CITY OF WOBURN
MARCH 6, 2007 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL

Roll Call

Ciriello	Gately
Denaro	Galvin
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Doherty	

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

Motion made and 2nd to suspend the rules for the purposes of hearing from His Honor the Mayor Thomas McLaughlin regarding the status of the Rag Rock water tank, all in favor, 9-0. Mayor McLaughlin stated that the Rag Rock water tank was found to be the source of e. coli over the past weekend, that he asks City Council support for measures that he will propose to avoid having this occur again in the future, that there will be a proposal to replace the Rag Rock water tank, that the replacement tank will cost $5,000,000.00 to install, that removal of the present tank will be at an additional cost, that the present tank is off line and will remain off line until it is cleaned, repaired and disinfected, that the present tank will be brought back on line by the end of the month, that the new tank will be constructed by the Fall 2007, that once the new tank is on line this will allow for the demolition of the present tank, that the Whispering Hill water tank and the Waltham Street water tank will be inspected and repaired, that the cost of the repair of these tanks will be $30,000.00, that Assistant to the Mayor Vincent Ferlisi will conduct an investigation into the past tank maintenance program, that during the emergency the city could only reach households by telephone who were on the school department calling system, that there are 14,000 households in the community and over 9,000 households could not be contacted directly by telephone, that a complete household telephone notification system will be in place by the end of this month, that the city hall telephone system will be upgraded, that the city hall switchboard was overwhelmed during the emergency, that there were not enough telephones in city hall to handle the calls despite enough employees being available to handle the additional calls, that there was a difficult in transferring telephone calls, that the city will be improving its ability to communicate information with the new telephone system, that it is fundamental that all communities have replacement and repair systems in place for their water programs, that the residents must understand the need to support the cost of these items, and that the city must employ more rapid forms of communication.

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

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MAYOR'S COMMUNICATIONS:

ORDERED That the sum of $5,000.00 be and is hereby appropriated from Cemetery Interest Fund to the Cemetery Utility Acct. 0149052-521103.

I hereby approve the above. s/Edward McGrath, Chairperson
I hereby recommend the above. s/Thomas L. McLaughlin, Mayor
I have reviewed the above. s/John Danizio, Auditor

s/President Doherty

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

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A copy of a communication dated February 1, 2007 with attachment from Carl R. Batchelder, Ed.D., Superintendent, Woburn Public Schools to Mayor Thomas L. McLaughlin was received as follows:

Dear Mayor McLaughlin:

At the January 31st meeting of the School Committee, it was voted to request the City Council transfer $150,000 from the School Department Energy Receipts Reserved for Appropriation Account to the FY2007 School Department Budget Energy Account (0229604-521200).

As you are aware, this account is used to deposit payments received from Woburn Youth Hockey for the electricity and gas used at the O'Brien Ice Rink and also the energy payments by outside groups who use school building for their activities.

We do not include in our budget the cost of the utilities used by these groups, in anticipation of payments from the user, which are deposited into the Reserve Account. We pay the utility bills each month and now must recover the user receipts from the Reserve Account to fund these unbudgeted utility expenses.

It would be greatly appreciated if you would submit to the Council the attached Order so they may act on this request as expeditiously as possible.

Sincerely, s/Carl R. Batchelder, Ed.D., Superintendent

Attached thereto was the following:

ORDERED That the sum of $150,000.00 be transferred from the School Department Energy Receipts Reserved for Appropriation Account to FY2007 School Department Budget Energy Account 0229604-521200.

I hereby approve the above. s/Carl R. Batchelder, Ed.D., Superintendent
I hereby recommend the above. s/Thomas L. McLaughlin, Mayor
I have reviewed the above. s/Gerald W. Surette, City Auditor

s/President Doherty

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

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ORDERED That the sum of $186,458.33 be and is hereby appropriated as so stated from Debt Reserve Fund Acct #648059-596100 $186,458.33 to Interest on Temporary Loans Acct #0171559-592500 $186,458.33

I hereby approve the above: s/Thomas L. McLaughlin, Mayor
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Doherty

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

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ORDERED That the sum of $23,400.00 hereby transferred as so stated from Short Term Interest Acct #0171559-592500 $23,400.00 to Unemployment Compensation Acct #0198051-517300 $15,000.00, Workers Compensation Acct #0198051-517100 $8,400.00, Total $23,400.00

I hereby approve the above: s/Thomas L. McLaughlin, Mayor
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Doherty

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

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ORDERED That the sum of $340,124.09 be and is hereby appropriated as so stated from Free Cash Acct #01-356000 $340,124.09 to Claims and Damages Acct #0115157-576005 $161,315.00, Police Medical Acct #0121052-530100 $16,000.00, Northeast Regional Voc. Acct #0131052-532500 $20,809.09, Alternative Energy Initiative Study Acct 30112158-586573

$12,500.00, Fire Salary Acct #0112051-511000 $57,000.00, Chain Link Fence @ C.O.A. Acct #0163058-584092 $22,500.00, Medicare Billing Acct #0113452-530405 $20,000.00, Preventative Maintenance Acct #64258-584018 $30,000.00, Total $340,124.09

I hereby approve the above: s/Thomas L. McLaughlin, Mayor
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Doherty (per request)

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

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PUBLIC HEARINGS:

On the petition by National Development Acquisitions LLC, c/o National Development of New England, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 to further amend the Zoning Map of the City of Woburn as follows: By amending the present zoning district of a certain parcel of land containing approximately 5.00 acres of land at 112 Commerce Way identified on Woburn Assessors' Map 10, Block 01, Lot 02 from the IP-2 zoning district to the B-I zoning district. PUBLIC HEARING OPENED. A communication dated February 27, 2007 was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Proposed Zoning Map Amendments for 112 Commerce Way, Woburn, MA

Dear Mr. Campbell:

Due to the fact that the feasibility study requested by Alderman Bruen and Ed Tarallo, Planning Director in connection with this Petition will not be available by Tuesday, March 6, 2007, I respectfully request that the public hearing on this matter be further continued to the City Council meeting scheduled for March 20, 2007. If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MARCH 20, 2007, all in favor 9-0.

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On the petition by Nodraer Realty Corporation, 120 Commerce Way, Woburn, Massachusetts 01801 to further amend the Zoning Map of the City of Woburn as follows: By amending the present zoning district of a certain parcel of land containing approximately 3.42 acres of land at 120 Commerce Way identified on Woburn

Assessors' Map 10, Block 01, Lot 03 from the IP-2 zoning district to the B-I zoning district. PUBLIC HEARING OPENED. A communication dated February 27, 2007 was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Proposed Zoning Map Amendments for 120 Commerce Way, Woburn, MA

Dear Mr. Campbell:

Due to the fact that the feasibility study requested by Alderman Bruen and Ed Tarallo, Planning Director in connection with this Petition will not be available by Tuesday, March 6, 2007, I respectfully request that the public hearing on this matter be further continued to the City Council meeting scheduled for March 20, 2007. If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MARCH 20, 2007, all in favor 9-0.

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On the petition by Manuel Jose and Marie Celeste Jose, both of 7 Dewey Avenue, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow the alteration of a pre-existing non-conforming 3-family residence to add a dormer and exterior staircases to rear of building located at 40-42 Porter Street. A communication dated February 27, 2007 was received from Brett F. Gonsalves, Senior Engineer, as follows:

Subject: 40 Porter Street – Existing Nonconforming Use Alteration – Special Permit
Special Permit Application Dated January 30, 2007
Structural Plans Dated January 22, 2007
Plot Plan Dated August 21, 2006

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

The applicant is seeking a alteration of a pre-existing nonconforming structure by installing a staircase at the rear of the building to a second story dormer addition.

Upon review of the special permit application, this office takes no exception to the plans as submitted.

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

A communication dated March 1, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Manuel and Maria Celeste Jose – 40-42 Porter St. – To alter pre-existing 3 family house to add dormer and exterior staircases to rear of building pursuant to Section 7.3

Dear Mr. Campbell and members of the City Council:

At the meeting held on February 27, 2007, the Planning Board voted to forward a favorable recommendation to the City Council on the Special Permit application of Manuel and Maria Celeste Jose subject to the following conditions:

1. That six parking spaces be provided on either side of the dwelling and no parking be allowed in front of the center core of the dwelling.
2. That the units be in compliance with fire safety recommendations of the Fire Department.

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 and he stated that the Building Department was of the opinion that this is a non-conforming three family in the R-2 zoning district, that the City Council has jurisdiction over this non-conforming special permit, that the petitioners are asking to remove a skylight and insert a dormer which will have a set of stairs to the rear of the building that will conform to zoning requirements, that there are three units with one unit currently vacant, that the modifications will not be detrimental to the neighborhood, that the building was always used for more than two families, that they petitioners will still be able to use the building for three families, that the petitioners are seeking to make this a safer three family building, that two units will have five bedrooms and one unit will have four bedrooms, that each unit will have two separate entries if the special permit is granted, that currently one unit has three entries, one unit has two entries and one unit has one entry, that this special permit will correct this, that there are four stories in the building, that there is a kitchen in the basement that is being closed down, that the third unit was legal at the time it was established, that the unit was existing before there was a requirement that did not allow a third unit, that the unit became non-conforming with the change in the zoning, that the City Council can visit the locus and view the vacant unit, that there are five bathrooms in the building, that this was a five family building at one time and the owner was called to task, that the owner reduced the number of units to three, that the petitioner can provide water and sewer bills for the property, that the petitioner can provide a photograph indicating the number of utility boxes on the house, that the bedrooms are small and could be used by tenants for dens, that the building was no longer used as a five family about two years ago when he was notified by the Building Commissioner, that the owner had to prove that any dividing walls were fire-rated to the current code, and that this process took nine

months to accomplish. Attorney Salvati offered a copy of a letter dated August 18, 2005 from Building Commissioner Steven M. Paris for review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Alderman Denaro stated that he is not in support of a boarding house in that area of town, that the uses have expanded over the years, and that there are no records that the city allowed the building to become a three-family over the years. Alderman Gonsalves stated that it would be useful to know when the third unit was recognized as a valid use. Alderman Dwyer stated that there must be a permit that allowed a third dwelling as the Building Commissioner indicates that a permit issued in 1970 and that he would like to see that permit. Alderman Gately stated that this sounds like a boarding house. Alderman Drapeau stated that perhaps some of the bathrooms can be removed. Alderman Galvin stated that if the conversion was allowed years ago the statute of limitations would have passed, that the City Council cannot be ignore that this is a three family house but it does not have to allow the requested changes, and that five bedrooms on its face when combined with the definitions for dwelling unit and family in the zoning code does not make this something other than a three family building. President Doherty stepped down from the chair and Alderrman Galvin assumed the chair. President Doherty stated that the property is being billed for five units for water and sewer, that this was a five family building until two years ago, that the front of the property is completely paved, that this was a nuisance to the neighborhood, that in August 2005 the Building Commissioner stated that the property had to be brought into compliance by October 2005, that it is now March 2007 and there is no confirmation that anything has been done, that the owner stated that the basement unit has been closed which was the fifth unit but everything remains in that unit, that work has been done to the property but not permits issued for this work, that there is an increase in laundry rooms which implies that changes have been made, that dramatic alterations to the structure since 2005 and the new plans show smaller changes, that he is concerned that changes have been made without permits since 2005, that this is a tight neighborhood, that a kitchen with five bedrooms is a boarding house, that there could be three units with three bedrooms each and living rooms for three families, that the assessors has four rooms on record but there are fourteen rooms, that there are over 8,000 square feet in the building and over 4,400 square feet of living space, that the living space may actually be as high as 6,000 square feet, that there is parking for ten to thirteen cars on the locus, that a three family home requires parking for six cars off the street, that the differences between the building in 2005 and the current plan of the building must be reconciled, that if the building is a three family it must be a workable three family, and that any restrictions would bring this property back to a three family. President Doherty offered a floor plan of the building for the City Council to review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. President Doherty offered an aerial photograph of the plan for the City Council to review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. IN FAVOR: None. OPPOSED: Debra Barnes-Guzman, 1 Loker Lane stated that she purchased property in this area as a two family, that the property is next to the subject property, that she is looking to sell her property as two condominiums, that she has owned the property for nine months, that she sees many people come and go, that there is constant traffic at the house, that the tenants currently park vehicles in front of the house, that there is no green space in front of the building, and that the property is

overdeveloped. Ms. Barnes-Guzman offered photographs to the City Council for review. Motion made and 2nd that the photographs be received and made part of the record, all in favor, 9-0. Ed Stiffler, 8 Warren Road stated that there are five families living in that house, that there are many vehicles at the locus, and that the vehicles at the house block traffic. Motion made and 2nd to CONTINUE THE PUBLIC HEARING TO THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 3, 2007 AND TO REFER THE MATTER TO THE COMMITTEE ON SPECIAL PERMITS FOR FURTHER REVIEW, all in favor, 9-0.

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

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On the petition by Signal Communications Corporation, 4 Wheeling Avenue, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57a of the 1985 Woburn Zoning Ordinances, as amended, to allow accessory storage or parking of commercial trailer or semi-trailer, one or more, at 4 Wheeling Avenue. A communication dated February 27, 2007 was received from Brett F. Gonsalves, Senior Engineer, as follows:

Subject: 4 Wheeling Avenue – Commercial Vehicle Parking Special Permit
Special Permit Application Dated February 1, 2007
Plan Dated December 14, 1988

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

The applicant is seeking a special permit to park commercial trailer or semi trailer onsite. The plan that accompanies the special permit application denotes the locations of these trailers.

The sizes of the proposed trailers are not shown on the plans and placement should not impeded turning movements of vehicles from entering, exiting or maneuvering around the site.

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.

A communication dated March 1, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Signal Communications Corporation – 4 Wheeling Avenue – Special Permit to allow accessory storage or parking of commercial trailer or semi-trailer, one or more in accordance with Section 5.1 Line 57a

Dear Mr. Campbell and members of the City Council:

At the meeting held on February 27, 2007, the Planning Board voted to forward a favorable recommendation to the City Council on the Special Permit application of Signal Communications Corporation subject to the following conditions:

1. That the Special Permit be limited to one trailer being the trailer on the east side of the loading dock as shown on the plan submitted entitled "Instrument Survey Plan" dated December 14, 1988.
2. That the special permit shall be limited to one (1) year from the date of issuance.

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 was the petitioner was Paul Medeiros, Marietta Street and he stated that he is the Operations Supervisor of the petitioner, that the company has been located in Woburn for 25 years, that this is the location of their corporate headquarters, that they provide emergency communications and personnel alerting system applications, that the trailer will be locked at all times except when in use by employees, that the trailer is 45 feet long, that this is a cost effective way for the petitioner to deal with needs as they arise, that the trailer in the loading dock area, that the petitioner has an alternate loading dock, that the location of the trailer is hidden on three sides, that the trailer is on tire, that it is moveable, that the doors are towards the loading dock, and that they use pallet jacks to move the product off the trailer. Mr. Medeiros offered documents to the City Council for review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Alderman Dwyer stated that he has no concerns with the petition and will support it. Alderman Mercer-Bruen stated that she would like the two dumpsters to be screened as a condition of the special permit. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing closed, all in favor, 9-0. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the dumpsters be screened, and 2. that the recommendations of the Planning Board be adopted as conditions of the special permit, all in favor, 9-0.

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On the petition by Extra Space Storage, 15 Olympia Avenue, Woburn, Massachusetts 01801 for a special permit to modify the hours of operation condition on a prior special permit issued on February 8, 1989 pursuant to Section 11.3.12 of the 1985 Woburn Zoning Ordinances, as amended at 15 Olympia Avenue. A communication dated February 27, 2007 was received from Brett F. Gonsalves, Senior Engineer, as follows:

Subject: 15 Olympia Avenue – Modification of Business Hours Special Permit
Special Permit Application Dated January 25, 2007

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

The applicant is seeking a modification to an existing special permit that was granted in 1989. The modification is for a condition that was previously placed on the hours of operation. Upon review of the permit, this office takes no exception to the information that has been submitted.

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

Appearing was the petitioner Attorney Kenneth J. Hill, Adler Pollock & Sheehan P.C., 175 Federal Street, Boston, Massachusetts 02110-2210 and he stated that the petitioner operates over 630 self-storage facilities in the United States, that they purchased this site in 2004, that these are internal storage compartments, that half of the units are five feet by five feet in size, that customers are residents and businesses from Woburn, that many are condominium and apartment dwellers, that some are small business owners with stock or businesses that store seasonal goods in the off-season, that they petition seeks to extend its hours of operation, that the existing special permit issued in 1989 to Unifirst for a self-storage facility, that there were four conditions on that special permit, that one condition limited the hours of operation to between 8:00 a.m. to 5:30 p.m. Monday through Saturday and 10:00 a.m. to 2:00 p.m. Sunday, that the petitioner seeks hours of between 6:00 a.m. to 8:00 p.m. Monday through Saturday and 8:00 a.m. to 6:00 p.m. Sunday, that the world is busier than it was in 1989, that the petitioner wants its customers to be able to access their property, that the petitioner is concerned that the users may have to move to facilities outside the city, that the petitioner has submitted a petition signed by more than thirty residents supporting the petition, that the petitioner has submitted photographs of the property, that the owner cleans the property daily and maintains the landscape, that this amendment of the special permit will allow the petitioner to remain viable, that the Planning Board recommendation split the time between what was requested by the petitioner and what was permitted to between 7:00 a.m. to 7:00 p.m. Monday through Saturday, that he was not aware of the Planning Board reconsideration of its decision, that the petitioner rectified the concerns of the fire department, that marketing of the site has not changed, that businesses operate from the site, that sales people store their goods at the site, that there is no definition of storage however that would be storage by the business owner, that prior to notice being received from the Building Commissioner there was a key pad that allowed owners access to the building until 10:00 p.m., that they were not aware of the 1989 special permit, that they are not now allowing access to the site after 5:30 p.m., that if a customer accesses the site and remains after 5:30 p.m. then the customer can be penalized including exclusion from further use, that if vehicles use their site they are trespassing and they do not want them at the site, that customers cannot get to the storage areas in the building even though the exterior gate is open, that they do not want loiterers on the property, that they can install security cameras, that the can receive complaints from neighbors and address those issues, that the keypad can prevent access to customers after hours, that this will also permit the collection of information as to attempts to enter after hours by customers and could deal with that issue, that they have

not reduced onsite management as a policy in conjunction with the installation of the keypads and security cameras, that he asks that the matter be sent to committee for favorable action, and that if favorable action is not granted they will seek to withdraw the petition. Charlie Fox stated that he is the manager of the facility, that there are three units with garage doors that open outside the building, that the other unit require a PIN code on an access pad, that only their snowplow vendor needs access to the site after hours, that the office hours were 9:00 a.m. to 6:00 p.m., that they extended the office hours to 7:00 a.m. to 7:00 p.m. once the pin pad and security cameras were installed, and that the proposed hours are consistent with their national policy for hours at other facilities. Alderman Drapeau stated that this does not sound like a favorable request, that the process of moving items in and out of a facility is noisy and could be detrimental to the neighborhood, that he cannot support longer hours because of the potential impact on the nearby residences, that these hours would create a more detrimental situation, that this is not an extension of hours to accommodate a residential user, that this is an extension for businesses who need to get to their products, that it may be more cost effective for businesses to store products at this location, that Aldermen do due diligence before the meetings and get a feel for a project as to one which can be favorable or unfavorable, that some things jump out that affect the Alderman's decision based on facts such as a site visit or talking to neighbors which allows you to make up your mind quickly on these petitions, and that he suggests that the special permit be reviewed in the special permit review committee. Alderman Mercer-Bruen stated that upon first glance this does not seem like an unreasonable request, that she sent letters to neighbors and spoke to neighbors by telephone, that she is concerned with the additional noise, that a letter from the Fire Department dated February 2, 2007 indicates violations of concern to that office, that the hours of operation for two other self-storage facilities in Woburn have similar hours, that she cannot support this petition, that the Building Department is driven by complaints, that this petition is a big deal, that the City Council should see how matters progress at the site, that she asks that the petition be denied, and that she will not support sending the matter to committee if there will be discussion about changing the hours of operation. Alderman Gately stated that there is a self-storage facility in his neighborhood, that the petitioner is seeking a change in hours of operation from 9½ hours per day to 14 hours per day, that there is more potential for noise from the site, that other competitors compete with similar laws, that he cannot support the petition, that if the petition is denied the petitioner cannot come back for two years on this request, and that the petitioner might consider withdrawing the petition to allow corrective measure to take place then perhaps reapply. Alderman Dwyer stated that he visited the site and saw a tractor trailer backing out of the site, that he would oppose the permit, that it is difficult to allow this change when the petitioner has been in violation of the current special permit for a long period of time, that this would reward bad behavior, and that if a year from now there are no issues then perhaps the City Council could then act favorably on the petition. Alderman Ciriello stated that he understands the difficulty of users getting to their unit during the weekday however there are weekend hours of operation, and that because of the weekend hours he will not support this request. President Doherty stated that if the gates of left open and users have keys to the building then there is no on-site management, that a dialogue of the hours of operation can begin in the Committee on Special Permits Review, and that if this is sent to Committee on Special Permits the

intent will be to go over the current petition to pursue withdrawal of the petition. Alderman Galvin stated that the hours of operation being 7:00 a.m. to 7:00 p.m. is not a concern if the petitioner stays in compliance however it is the loitering and after hours customers that is a concern, and that allowing hours of operation of 7:00 a.m. to 7:00 p.m. may reduce the need for customers on-site during the weekend. Alderman Dwyer stated that in committee there can be an effort to work out the issues but that if it is not sent to committee then there will be no opportunity for dialogue. Alderman Mercer-Bruen offered a copy of a letter from the Fire Department dated February 2, 2007 and a copy of a letter that she sent to neighbors for the City Council to review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that he would want the City Council to listen to the proponents of a petition before making up their minds, that not all similar businesses have the same hours, that because other businesses do not want to ask for longer hours this does not mean that this petitioner cannot ask for longer hours, that the reconsideration by the Planning Board is unusual in that they are only a recommending body, that the Planning Board does not hold a public hearing on these matters, that if this business was not located at the site the City Council should consider what other businesses could locate there, that the prior use was a uniform company which was busier than this use, that this is a clean facility, that the City Council comments during the petitioner's presentation automatically closed any opportunity for negotiations, that this is a large building which can be used by right in a manner than may be more detrimental than the current use, that the building has a significant setback from the street, that he has never seen a trailer truck at that site although he has seen small delivery trucks at the site, that the petitioner is trying to be competitive, and that the petitioner was brought here because the Building Commissioner fined him. OPPOSED: Lori Medieros, 9 Marietta Street stated that she is an abutter to the property, that she spoke to the Planning Board Director about similar businesses in the city with similar hours of which he was not aware, that he then spoke to his members and the reconsideration was filed, that the petitioner has been at the locus since 2004, that the traffic to the site has been increasing, that the gate was open 24 hours until her husband complained to the Building Department, that trucks were using the site as an overnight truck stop, that the special permit allowed for rental trucks but this petitioner does not have that use, that PDI Plantscape has three vehicles on the site and is running their business out of the locus, that a trailer for an ATV or motorcycle is stored on site, that the storage should not be allowed when the office is closed, that customers have keys to the building as well as the keypad, that the gate being locked after hours can prevent trespassing, that the petitioner is not renting parking spaces but renting storage pods, that there should be no trailers stored on site, and that she asks that the petition be denied. Ms. Medeiros offered photographs to the City Council for review. Motion made and 2nd that the photographs be received and made part of the record, all in favor, 9-0. Chief Paul Tortolano, Woburn Fire Department stated that there has been cause to contact the petitioner recently regarding complaints that were received, that tires, gasoline and fiberglass were being stored on site and are hazardous, that these items were contrary to the companies posted rules, that the unit was located near the office, that he is concerned with how the uses are monitored, that April 2005 was the lost record for sprinkler inspections at the locus, that he is unable

to inspect the site because of privacy issues, that non-daylight hours of operation allows the opportunity for items which should not be stored to be brought on site, and that he would be willing to work with the City Council on these issues. Paul Medeiros, 9 Marietta Street stated that the petitioner is here because he filed a complaint with the Building Commissioner and the Fire Department, that the prior owner was a good neighbor, that he did not have concern with the storage facility however traffic to the site has increased, that the gate is opened at all hours, that the users could get into the building at any time, that there is no control over the users at the site, that this use is surrounded by residences, and that he asks that the petition be denied. Motion made and 2nd to CONTINUE THE PUBLIC HEARING TO THE REGULAR MEETING OF THE CITY COUNCIL ON MARCH 20, 2007 AND TO REFER THE MATTER TO THE COMMITTEE ON SPECIAL PERMITS FOR FURTHER REVIEW, all in favor, 9-0.

CITIZEN'S PARTICIPATION:

Petition by Christopher Bortlik, 59 Harold Avenue, Woburn to address the City Council under Citizen's Participation Time relative to sound barriers along Route 128 and Route 93 in Woburn. Mr. Bortlick stated that there is a public hearing on March 14, 2007 concerning this issue at the Woburn Senior Center, that he encourages attendance at that meeting, that the land for the original four lane highway was taken by eminent domain, that more land was taken in the 1960s when the highway was enlarged to eight lanes, that the decibel levels from highway noise are higher than acceptable, that the noise of vehicles impedes sleep of nearby residents, that vehicles involved in traffic accidents land in the yards of neighboring properties, that litter from the highway ends up in the yards of neighboring properties, that there are sound barriers in other communities, that a group was formed in October 2006 to pursue sound barriers for the Woburn and Burlington, and that over 1,000 signatures of support were received. Mr. Bortlick offered a copy of a notice of the meeting and the meeting agenda to the City Council for review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Terry Keene stated that she represents the Burlington Sound Barrier Committee, that she purchased her house twelve years ago, that she has been told that sound barriers will be installed if there is a huge change in conditions, and that there has been a huge change over the past fifty years. David George stated that he has lived near the highway for 43 years and that it is time for sound barriers. Sharon Simeone, Boyd Road stated that she has lived in this location for most of her life, that she moved back to the area ten years ago, that drunk drivers have been involved in traffic accidents and their vehicles have landed in neighboring yards, and that this is a safety issue as well as the noise and pollution issues involved. Jim Flaherty, 17 Boyd Road stated that one of the accidents occurred when a family party was taking place in a neighbor's yard. Richard Hogan of Burlington stated that he has lived next to the highway since he was four years old, that he was living there before the highway was built in 1951, that thirty years ago he bought a house closer to the highway, and that the highway is a constant intrusion on their quality of life. Motion made and 2nd to take the following Resolution out of order, all in favor, 9-0.

RESOLVED Whereas homes in our community adjacent to the highway are negatively impacted by noise pollution and traffic accidents; and

Whereas, the traffic noise exceeds acceptable decibel levels as determined by the EPA and the Commonwealth; and

Whereas the quality of life in these neighborhoods has been reduced as traffic volumes on the highway have increased over the past 40 years;

Now, Therefore, Be It Resolved that the City Council of the City of Woburn supports the efforts of the Woburn/Burlington Sound Barrier Committee to petition the state legislature of the Commonwealth of Massachusetts to provide funds for the construction of sound barriers along the highway in Burlington and Woburn.

s/Alderman Gonsalves, Alderman Ciriello,
Alderman Dwyer, Alderman Mercer-Bruen

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.
Presented to the Mayor: March 8, 2007 s/Thomas L. McLaughlin March 12, 2007

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

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

President Doherty called the meeting back to order.

COMMITTEE REPORTS: None.

Motion made and 2nd to suspend the rules for the purposes of taking the AvalonBay Communities, Inc. matter from the Committee on Special Permit Review for action, all in favor, 9-0. Motion made and 2nd that Condition Number 23 of the Special Permit issued April 7, 2005 and further amended by the Special Permit issued April 13, 2006 and further amended by the Special Permit issued November 9, 2006 be stricken and in its place be inserted a new Condition Number 23 as follows: "23. The developer shall contribute $2,450,000.00 for the creation of off-site affordable housing units within the City of Woburn. Such payment shall be made by the developer into the affordable housing fund established by the City Council and approved by His Honor the Mayor on November 16, 2006. Payment shall be made within thirty (30) days of March 6, 2007. The foregoing payment shall satisfy any and all requirements of the Developer relative to affordable housing.", all in favor, 9-0.

Motion made and 2nd pursuant to Rule 36 to take the matter to determine whether the property located at 239 Main Street is a nuisance pursuant to M.G.L. Chapter 139, Section 1, et. seq. from the Committee on Liaison and that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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

NEW PETITIONS:

Petitions for renewal of Livery Licenses by Woburn Cab Co. Inc., 100 Ashburton Avenue; Hollywood Limousine, 4 Skyview Lane; and Professional Livery, 4 Maura Drive. Motion made and 2nd that the MATTERS be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

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Petition by Woburn Cab Co Inc. for renewal of Taxi Cab License, 100 Ashburton Avenue. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

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Petition by Boston Tours Inc, 56 Williams Street for renewal of Common Carrier License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

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Petition by Shawn McSheffrey, McSheffrey Auto Sales, 878 Main Street, Woburn, Massachusetts 01801 for a special permit to allow for the alteration of a pre-existing non-conforming sign under Section 13.5 and Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended at 878 Main Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated February 22, 2007 was received from Charles L. O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 90, Section 20A½, I am submitting a report to you on the parking violations in the City of Woburn for the period ending January 2007: number of tickets issued 316, number of tickets paid 197, number of hearings scheduled 90, number of tickets voided or dismissed 12, number of tickets outstanding 159, number of tickets issued by motorcycle officers 0, total dollar amount

collected and turned into the Treasurer's Office $7,378.60. There exists a backlog of 4,892 tickets for 1982 through 2006. Demands will be sent out until all tickets have been cleared. Parking violations turned over to Handicap Commission to date $900.00.

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

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

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A communication dated February 21, 2007 was received from Attorney Lauren F. Goldberg, Kopelman and Paige relative to recent amendments to the Community Preservation Act and the Municipal Affordable Housing Trust Fund Act. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication dated February 15, 2007 was received from Charles Culhane, Veterans Agent as follows:

I have received a request to designate Darling Drive (formerly 84 Lowell Street) as a Memorial Square for PFC William B. Darling, Jr. the first soldier killed in action from Woburn in WWII during the Battle of Guadalcanal in the Solomon Islands.

The request was made by Mr. Robert W. Dunnigan, Sr. nephew of PFC William B. Darling, Jr. and Mrs. Rose Connolly sister of PFC Darling. The United Veteran's Council of Woburn voted to approve this request for a Memorial Square at their February 12, 2007 meeting.

I would appreciate your attention regarding this matter and welcome any comments you may have. I would also like to thank you for your continued cooperation with this office. Please feel free to contact me if you should have any questions.

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

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A communication dated March 1, 2007 was received from Attorney Jonathan M. Silverstein, Kopelman and Paige, P.C. in response to the City Council request for an opinion as to the applicability of various provisions of the Woburn Zoning Ordinances and the Woburn Municipal Code to the proposed parking lot to be constructed for Winchester Hospital employees at Holton Street and Bucci Way. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A copy of a communication dated February 27, 2007 to the Surface Transportation Board was received from Edward D. Greenberg, Galland, Kharasch, Greenberg, Fellman &

Swirsky, P.C., 1054 31 Street NW, Washington, D.C. 20007-4492 relative to the intent of the New Jersey Department of Environmental Protection and The New Jersey Meadowlands Commission to appeal a decision of the U.S. District Court for the District of New Jersey in The New York Susquehanna and Western Railway Corporation v. Jackson, New Jersey Meadowlands Comm'n et al,, D.N.J. Civ. No. 05-4010(KSH). Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON HAZARDOUS WASTES/RECYCLING, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Be it ordained by the City Council of the City of Woburn that Section 5.1 "Table of Use Regulations" of the 1985 Woburn Zoning Ordinances, as amended be further be amended as follows:

1. By striking from line 5.1.71 "Commercial Parking Garage or Parking Lot" the "X" under the B-H, I-P, IP-2, I-G, S-2, O-P and OP-93 zoning districts and inserting in its place a "P" meaning and intending thereby to change the use from a by-right use to a use requiring a special permit in those zoning districts.

2. By adding to Section 2 "Definitions" in the appropriate alphabetical order a new definition as follows: "Commercial Parking Lot: Any open air parking lot or parking garage used in whole or in part for parking three (3) or more motor vehicles and where a fee/payment for parking is charged to individuals, businesses or organizations."

s/Alderman Gonsalves, Alderman Mercer-Bruen, Alderman Gately

Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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ORDERED That the Committee on Personnel begin the process of seeking candidates for appointment as a member to the Woburn Recreation Commission.

s/President Doherty

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

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RESOLVED Whereas, mitigation money was set aside as a condition of a special permit issued to Draper Realty, LLC,

Now, Therefore, Be It Resolved that His Honor the Mayor instruct the Superintendent of Public Works to install sidewalks with granite curbing on the portion of Nashua Street Montvale Avenue to Green Street during the Spring 2007 construction season.

s/Alderman Mercer-Bruen

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.
Presented to the Mayor: March 8, 2007 s/Thomas L. McLaughlin March 15, 2007

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RESOLVED Whereas, the proposed development at 620 Washington Street in the town of Winchester will have an impact on the residents, businesses and infrastructure in the city of Woburn; and

Whereas, Woburn city officials seek to participate in the development of the proposal to ensure that the impact on Woburn is not adverse to its interests;

Now, Therefore, Be It Resolved by the City Council of the city of Woburn that a communication be directed to the town of Winchester Planning Board requesting that a copy of any and all notices of meetings held by the Winchester Planning Board or other board, commissions or committees of the town of Winchester be delivered to the Woburn City Council in sufficient time to permit attendance at the meetings by representatives of the city of Woburn.

s/Alderman Mercer-Bruen

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.
Presented to the Mayor: March 8, 2007 s/Thomas L. McLaughlin March 12, 2007

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RESOLVED Whereas, on June 22, 2005, the City Council approved an appropriation in the sum of $500,000.00 to the Commercial Water Meter Rehabilitation Account; and

Whereas, Section 13.2.14 of the 1989 Woburn Municipal Code, as amended, requires the installation of water meters as the Superintendent of Public Works shall direct and at the city's expense;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that the Superintendent of Public Works within 45 days of approval of this resolution issue a bid package for the purposes of obtaining water meters for installation in commercial properties to facilitate the water meter reading program.

s/Alderman Gately

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.
Presented to the Mayor: March 8, 2007 s/Thomas L. McLaughlin March 12, 2007

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RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to erect signs stating "no parking here to corner" on the westerly side of Dartmouth Street from the intersection with Merrimac Street to a distance twenty (20) feet from the intersection in accordance with Section 7.1.9 of the Woburn Traffic Code, as amended.

s/Alderman Ciriello

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.
Presented to the Mayor: March 8, 2007 s/Thomas L. McLaughlin March 12, 2007

Motion made and 2nd to Suspend the Rules for the purposes of adding the following to the Order of the Day as late filed matters, all in favor, 9-0.

ORDERED Be it Ordained by the City Council of the City of Woburn that the 1989 Woburn Municipal Code, as amended, be further amended by striking Section 2-99 in its entirety and replacing same with the following:

2-99 Fees for inspections and permits.

The following table contains the fees for inspections and permits: (Prior Ch. 11 sec.23).

	TYPE OF PERMITS OR INSPECTIONS	FEE	TIME
1.	Oil burner completions, inspection and permit	25.00	per job
2.	Propane storage, inspection and permit	40.00	per job
3.	Flammable fluids and gases (MGL Ch.149 Sec.9)	40.00	one year
4.	Storage of black or smokeless powder	25.00	five years
5.	Blasting Permit	100.00	one year
6.	Removal of flammable liquid tanks	100.00	per tank
7.	Installation of flammable liquid tanks	100.00	per tank
8.	Fireworks display	50.00	one event

9.	Flammable decorations, per 527 CMR 21	15.00	one year
10.	Tar kettle	50.00	per job
11.	Tar truck.....	100.00	per year
12.	Tank truck inspections	75.00	two years
13.	Copies of fire or ambulance reports.....	25.00	per report
14.	Smoke and/or Carbon Monoxide detectors (MGL Ch. 148 Sec. 26/527 CMR 31)		
	One Unit.....	50.00	per inspection
	Two Unit	100.00	per inspection
	Three to Six Unit.....	150.00	per inspection
	Over Six Units.....	500.00	per inspection
15.	Buildings, as defined by MGLA c. 148 Sec. 1	50.00	per inspection
16.	Motel and hotel	100.00	per inspection
17.	Theatres	50.00	per inspection
18.	Fire Alarm master box connection.....	250.00	per year
19.	Central office and other signal to fire alarm	125.00	per year

s/Alderman Gately

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

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RESOLVED That the City Council forward a communication to the Planning Board regarding the proposed commercial parking lot at Holton Street and Bucci Way in substantially the form as annexed hereto.

s/Alderman Gonsalves, Alderman Mercer-Bruen and Alderman Gately

Attached thereto was a proposed communication to the Woburn Planning Board as follows:

Dear Members of the Planning Board,

The City Council has reviewed Lorraine Reality Trust's petition to construct a commercial parking lot at Holton Street and Bucci Way and finds that the proposed use is not only regulated by Section 12.3.2 of the Woburn Zoning Ordinances but also requires a license from the City Council under Section XVII of the Municipal Code (see the attached opinion from Kopelman & Paige dated March 1, 2007). If the Planning Board were to approve the special permit, we recommend that such approval be conditional upon the granting of a Commercial Parking Lot License.

Furthermore, the Council has identified two substantial concerns with the petition:

1. Increased traffic to and from the proposed lot will increase congestion on surrounding streets. Specifically, the proposed use raises concerns about vehicular and pedestrian safety along Holton Street and at the Green Street intersection.

2. The extent of blasting necessary to construct the proposed parking lot is substantial. An expert should determine whether the proposed blasting could damage commercial and residential structures in the area. Additionally, the amount of truck traffic that will be generated by the blasting operation is unacceptable, particularly if the trucks travel along narrow residential streets.

If the concerns above cannot be adequately addressed by the petitioner we advise the Planning Board to deny the special permit.

Sincerely, The Woburn City Council

cc: Mayor McLaughlin, Steven Paris, Building Commissioner

Alderman Gonsalves stated that the City Council is acting in an advisory role in this matter and may act in a regulatory role depending upon an opinion from the city solicitor relative to commercial parking lot. Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.

Schedule of committee reports filed with the office of the City Clerk March 6, 2007 pursuant to rule 19.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of $14,300.00 from ALS Receipts Account to Sick Leave Buy Back Account, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.
Presented to the Mayor: March 8, 2007 s/Thomas L. McLaughlin March 12, 2007

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On the Order to transfer the sum of $75,000.00 from Ambulance Salaries Account to various Fire Department Accounts, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.
Presented to the Mayor: March 8, 2007 s/Thomas L. McLaughlin March 12, 2007

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On the Order to transfer the sum of $83,500.00 from BLS Receipts Account to Fire Overtime Account, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: March 8, 2007 s/Thomas L. McLaughlin March 12, 2007

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ORDINANCES:

On the Order to add a new Section 11.11 Affordable Housing Requirement to the 1985 Woburn Zoning Ordinances, as amended, committee report was received "that the matter be referred to public hearing." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

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On the Order to amend Title 13 of the 1989 Woburn Municipal Code, as amended, relative to water and sewer charges for services organizations, committee report was received "ought to be denied." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 1 opposed (Denaro opposed).

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Motion made and 2nd to return to the regular order of business.

_____

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 10:04 p.m.

A TRUE RECORD ATTEST:

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