water and sewer service are in place and will not be changed, that the proposed use is compatible with the neighborhood and adjacent properties, that the automobile dealers vehicles will no longer be parked at the site, that the petitioner will purchase and occupy the entire building for its own use, that any tenants of the property will be asked to leave to allow the petitioner to renovate the building, that the property will be gated and used only by the petitioner, that no other company will be allowed to dump materials on the property, that the property is part of the New Boston Street drainway, that the existing drain system goes back to 2008, that the Planning Board Director requested input from the City Engineer but it was received too late to allow the

Planning Board Director to sufficiently review and make comments and the matter was continued, that a list of the petitioner's trucks are included in the memorandum submitted at this meeting, that there are concrete pads at the bottom of the bins and a tarp cover over the bins, that the locus is part of the drainway which requires extensive review by the Environmental Protection Agency, that the petitioner does not perform municipal road milling which can produce a lot of recovered material, that the petitioner performs work more often in parking lots, and that each bin will be gated. Attorney Houck offered a memorandum dated January 8, 2013 concerning the petition to the City Council for review. Motion made and 2<sup>nd</sup> that the document be received and made part of the record, all in favor, 9-0. Attorney Houck offered a copy of a memorandum dated January 14, 2013 to City Engineer John Corey for review by the petitioner. Motion made and 2<sup>nd</sup> that the document be received and made part of the record, all in favor, 9-0. John Baldasaro stated that he is the owner of Asphalt Services, Inc., that the trucks leave the site in the morning and return in the evening, that there may be four or five truck trips to the site each day to pick up equipment, that the dump trucks may be parked overnight at the asphalt plant in Reading but if the dump truck requires maintenance it will be brought back to the locus, that the petitioner's offices have been located for ten years on Olympia Avenue in Woburn, that the company vehicles are currently stored in Salisbury, that it will be more convenient to park the vehicles in Woburn, that the Benevento asphalt plant is located in Reading, that asphalt material is purchased from the plant in Reading and the trucks parked on site overnight for ease in loading, that snow for other sites will not be brought to the locus for storage, that the petitioner only intends to store stone, loam and block on the locus, that the petitioner does not sell materials from the locus, that no other company comes to the locus to remove materials, that nearby C.N. Wood Company has 200 vehicles on its site, Waste Management has a number of vehicles on its site, and there is a recycling facility, that his business use will be the smallest in the area, that no salt will be store on site, that he is aware of the heavy trucking prohibitions on Merrimac Street, and that the current vehicle exit restrictions are acceptable. Alderman Gately stated that a special permit was recently approved to allow a commercial parking lot on the locus, and that there is a heavy trucking restriction on Merrimac Street. Alderman Mercer-Bruen stated that she wants a detailed list of the vehicles which will be parked on the locus. Alderman Raymond stated that he is concerned about the proposal as the locus in near a residential area which may be disturbed by the dust and noise and dust from the locus, that much work is being done on the drainway and he is concerned about the impact on the drainway, that he would like a memorandum from the Environmental Protection Agency about the issue or a drainway study sent to the Environmental Protection Agency for review regarding the impact on the drainway, that it must be determined that the storage of materials are waterproof and dustproof, that the impact has to be determined when it rains and if the water drains through the stored materials and into the ground. IN FAVOR: Paul Meaney, Woburn Business Association, Ten Tower Office Park stated that the building is being purchased and will be occupied by the owner, that the petitioner will do some work to improve the building, that the petitioner is not new to the city and does work here, and that the petitioner is familiar with the city. OPPOSED: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON FEBRUARY 5, 2013

AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

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Alderman Anderson recused himself from participation in the following matter to avoid an appearance of a conflict of interest. Alderman Anderson remained in the Council Chamber.

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On the petition by Boston Brazilian Jiu-Jitsu, Inc., 10 Dedham Street, Newton, Massachusetts 02461 for a special permit pursuant to Section 7 of the 1985 Woburn Zoning Ordinances, as amended, to allow a martial arts studio at 102-104 Main Street. PUBLIC HEARING OPENED. A communication dated January 10, 2013 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Boston Brazilian Jiu-Jitsu, Inc. – 102-104 Main Street – To allow for the alteration of a pre-existing nonconforming use to allow for a martial arts studio pursuant to Section 7.3

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on January 8, 2013, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Boston Brazilian Jiu-Jitsu, Inc., regarding the property at 102-104 Main Street to allow for the alteration of a pre-existing nonconforming use by allowing a martial arts studio pursuant to Section 7.3 subject to the following conditions:

1. That the conditions of the Special Permit granted January 3, 2012 shall remain in effect unless modified by this Special Permit;
2. That the Site Plan shall be in accordance with the November 10, 2010 “Plot Plan, 102- 104 Main Street, Woburn, Mass.” dated November 10, 2010 prepared by Edward J. Farrell;
3. That the parking shall comply with Section 8 of the Woburn Zoning Ordinance and entrance to the parking lot shall be from Main Street with exit to Ash Street; and
4. That prior to occupancy of the structure all gates and locks shall be removed to allow for parking by all tenants.

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 Matt Scafidi, Scafidi & Juliano, 42 Pleasant Street, Woburn, Massachusetts 01801 and he stated that the property is a former NAPA Auto Parts store, that two residential units were built on the second story, that the property owner made \$350,000.00 in improvements to the property, that Unit 104 will be

used for a martial arts studio, that the property is located in the R-2 zoning district, that the use of the property as a commercial location is longstanding, that the property was used for auto parts sales for approximately thirty years and closed approximately a year ago, that the business will be an open studio with no gym equipment, that there will be no deliveries to the locus, that water and sewer use will be minimal, that the traffic will be less than the former use of the building, that the petitioner will provide self-defense classes primarily for children after school, evenings and weekends, that the average class size is approximately six students, that there will be an average of three weekday classes, that some classes could be larger, that the hours of operation will be between 10:00 a.m. to 8:00 p.m. seven days per week, that the Planning Board had concerns about parking on site, that the plan includes eight parking spaces which are available for the use, that access to the parking will be one-way from Main Street to Ash Street, that most traffic will be drop-off, that the proposed use is less detrimental than the former use, that there are no plans for tournaments on site, that there may be in-house tournaments but there will not be people coming from outside the facility for tournaments, that the facility will not be used for a gym, that four parking spaces on site will be designated for the apartment uses and eight parking spaces on site will be used for the petitioner's business, that this will be a quiet use, and that this is not like karate. Jim Delorfano, 11 Boline Place stated that he is the owner of the business, that the use will be mostly flat mat space, that there will be approximately four to six instructors and administrators on site, that seating will be available for parents to watch the students, and that there will be little noise that will impact the residences above the studio. Steve Braese, 4 Diana Drive stated that he is the real estate agent for the rental of the building, that the locus is a long, flat building with two residences to the left of the building on a second story, that there is a flat roof with no residences above the studio, that the building is constructed of concrete block walls, and that it is unlikely that any noise from the facility will rise to the second floor. Alderman DiTucci stated that the building was blighted, that there has been a dramatic change in the condition of the property, that the property owner renovated the two dwelling units, that a number of uses were proposed for the locus such as a restaurant and a coin-op laundry, that on-street parking is available, that the proposed use is cleaner than other proposed for the locus and than the prior use of the locus, that there will be no odors, foods or deliveries to the property, that jiu-jitsu is a quiet sport, that noise from the studio will not reach the residential units above, that she wants a condition that the parking will be in accordance with the Woburn Zoning Ordinances as determined by the Building Commissioner which will leave control of that issue with the Building Commissioner, and that there will be a diminishment of traffic and parking at the site. Alderman Gately stated that traffic and parking was an issue with the auto parts facility, and that the proposed use is not detrimental to the neighborhood. **IN FAVOR:** Paul Meaney, Woburn Business Association, Ten Tower Office Park, Woburn stated that the building is a tremendous improvement to the area, and that the property owner would not allow a use to locate in the building that is detrimental to the area. **OPPOSED:** None. 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 GRANTED, AS AMENDED with the conditions as follows: 1. That the recommendations of the Planning Board be adopted as conditions of the special permit as further amended herein; 2. That no tournaments or large functions are to be held on site; 3. That the hours of operation will be between 10:00 a.m. and 8:00

p.m. Monday through Sunday; 4. That signage shall be in accordance with Section 13 of the Woburn Zoning Ordinances; 5. That there shall be no posters or large placards in the windows; 6. That the permit is for Boston Brazilian Jiu-Jitsu, Inc. only and is not transferable; 7. That no gym is allowed on site; and 8. That Planning Board recommendation number 3 shall be amended by establishing two conditions as follows: That the parking shall comply with Section 8 of the Woburn Zoning Ordinance as determined by the Building Commissioner at the time of permitting, and That entrance to the parking lot shall be from Main Street with exit to Ash Street, 8 in favor, 0 opposed, 1 abstained (Anderson abstained).

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On the petition by Great Dog Rescue NE, Joanne Reck, 9 Bartlet Street #316, Andover, Massachusetts 01810 for a special permit pursuant to Sections 35 and 35a of the 1985 Woburn Zoning Ordinances, as amended to operate a kennel or pet care facility at 34 Holton Street. PUBLIC HEARING OPENED. A communication dated January 10, 2013 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Great Dog Rescue NE – 34 Holton Street – To allow for a kennel and pet care facility pursuant to Sections 5.1.35 and 5.1.35a

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on January 8, 2013, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Great Dog Rescue NE, regarding the property at 34 Holton Street to allow for a kennel pursuant to Section 5.1.35 subject to the following conditions:

1. That the Pet Care Facility pursuant to Section 5.1.35a be denied.
2. That the kennel pursuant to Section 5.1.35 be allowed for an isolation facility in accordance with the May 26, 2005 Massachusetts Department of Agricultural Resources Emergency Order to strengthen animal import laws;
3. That this permit shall be limited to Great Dog Rescue New England, an approved isolation facility licensed by the Department of Agricultural Resources and not be transferable;
4. That the facility shall be limited to no more than 36 dogs in accordance with the plan dated 1/2/2013 Sheet A1 prepared by Joanna Reck Architect, 15 Rockridge Rd., Andover, MA 01810 for “Great Dog Rescue NE, 34D Holton Street, Woburn, MA 01801; and
5. That all dogs kept at said facility shall not be allowed outside of the facility except for drop off and pick up.

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 December 10, 2012 was received from Building Commissioner Thomas C. Quinn, Jr. as follows:

Re: 34 Holton Street (Special Permit Great Dog Rescue)

With regard to the above referenced address owner Lorraine Realty Trust and Great Dog Rescue have filed a petition for a Special Permit. It appears that this application was filed without review or approval from this writer to be suitable for public hearing.

The Sections of the Woburn Zoning Ordinance Table of Use Regulations Section 5.1 line 35 Kennel does allow for a Special Permit in the Industrial General I-G Zone, the use of line 35A Pet Care Facility however is not an allowed use in the Industrial General Zone.

If further information is needed with this matter as always do not hesitate to contact me.

Appearing was the petitioner Joanna Reck and she stated that she is Director of the petitioner, that the petitioner is a non-profit organization, that the petitioner rescues dogs from kill shelters and finds adoptions for the dogs, that the petitioner is regulated by the Commonwealth of Massachusetts, that the petitioner is not a shelter but is a shelterless rescue facility, that dogs will be dropped off on Thursday until adopters and foster owners pick them up on Saturday, that the petitioner has been in business for ten years, that millions of dogs are killed each year, that no pitbulls will be at the facility because they are not equipped to handle or place pitbulls, that the petitioner is seeking a more convenient location, that the petitioner is currently located in Harvard and most of the staff resides in this area, that the petitioner has been located in Harvard for six or seven years, that the property owner resides on the second floor and a veterinarian is located next door of the current facility building, that the petitioner will install soundproofing on the concrete walls of the locus, that the dogs are not walked outside or stored outside, that all dogs are placed in private family homes, that these are foster dogs, that dogs are in the building three days per week and then transferred to foster homes, that a small dumpster will be emptied weekly, that there is not a lot of waste from the facility, that there is impervious flooring without drains at the locus, that there is facility staff but no overnight staff, that the dogs are quiet during the night, that the building will be empty most of the time, that the dogs are located inside, that there will be minimal traffic, that the dumpster could be emptied at the end of each week, that use of a dumpster for disposal of the dog feces is typical and there are no regulations with respect to animal feces disposal, that these are mainly owner animal surrenders such as seniors going into nursing homes, that some dogs come from the South and New York, that dogs have to be in foster care for two weeks before the petitioner takes the dogs, that the dog is isolated for 48 hours and are temperament tested, examined, bathed, given immunizations and the are placed with adopters or foster homes, that sometimes it is difficult to find places for the dogs but they do so, that the veterinarian is based in Chelmsford, that they handle all dogs, that they have a good relationship with the Department of Agriculture, that isolation facilities are often difficult to locate but are required, and that the current location looks like a single family residence with the veterinarian on one side, the petitioner on the other side, the

landlord resides on the second floor with her children, a doggie daycare to the rear and a pet groomer on site. Alderman Gately stated that he is concerned with the impact of the facility on the neighbors. Alderman Haggerty stated that he is concerned about animal waste at the locus. Alderman Raymond stated that barking dogs can be heard 1,000 feet away. Ms. Reck stated that those dogs that can be heard from that distance are outside. IN FAVOR: Richard Maggio, Trustee for Lorraine Realty, 34A Holton Street stated that he owns the property, that he had reservations about the petitioner's proposed use of the property because of the impact on his other tenants and on the neighborhood, that all commercial uses surround the building, that the property is approximately 400 to 500 feet from the nearest residences, that he cannot imagine the sound of dogs barking reaching the residential areas, that he would not allow a tenant on site which would interfere with the quiet enjoyment of the other tenants, that the other tenants includes Winchester Hospital which parks buses in the building, the office of Derro Construction and K-Lights which provides lighting to the television and movie industries and which abuts the petitioner's unit, that the petitioner will be required to install soundproofing prior to any occupancy but this will not be completed until the special permit is granted. Motion made and 2<sup>nd</sup> to close the public hearing, all in favor, 9-0. Motion made and 2<sup>nd</sup> to refer the matter to the Committee on Special Permits, all in favor, 9-0. Motion made by Alderman Drapeau and 2<sup>nd</sup> to reconsider his vote to send the matter to Committee on Special Permits, ROLL CALL: Anderson – Yes, DiTucci – Yes, Drapeau – Yes, Gaffney – Yes, Gately – Yes, Haggerty – Yes, Mercer-Bruen – Yes, Raymond – Yes, Denaro – No, Motion Passes. Alderman Drapeau stated that he requested reconsideration as his second of the motion to deny the special permit was not recognized by the President. Motion made and 2<sup>nd</sup> that the matter not be referred to Committee on Special Permits, ROLL CALL: Anderson – No, DiTucci – Yes, Drapeau – Yes, Gaffney – No, Gately – Yes, Haggerty – No, Mercer-Bruen – No, Raymond – Yes, Denaro - No, Motion Fails. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON SPECIAL PERMITS, 7 in favor, 2 opposed (Drapeau, Gately opposed).

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On the petition by Alderman Michael Anderson to amend the 1985 Woburn Zoning Ordinances, as amended by replacing the current Section 7.4 with the following: "7.4 Abandonment/Non-use - No nonconforming use or structure shall be reinstated once it is abandoned or once it is not used for a period of two (2) years." PUBLIC HEARING OPENED. A communication dated January 10, 2013 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Alderman Michael Anderson – Zone Change – To Amend Section 7.4

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on January 8, 2013, the Board voted to forward a favorable recommendation to the City Council to amend Section 7.4 by replacing the same with the following: "7.4 Abandonment/Non-use - No nonconforming use or structure shall be reinstated once it is abandoned or once it is not used for a period of two (2) years."

If you have any questions or concerns regarding this matter, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

Alderman Anderson stated that with the amendment the Woburn zoning ordinances will conform to the Massachusetts statutes. IN FAVOR: None. OPPOSED: None. 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 ORDER be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: January 18, 2013**

**s/Scott D. Galvin January 18, 2013**

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On the petition by Alderman Michael Anderson, President Paul Denaro and Alderman Michael Raymond to amend the 1985 Woburn Zoning Ordinances, as amended, as follows: By adding the definition “MEDICAL MARIJUANA TREATMENT CENTER” between the definition of “Massage Therapist” and “Menu Board/Order Board” as follows: MEDICAL MARIJUANA TREATMENT CENTER: An establishment that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana or products containing marijuana and/or related supplies, for medical purposes; and further, to amend Section 5.1 – Table of Use Regulations of the 1985 Woburn Zoning Ordinances, as amended, by inserting a new line “33c MEDICAL MARIJUANA TREATMENT CENTER” after “33b Muscular Therapy” as follows: A “-“ under R-1, R-2, R-3, R-4, B-N, B-H, B-D, BI, I-P, I-G, S-1, S-2, O-P, OP-93, O-S, a “P” under IP-2 and “19b” under Notes; and to further amend Section 5.1, Table of Use Regulations by adding Note 19b as follows: 19b. No MEDICAL MARIJUANA TREATMENT CENTER shall be allowed: A. Within one thousand feet of a residential zoning district, public or private school, or church or other structure used in whole or in part all the time or part of the time for religious or spiritual services; B. Within one thousand feet of any facility where large numbers of minors regularly congregate; C. Within two thousand feet of a public park, playground, nursery school or day care center. PUBLIC HEARING OPENED. A communication dated January 10, 2013 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Alderman Michael Anderson, City Council President Paul Denaro and Alderman Michael Raymond – Zone Change - To include the definition “MEDICAL MARIJUANA TREATMENT CENTER” and further, to amend Section 5.1 – Table of Use Regulations by inserting a new line “33c MEDICAL MARIJUANA TREATMENT CENTER” and to further amend Section 5.1, Table of Use Regulations by adding Note 19b.

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on January 8, 2013, the Board voted to recommend that the City Council adopt a temporary moratorium on the use of land and structures in Woburn for the siting of medical marijuana treatment centers and associated activities, so as to allow the City sufficient time to engage in a planning process to address the direct and secondary effects of siting such centers in Woburn and to enact zoning amendments in a manner consistent with sound land use planning goals and objectives and any regulations promulgated by the State Department of Public Health. Such moratorium shall be in effect through and including January 1, 2014 or until relevant zoning changes are adopted which reflect or incorporate the siting of medical marijuana treatment centers and associated activities, whichever shall be sooner. Said amendment could be as follows:

That the Zoning Ordinance is hereby amended by adding a new Section as follows:

“Section 26 Medical Marijuana Treatment Centers and associated activities

26.1 Temporary moratorium on the establishment and permitting of medical marijuana treatment centers and associated activities.

1. No building permit, special permit, variance, site plan approval decision or other permit may be issued under this zoning ordinance for the purpose of establishing a medical marijuana treatment center or associated activities.
2. The moratorium shall be in effect through and including January 1, 2014 or until relevant zoning changes are adopted which reflect or incorporate the siting of medical marijuana treatment centers and associated activities, whichever shall be sooner.
3. During the moratorium period, the City shall undertake a planning process to address the potential direct and secondary impacts of siting one or more medical marijuana treatment centers in the City and shall review and consider the Department of Public Health regulations regarding the siting of such centers and related uses, and shall consider proposing the adoption of zoning amendments to address the potential direct and secondary impacts of siting one or more medical marijuana treatment centers and related uses in the City.
4. Zoning amendments resulting from the aforementioned study process shall be deemed to be continuations of this moratorium and not new zoning amendments. Applications for permits submitted after the first publication of the notice of the public hearing which results in the adoption of this moratorium but before the moratorium's effective date, shall be administered according to established procedures until the effective date of this moratorium, and if a permit or other relief is granted prior to such effective date, it shall be subject to the effectiveness of this moratorium and shall be issued at the peril of the permit applicant and/or recipient. During the moratorium, any application shall be denied on the basis of this moratorium. In no event shall any permit or other relief sought after the first publication of the notice of the public hearing create or result in any protections with respect to the land, its uses or structures upon it.
5. Unless extended, continued or modified by a subsequent action of the City Council, this section shall cease to be effective January 2, 2014 or until relevant

zoning changes are adopted which reflect or incorporate the siting of medical marijuana treatment centers and associated activities, whichever shall be sooner."

If you have any questions or concerns regarding this matter, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

Alderman Anderson stated that he is working with the City Solicitor to determine whether a moratorium should be adopted pending guidance from the Commonwealth on this issue, and that the matter is still in the Committee on Ordinances. 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 FEBRUARY 19, 2012, all in favor 9-0.

\_\_\_\_\_  
**CITIZEN'S PARTICIPATION:** None.

\_\_\_\_\_  
**COMMITTEE REPORTS:**

**FINANCE:**

On the Order to Transfer the sum of \$50,000.00 from BLS Receipts Acct. to Ambulance Maintenance Acct, 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: January 18, 2013                    s/Scott D. Galvin January 18, 2013**

\*\*\*\*\*

**ORDERED** That the City of Woburn hereby accepts Massachusetts General Law Chapter 59, Section 5N, in order to authorize Woburn to establish a program to allow veterans, as defined in clause Massachusetts General Law Chapter 4, Section 7, Clause 43, to volunteer to provide services in exchange for a reduction in the real estate property tax obligations of that veteran on the veteran's tax bills, which reduction shall be in addition to any exemption or abatement to which that person is otherwise entitled.

s/Alderman Drapeau

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: January 18, 2013                    s/Scott D. Galvin January 18, 2013**

\*\*\*\*\*

**PUBLIC SAFETY AND LICENSES:**

Petition by Hashem Obaid dba Logan Taxi, 329 Washington Street for a new Taxi License for one vehicle, committee report was received “ought to pass, as amended with the conditions as follows: 1. That the taxi be registered in Woburn, and 2. That the taxi be lettered in accordance with the Woburn Municipal Code.” Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor January 18, 2013 and ten days having elapsed without same being approved, said License became effective without his signature on January 29, 2013.**

\*\*\*\*\*

Petitions for renewal of Second Class Motor Vehicles Sales Licenses by Tracy M. Batten dba Tracy’s Auto, 62R Winn Street; and Murray’s Enterprises, Inc. dba Murray’s Auto & Truck Sales, 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 January 18, 2013 and ten days having elapsed without same being approved, said Licenses became effective without his signature on January 29, 2013.**

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**NEW PETITIONS:**

Petition for renewal of First Class Motor Vehicle Sales License by Northeast Tree, Inc., 62 Holton Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

\*\*\*\*\*

Petition for renewal of Second Class Motor Vehicles Sales License by Robert Fucarile dba Classic Auto Sales, 9 Salem Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

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Petition by Lawless Chrysler Jeep, Inc., 196 Lexington Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.71 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a commercial parking lot at 9 Forbes 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 Preferred Meal Systems, Inc., 5240 St. Charles Road, Berkeley, Illinois 60163 for a special permit pursuant to Sections 5.1.42 and 57B to allow for warehouse and distribution center and parking of commercial vehicles at 242 Salem Street. 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 KMP, Holdings, 45 Main Street #3, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended, to operate a café with no onsite kitchen at 494 Main Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

\*\*\*\*\*

Petition by Boys & Girls Club of Woburn, Charles Gardner Lane, 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 from May 7, 2013 through May 12, 2013 at 25 Middlesex Canal Park (Showcase Cinemas site). Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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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:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOBURN AS FOLLOWS:

1. That Section 2 Definitions of the 1985 City of Woburn Zoning Ordinance as amended be further amended by adding the following definition to Section 2:

CHURCH BUILDINGS: A building or structure constructed prior to 1950 for religious purposes on land owned by a religious sect or denomination at time of construction.

2. That a new Section 27 entitled “CHURCH BUILDINGS” be added to the 1985 City of Woburn Zoning Ordinance as amended as follows:

27.1 PURPOSE AND INTENT.

The purpose of this section is to allow for the reuse of historic church buildings in a manner that will promote economic development and provide housing in the community.

27.2 SPECIAL PERMIT.

Church Buildings located in an R-1 or R-2 Zoning District may be converted to a multifamily dwelling by Special Permit of the City Council in accordance with Section 11 of this ordinance.

27.3 MAXIMUM NUMBER OF UNITS.

Church Buildings converted under this Section shall not exceed a total of five (5) dwelling units. In no event shall more than five (5) dwelling units be allowed per Church Building.

27.4 DIMENSIONAL REGULATIONS.

Subject to the provisions set forth in Section 27.5 below, any alteration or extension of a Church Building shall comply with the following dimensional regulations:

Lot Size Minimum: 3,500 S.F. for the first unit and 2,000 S.F. for each additional unit  
Lot Width Minimum: 40'  
Street Frontage Minimum: 100'  
Front Yard Setback: 25'  
Side Yard Setback: 25'  
Rear Yard Setback: 30'  
Landscaped Usable Open Space: 20%  
Height: 35'  
Height Stories: 3  
Building Ground Coverage: 50%

At the time of the Special Permit filed pursuant to this Section, the City Council may grant a Special Permit for relief from the Dimensional Regulations set forth herein.

**27.5 EXISTING DIMENSIONS.**

The height of the existing building, if presently in excess of 35' and all existing building and parking setbacks, existing landscaped useable open space and existing building ground coverage, shall be allowed to remain if granted a Special Permit from the City Council.

**27.6 OFF-STREET PARKING REQUIREMENTS.**

At a minimum, off-street parking spaces shall be provided as follows:

1. 1.25 spaces per studio or one bedroom unit.
2. 1.75 spaces for every two bedroom unit.
3. 2.0 spaces for every three bedroom unit or greater.

By John P. Flaherty and Kathryn A. Flaherty,  
individuals owning land to be affected by  
change or adoption

Alderman Mercer-Bruen stated that she obtained a list from the Board of Assessors of all church-owned properties in the city, and that she wants the petitioner to work with the City Clerk to notify the abutters of these properties. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING AT THE REGULAR MEETING OF THE CITY COUNCIL ON MARCH 5, 2013, AS AMENDED with the amendment as follows: 1. That the petitioner be notified to work with the City Clerk in contacting abutters to all church-owned property set forth on a list dated January 15, 2013 prepared by the Woburn Board of Assessors of the public hearing, 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:**

RESOLVED Whereas, Darkness to Light was created as a nonprofit entity with the mission of reducing the incidence of child sexual abuse through public awareness and education; and

Whereas, the ultimate mission of the Darkness to Light program, to end childhood sexual abuse, can only be accomplished by sharing the solution of prevention, awareness and education with more and more people; and

Whereas, the North Suburban YMCA of Woburn is a leading voice in educating the public on such issues through the Darkness to Light program and continues to reach out to local youth groups, businesses and municipal officials in an effort to educate our community on child sexual abuse;

Now therefore be it Resolved that the Woburn City Council invites a representative from the YMCA's Darkness to Light Program and the Woburn Recreation Director to apprise the Committee on Public Safety on this program and to discuss additional municipal partnership opportunities.

s/Alderman Haggerty

Motion made and 2<sup>nd</sup> that the RESOLVE be ADOPTED and referred to Committee on Public Safety, all in favor, 9-0.

**Presented to the Mayor January 18, 2013 and ten days having elapsed without same being approved, said Resolution became effective without his signature on January 29, 2013.**

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ORDERED Be it Ordained by the City Council of the City of Woburn that Title 2, Article XXVII, Section 2-180 of the 1989 Woburn Municipal Code, as amended, be further amended as follows:

1. That the base salary of the Mayor be amended to \$105,000.00; and
2. That this section shall be effective January 1, 2014.

s/President Denaro

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

\*\*\*\*\*

ORDERED Be it Ordained by the City Council of the City of Woburn that Title 2, Article XXVII, Section 2-180 of the 1989 Woburn Municipal Code, as amended, be further amended as follows:

1. That the base salary of the City Council Member be amended to \$14,000.00;
2. That the base salary of the City Council President be amended to \$15,000.00; and
3. That this section shall be effective January 1, 2014.

s/President Denaro

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

\*\*\*\*\*

ORDERED Be it Ordained by the City Council of the City of Woburn that Title 2, Article XXVII, Section 2-180 of the 1989 Woburn Municipal Code, as amended, be further amended by adding a new second paragraph as follows:

1. That the base salary of the School Committee Member be amended to \$6,000.00;
2. That the base salary of the School Committee Chair be amended to \$7,000.00; and
3. That this section shall be effective January 1, 2014.

s/President Denaro

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

\*\*\*\*\*

ORDERED Be it Ordained by the City Council of the City of Woburn that Title 2, Article XXVII, Section 2-180 of the 1989 Woburn Municipal Code, as amended, be further amended by adding a new third paragraph as follows:

Effective January 1, 2016 and on the first day of January in each odd-numbered year thereafter, a percentage increase of the mayoral salary, city council salaries and school committee salaries will be established consistent with the average of the annual consumer price index (CPI-U) of

the previous two calendar years, with a minimum of no increase and a maximum increase of five percent.

s/President Denaro

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES, 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 8:36 p.m.

A TRUE RECORD ATTEST:

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