

**CITY OF WOBURN
OCTOBER 4, 2011 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Gaffney	Raymond
Denaro	

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 taking the following matter out of order, all in favor, 9-0.

MUNICIPAL LANDS:

On the request by Director of Veterans Services Larry Guisepppe to report to the City Council on a proposal to erect a new Roll Call Memorial for all wars on Woburn Common to replace the existing WWII Roll Call Monument, committee report was received "that the matter be heard by the City Council at its meeting on October 4, 2011." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0. Appearing was Director of Veterans Services Larry Guisepppe and he stated that a committee known as the Friends of Woburn Veterans Committee is being formed for the purpose of conducting fundraising to replace the World War II memorial on Woburn Common, that the WWII memorial was erected in 1943 at a cost of approximately \$2,400.00, that the memorial would be replaced with a memorial for all veterans, that Woburn residents have served in nine conflicts, that there will be approximately 18,000 to 19,000 names on the memorial, that there will be little disruption of the Common, that new electrical service would be installed, that the memorial would be made of a granite-type material, with black onyx inlay and engraved names of veterans, that the estimate cost of construction is \$500,000.00, that the committee is confident that the funds for the memorial can be raised, that there will be a fundraising kick-off in late October 2011 with a target date for dedication on Veterans' Day 2012 with a back-up date of Memorial Day 2013, that the project would go out to bid through the Purchasing Department, that the committee has an attorney who is preparing an application for 501(c)(3) tax-exempt status, that they have hired an accountant and a bank has agreed to receive the donations for the committee, that the committee is seeking the support of the City Council for the project, that the committee is working on the protocol for listing a veteran on the

memorial, that there has been discussion in the committee of listing veterans who lived in Woburn at the time of enlistment or who lived in Woburn a certain number of years and served in the military, that the list will include all veterans who served during war time and may be expanded to include veterans for peacetime service as well, that upon completion the committee will turn ownership of the monument over to the city, that the committee has communicated with other relevant departments about the project, and that after the non-profit Friends of Woburn Veterans Committee is established and the monument completed the committee will continue to work on future projects that may arise for veterans. Alderman Gately stated that this upgrade of the memorial is long overdue, that he wants the committee to look at the entire Common for appropriate re-design, and that he supports the proposal, Alderman Drapeau stated that he supports the project. Alderman DiTucci stated that the original monument was for any WWII veteran who left Woburn to join the military, that she understands that the committee is still working on the listing of names, and that she is interested in the parameters for listing a name on the memorial. Alderman Mercer-Bruen stated that she supports the proposal, that she would like the project focus to initially be on upgrading the WWII memorial as a first phase, and that later phases of the project could be broader improvements to the Common. Alderman Raymond stated that he supports the proposal, and that he understands that the structure of the committee is not a City of Woburn Committee but an independent committee. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED and the City Council endorses the proposal, all in favor, 9-0.

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

MAYOR'S COMMUNICATIONS: None.

PUBLIC HEARINGS:

On the petition by 859 Main Development, LLC, 57 Russell Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 22 of the 1985 Woburn Zoning Ordinances, as amended for a proposed 98 unit condominium development at 859 Main Street. PUBLIC HEARING OPENED. A communication dated October 3, 2011 was received from Attorney Shaun W. Briere, Mawn and Mawn, 275 Mishawum Road, Woburn, Massachusetts 01801 as follows:

Re: 859 Main Development LLC – Special Permit Petition

Dear Mr. Campbell and Members of the City Council:

The Petitioner respectfully requests a continuance of the above referenced matter scheduled for public hearing by the City Council at its upcoming meeting on October 4, 2011. The Petitioner requests said continuance in order to afford the Planning Board time to complete the review of the Special Permit Petition scheduled for hearing on October

25, 2011. Therefore, the Petitioner requests a continuance to the meeting of the City Council on November 1, 2011.

Please feel free to contact the undersigned should you have any questions or require any additional information regarding the above. Again, I thank you for your consideration and respect in this matter.

Very truly yours, s/Shawn W. Briere

IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 1, 2011, all in favor 9-0.

On the petition by Stephanie A. Maggiore, 6 Stafford Court, Haverhill, Massachusetts 01835 for a special permit pursuant to Section 5.1.35 of the 1985 Woburn Zoning Ordinances, as amended, to allow a dog daycare business at 167-171B Merrimac Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits “back for action subject to receipt of a recommendation from the Planning Board and the following conditions 1. That there shall be no overnight or weekend service, 2. That there shall be no feeding of dogs except for treats and as needed for prescribed medication, 3. That there shall be no cages or crates, 4. There there shall be only 10-15 dogs at a time during outside play time supervised by a staff member. Leashes will be used when leading dogs between the building and outside play area, 5. That “Beware of Dogs” signs shall be installed around the perimeter of the outside play area, 6. That dogs shall not roam outside of the two designated areas, 7. That after 7:00 pm, workers shall disinfect floors, main area rugs, double check outdoor area, and put all waste in airtight, sealed containers that will be emptied twice a week by a waste removal company, 8. That all dogs must be registered in the community of their residence, and be current on all vaccinations, 9. That dogs must be free of fleas and ticks, 10. That there shall be a maximum of thirty (30) dogs on site, 11. That the special permit is not transferable, 12. That the hours of operation shall not exceed 7:00 am to 7:00 pm, Monday through Friday and that there shall be no weekend hours of operation, 13. That the petitioner and staff shall be required to keep barking to a minimum. If barking becomes a nuisance, the City Council has the right to revoke the special permit, 14. That dumpster shall be placed on the south side of building at loading dock per the plan dated 10/31/1984 and shall be screened and fenced in within the loading dock area. A communication dated September 28, 2011 was received from the petitioner Stephanie A. Maggiore as follows:

Subject: Special Permit

To whom it may concern:

At this time I would like to respectfully withdraw my application for a special permit to open a Doggie Daycare located at 167-171B Merrimack St. without prejudice.

Thank you for your time.

Stephanie A. Maggiore

Motion made and 2nd to accept the communication and make it part of the record, all in favor, 9-0. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the MATTER be GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE, all in favor 9-0.

On the petition by Alderman Anderson relative to the structure or structures located at 30 Union Street, Woburn for the purposes of determining whether said building or buildings are a nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or buildings or other structure, as said terms are used in Mass. General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. PUBLIC HEARING OPENED. A communication dated September 19, 2011 was received from Attorney Stephen F. Smoot, 101 Arch Street, 9th Floor, Boston, Massachusetts 02110 as follows:

Re: Ronald D. Gilblair, Jr. (“Mortgagor”), Somerville Municipal Federal Credit Union (“Mortgagee”), 30 Union Street, Woburn, MA (“Property”)

Dear Mr. Campbell:

I wanted to keep the Council informed of the status of the foreclosure of 30 Union Street, and ask that a continuance from October 4, 2011 is appropriate.

When I appeared before the Council I stated that the return date for the Land Court Action (Servicemember’s Relief Act) was due on August 15, 2011. On August 16, 2011 no answer was filed so I messengered the motion for judgment to the Land Court. I called the Land Court several times and informed that they have not gotten to my file. They are at 47% staff level and are far behind and were working on the July files.

When I addressed the Council I expected a quicker turn around and expected to complete the auction before the next Council date of October 4, 2011. We have maintain the Property since that time. Thank you for your attention in this matter.

Sincerely, s/Steven F. Smoot

Appearing for the mortgage holder was Robert Hernon of Sector 3G Auctions and he stated that he spoke to the mortgage company’s attorney today, that they have not received the foreclosure papers from the court as of this time, that he has been maintaining the property, that there are no current occupants of the property, that he is not certain whether the utilities are still connected at the property as there has been no foreclosure yet, that they cannot enter the property until the foreclosure is approved, that he is also the auctioneer for the property, and that they request the hearing on this matter

be continued. Alderman Anderson stated that a number of concerns about the property have been addressed, and that he is willing to continue the matter until the second meeting in December 2011 to allow enough time for the foreclosure and auction to be completed. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON DECEMBER 20, 2011, all in favor 9-0.

On the petition by Alderman Gaffney relative to the structure or structures located at 602 Main Street, Woburn for the purposes of determining whether said building or buildings are a nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or buildings or other structure, as said terms are used in Mass. General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. PUBLIC HEARING OPENED. A communication dated September 29, 2011 was received from Brian Gingras, Building Inspector, Department of Inspection Services as follows:

Re: 602 Main Street

As requested, an inspection of the property located at 602 Main St was performed, and photos taken, from the public way on September 2, 2011 in conjunction with a complaint of a possible public nuisance. Several issues related to maintenance, safety, and zoning were noted as listed below.

- Overgrown vegetation adjacent to the primary structure including grass, shrubs, bushes, and trees.
- Egress components are missing, including hand rails and stairs.
- Front porch appears to be deteriorated.
- The garage located towards the rear has collapsed.
- Multiple unregistered vehicles stored on the property.
- Open and exposed sections of the primary structure from rotted or deteriorated materials.
- Exposed wiring located on the exterior.
- The retaining wall along the sidewalk on Main Street appears to be failing in some spots.

Please feel free to contact me at any time regarding these observations, or for any additional information you may need regarding this property.

s/Brian Gingras, City of Woburn Building Inspector

Alderman Gaffney stated that he has received calls about this property from constituents, that he spoke to the owner of the property Ralph Saviano, that the owner has made some improvements to the property by mowing the lawn as well as other landscaping, that the owner has contacted a carpenter to fix the exterior stairs, that unregistered vehicles have been removed from the property, that exposed wiring is being repaired, that the owner is

determining what to do with the deteriorating garage, and that the city could take down the garage and then place a lien on the property. Ralph Saviano, 602 Main Street appeared and that he spoke to Alderman Gaffney and Alderman Raymond, that he has a list of items from Alderman Gaffney that need to be corrected, that he has been aware of the issues but this will prompt him to act, that he has some financial issues in that he has been helping his children, that he has some money and will begin the work, that the cars will be removed from the locus, that the dilapidated garage will be taken down, that he will contact someone to repair the retaining wall because it will likely have to be taken down and rebuilt and he was the new wall to be a good replacement, that this is a single family home, that he receives income from tax preparation services he performs and social security, that he has saved some money as well, and that the property is surrounded by commercial property and he never considered that there were residential neighbors or vehicles passing by that might be impacted by the sight of the property. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 1, 2011, all in favor 9-0.

On the petition by McDonald's USA, LLC, c/o Bohler Engineering, 352 Turnpike Road, Southborough, Massachusetts 01772 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to construct a dining room addition at the front and vestibule additions on the side of the existing McDonald's restaurant, including renovations to the building interior and exterior façade, at 333 Montvale Avenue. PUBLIC HEARING OPENED. A communication dated October 3, 2011 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: McDonald's USA LLC – 333 Montvale Avenue – To allow for the alteration of the existing Fast Food Restaurant with a drive-up customer service facility by constructing dining room and vestibule additions as well as renovations to the building interior and exterior facade pursuant to Section 7.3

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on September 27, 2011, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of McDonald's USA LLC, regarding the property at 333 Montvale Avenue to allow for the alteration of the existing Fast Food Restaurant with a drive-up customer service facility by constructing dining room and vestibule additions at the side of the building having a new net additional area of 434 S.F as well as renovations to the building interior and exterior facade pursuant to Section 7.3 subject to the following conditions:

1. That the Order of Conditions of the Woburn Conservation Commission shall be required as part of the approval of this Special Permit; and
2. The Planning Board shall review and approve a landscaping plan and shall retain jurisdiction over the landscaping.

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 Jim Giarusso of McDonald's USA, LLC and he stated that the petitioner has met with the Planning Board and the Conservation Commission, that the petitioner has addressed the concerns of the Conservation Commission with respect to putting in a stormceptor system at the rear of the property near the existing catch basin and determining where the outlet pipe discharges using hand-digging methods, and that he asks that the special permit be approved. Alderman Gately stated that the Conservation Commission did recommend and Order of Conditions for the property, and that he supports the proposal. Alderman Mercer-Bruen stated that the project has no impact on traffic patterns, and that she supports the project moving forward quickly. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be 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 Conservation Commission Order of Conditions be adopted as conditions of the special permit, and 2. That the Planning Board recommendations be adopted as conditions of the special permit, all in favor 9-0.

On the petition by Ava Donuts LLC, 293 Cambridge Road, Woburn, Massachusetts 01801 for a special permit to modify a special permit issued December 9, 2004, as modified by a special permit issued June 20, 2005, as modified by a special permit issued on August 10, 2006, pursuant to Sections 5.1.23, 5.1.29, 5.1.63a, 5.1.69, 7.3, 8.2.5, 8.6.3, 11, 13.5 and 15 of the 1985 Woburn Zoning Ordinances, as amended, to allow for modifications to the approved site plan as modified to include modifications to the existing landscaping, portions of the parking areas, alteration of the existing nonconforming pylon sign, a Drive-up Customer Service Facility, and to allow for 666 parking spaces, at 350 Cambridge Road. PUBLIC HEARING OPENED. The Planning Board advised that the matter had been continued to their next meeting on October 25, 2011. A communication dated October 4, 2011 was received from Attorney Joseph R. Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Ava Donuts LLC, 350 Cambridge Road, Woburn, Massachusetts

Dear Mr. Campbell:

Due to the fact that the Planning Board will not complete its review of the above petition until October 25, 2011, I respectfully request that the public hearing on this matter be continued from October 4, 2011 to November 15, 2011. In addition, I request that the Petition be referred to the Special Permits Committee.

If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby, III

Appearing was Attorney Joseph Tarby and he asked that the public hearing be continued to the November 1, 2011 City Council Regular Meeting. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 1, 2011 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

On the petition by Accurate Auto Services, 7 Harrison Avenue, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.44 and Section 15 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the construction of a new building containing approximately 2,100 square feet to allow an automobile and truck garage within the Ground Water Protection District at 7 Harrison Avenue. PUBLIC HEARING OPENED. A copy of a communication dated September 27, 2011 from Brett F. Gonsalves, Senior Engineer, Engineering Department to Edmund Tarallo, Planning Director was received as follows:

Subject: 7 Harrison Ave – Automobile and Truck repair Special Permit – Special Permit Application Dated August 29, 2011 – Revised Site Plan Dated May 9, 2011

The applicant is seeking permission to allow for automobile and truck repair garage that lies within a ground water protection district.

The submitted site plan shows the location of the proposed building, parking and site configuration. The applicant will need to consult with the plumbing inspector to determine whether a oil/water separator will be needed based on the proposed use.

The revised site plan dated May 9, 2011, shows an oil & grease separator on the catch basin in the driveway at Harrison Ave. All drainage entering the infiltration chambers should be protected with oil and grease separators. The current submission only shows one oil and grease separator entering the infiltration chamber. These structures will need to be a DEP approved devices.

The applicant will need to verify that the site will be in compliance with current stormwater management requirements as well as compliance with section 15 of the zoning ordinance.

An electronic copy of the as-built plan should be submitted to the office upon completion of the project.

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

A communication dated September 28, 2011 was received from John F. Duran III, P.E., Superintendent, Department of Public Works as follows:

Subject: 7 Harrison Avenue – Petition for Special Permit

Pursuant to this Special Permit Application, I request the City Council to consider the following comments relative to the “Proposed Site Plan” that has been forwarded for review by the DPW.

1. Prior water and sewer services must be cut and capped at their respective mains. Existing utilities are not shown into the property.
2. Size, type and connection information for proposed utilities is not shown on the plan.
3. Proposed grading is not shown correctly on the site plan. Topography at property line and adjacent to the site is a concern.
4. Drainage system is shown to be re-configured. This should be accurately depicted on the proposed plan. Calculations for compliance to a Stormwater Management Plan should be approved by the Engineering Department, including proper details of the MDC approved gas and oil separator and infiltration system to provide protection of the overflow runoff into the municipal drainage system which eventually discharges to a resource area. The drainage outlet crosses over a City of Woburn parcel and there is not an easement shown.
5. Details and proper grading of the sidewalk and egress from the site are not shown for evaluation to ensure ADA compliance and re-construction of the City sidewalk.

In addition, there are other items which could be addressed prior to issuance of the Building Permit. However, this office does not have that information for evaluation at this time. I was not aware that this matter had already been sent to the Planning Board for a recommendation. I would like these comments to be conditions of the Special Permit Conditions if the Council decides to consider this petition.

A communication dated October 3, 2011 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Accurate Auto Services – 7 Harrison Avenue – To allow for the construction of a new 2,100 S.F. building to be used as an automobile and truck repair garage within the Ground Water Protection District pursuant to Sections 5.1.44 and 15

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on September 27, 2011, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Accurate Auto Services, regarding the property at 7 Harrison Avenue to allow for the construction of a new 2,100 S.F. building to be used as an automobile and truck repair garage within the Ground Water Protection District pursuant to Sections 5.1.44 and 15 subject to the following conditions:

1. That the Plumbing Inspector shall determine the location of any separators and catch basins required within the structure;
2. All drainage entering the infiltration chambers shall be protected with oil and grease separators and all these structures will need to be DEP approved devices;
3. That the site shall be in compliance with current stormwater management requirements as well as compliance with section 15 of the zoning ordinance;
4. An electronic copy of the as-built plan shall be submitted to Engineering upon completion of the project;
5. That the Fire Department shall approve the proposed structures fire protection system;
6. A handicapped parking space shall be provided as required and at least 10 parking spaces including the handicapped parking space shall be provided;
7. The height of the structure shall be one story and be limited to two bays; and
8. The Planning Board shall review and approve a landscaping plan and shall retain jurisdiction over the landscaping.

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 Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner has received copies of the comments from the City Engineer, the Superintendent of Public Works and the Planning Board and does not oppose the conditions, that no issues were raised at the Planning Board, that the Planning Board adopted the comments of the City Engineer verbatim and added four additional conditions, that the hours of operation will be 7:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 1:00 p.m. Saturday, that the property owner is constructing the building and will lease the building to the petitioner, that the right of way will be maintained, and that the dumpster location has not been determined by will be screened. Alderman Gately stated that no parts or debris from the operation should be stored outside the building unless it is screened. Alderman Gaffney stated that he received no opposition from the neighbors, and that this project will clean up an unsightly area. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be 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 eight recommendations of the Planning Board be adopted as conditions of the special permit, 2. That the hours of operation shall not exceed Monday through Friday from 7:00 a.m. to 6:00 p.m. and Saturday from 7:00 a.m. and 1:00 p.m., 3. That a dumpster located on the site shall be screened, and 4. That a snowplowing plan shall be submitted to the Department of Public Works, all in favor, 9-0.

On the petition on the recommendation of the City Clerk for the purposes of determining whether there is cause for revoking the following inflammable licenses and to take action following said hearing. PUBLIC HEARING OPENED. A report was received from the

Committee on Police and Licenses as follows with respect to the inflammable license held by Francis P. McHugh, 26 Jefferson Avenue – committee report was received “that the inflammable license be transferred from Francis P. McHugh to Leroy Chute, 31 High Street, Woburn. PUBLIC HEARING OPENED. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the TRANSFER be APPROVED CONDITIONED UPON FILING THE REGISTRATION CERTIFICATE AND PAYMENT OF THE APPLICABLE REGISTRATION FEE BY LEROY CHUTE WITHIN THIRTY (30) DAYS, all in favor, 9-0. A report was received from the Committee on Police and Licenses as follows with respect to the inflammable license formerly held by Farrell’s Service Center at the gasoline service station operating under the name Tim’s Gas & Auto Repair, 146 Main Street – “that the matter remain in committee”. PUBLIC HEARING OPENED. Alderman DiTucci stated that there have been issues with this location regarding the operation of the station however the City Council cannot condition this transfer of the inflammable license, and that the transfer should be granted. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the TRANSFER OF THE INFLAMMABLE LICENSE FROM FARRELL’S SERVICE CENTER TO JACQUELINE ESKANIAN be APPROVED, 8 in favor, 1 opposed (Mercer-Bruen opposed).
Presented to the Mayor October 6, 2011 and ten days having elapsed without same being approved, said Licenses became effective without his signature on October 18, 2011.

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS:

SPECIAL PERMITS:

On the petition by ZRC Operations Company Inc. dba Qdoba Mexican Grill for a special permit to modify a special permit issued on September 16, 2008, which allowed for a fast food restaurant and building signage, as modified by a special permit issued on October 8, 2009, as modified by a special permit issued on June 29, 2010, pursuant to Section 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended, to allow for outside patio seating at the Qdoba Mexican Grill at 300 Mishwaum Road. A communication dated September 19, 2011 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: ZRC Operations Company Inc. d/b/a Qdoba Mexican Grill – 300 Mishawum Road –
To modify existing Special Permit to allow for outside patio seating pursuant to
Section 5.1.29

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on September 6, 2011, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of ZRC Operations Company Inc. d/b/a Qdoba Mexican Grill, regarding the property at 300 Mishawum Road for five tables and twenty seats and no fencing in accordance with the revised plan dated September 6, 2011.

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 report was received from the Committee on Special Permits as follows: "ought to pass with the condition that the Plan of Record be the Revised Plan entitled "Patio Plan" with a revision date 9-23-2011 prepared by Lingle Design Group, Inc. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

FINANCE:

On the Order to appropriate a supplemental budget in the sum of \$340,275.00 to the MWRA Sewer User Charge, 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: October 6, 2011 s/Scott D. Galvin October 6, 2011

POLICE AND LICENSES:

On the petition by Infinity Limo Corporation for a new Livery License, committee report was received "ought to pass subject to the condition that the vehicle be registered at 10 Draper Street, Woburn." A copy of a Mass DOT Certificate of Registration with a mailing address of 10 Draper Street, Unit #26, Woburn and Secretary of the Commonwealth State of Change of Registered Agent/Registered Office to 10 Draper Street, Unit #26, Woburn, were filed with the Office of the City Clerk. A communication date October 4, 2011 was received from Karam Fathy of Infinity Limo as follows:

Dear Sir,

I would like to withdraw my application for a livery license.

Thank you, s/Karam Fathy, Infinity Limo

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Motion made and 2nd that the MATTER be GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE, all in favor, 9-0.

NEW PETITIONS:

Petitions for renewal of First Class Motor Vehicles Sales License by Woburn Foreign Motors, 394 Washington Street. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

Petition for renewal of Second Class Motor Vehicle Sales License by ACT Leasing Inc., 215 Salem Street. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

Petition by Festival on the Common, c/o Gary Fuller, 80 Arlington Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.7.75 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a city festival on Woburn Common on November 26, 2011. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS: None.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

From the Traffic Commission:

ORDERED Lafayette Place – That a stop sign restriction be established on Lafayette Place at the intersection with Sylvanus Wood Lane.

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

Presented to the Mayor October 6, 2011 and ten days having elapsed without same being approved, said Order became effective without his signature on October 18, 2011.

RESOLVED That a communication be sent to SSG/Public Storage, Self Storage Group LLC, 637 Washington Street, Suite 200, Brookline, Massachusetts 02446 regarding the conditions of their special permit which requires them to install a fence and arbovites along the back of the property located at 420

and 422 Washington Street, Woburn. The condition has not been complete and it is required under the special permit.

s/Alderman Mercer-Bruen

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

RESOLVED Whereas, NStar completed a major upgrade of their grid approximately two years ago; and

Whereas, permits were issued to perform this work along Washington Street, the work is complete and at this time all the old, original utility poles are still in place; and

Whereas, these utility poles have no attached wires and should be removed;

Be it Resolved by the City Council of the City of Woburn that a communication be forwarded to NStar requesting that the abandoned utility poles on Washington Street be removed forthwith.

s/Alderman Mercer-Bruen

Alderman Mercer-Bruen stated that the work was completed as emergency work, that the work has been completed and NStar is now gone, that there are a number of poles still in place with no wires attached, and that the poles should be removed. Alderman Gately stated that the city can remove the empty poles under the Municipal Code if necessary. Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.

Presented to the Mayor: October 6, 2011 s/Scott D. Galvin October 6, 2011

RESOLVED Whereas, the property located at 306 Montvale Avenue is subject of a special permit granted to Hess Corporation fka Amerada Hess Corporation; and

Whereas, the property in it's current condition is a nuisance to the neighborhood in that the landscaping and weeds need to be removed, advertising signs removed from the chain link fence, old sign removed, and property be brought into good order;

Be It Resolved by the City Council of the City of Woburn that a communication be forwarded to Hess Corporation fka Amerada Hess Corporation advising that if the property located at 306 Montvale Avenue is not cleaned and put in good order the City Council will hold a public

hearing for the purposes of determining whether the property should be declared a nuisance.

s/Alderman Mercer-Bruen

Alderman Mercer-Bruen stated that Hess was brought under special permit review, that the petitioner has three more years to act under the special permit but the nuisance laws apply, that the property should be cleaned, that Hess leases the property, that this is not a special permit issue as the petitioner is not in violation of the special permit however the petitioner may be in violation of the nuisance laws, that Hess leases the property and are responsible for its care, and that if Hess is not responsible for the care of the property then the responsible party will be called in. Alderman Gately stated that the matter can be reviewed in the Committee on Special Permits again. Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.

Presented to the Mayor: October 6, 2011 s/Scott D. Galvin October 6, 2011

RESOLVED That the His Honor the Mayor instruct the Superintendent of Public Works to improve the handicapped accessibility of the following crosswalks to allow wheelchair accessibility:

1. In front of Linscott School;
2. St. Anthony's Church at Main Street;
3. Main Street at Ashburton Avenue;
4. School Street at Fletcher Road;
5. Bartlett Drive at Pearl Street;
6. Van Norden Road at School Street;
7. Tedesco Drive at Merrimac Street;
8. Ward Street; and
9. Elm Street at the Tidd Home.

s/Alderman Raymond

Alderman Raymond stated that these are crosswalks that are not handicapped accessible, that wheelchair-bound residents of the area have to go way out of their way to cross the street, and that he spoke to the Superintendent of Public Works who suggested that a resolution was needed. Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.

Presented to the Mayor October 6, 2011 and ten days having elapsed without same being approved, said Resolution became effective without his signature on October 18, 2011.

Motion made and 2nd to suspend the rules for the purposes of receiving the following as a late filed matter, all in favor, 9-0. On the Order entered by the City Council on October 19, 2010 declaring the real property located at 320 Main Street aka 286 Main Street

commonly referred to as the Woburn Armory Building, Woburn, Massachusetts, a public nuisance, a nuisance to the neighborhood, and dilapidated or dangerous buildings or other structures. Motion made and 2nd that the City Council hereby ratifies the action of the Committee on Liaison taken on September 26, 2011 in which it was ordered that several communications be sent out regarding the property and that the matter be referred to the Committee on Liaison, all in favor, 9-0. Motion made and 2nd to return to the regular order of business, all in favor, 9-0.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 8:33 p.m.

A TRUE RECORD ATTEST:

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