

**CITY OF WOBURN  
JANUARY 16, 2007 - 7:30 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Ciriello	Gately
Denaro	Galvin
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Doherty	

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Pursuant to Title 2, Article III, Section 2-13 of the 1989 Woburn Municipal Code, as amended, His Honor the Mayor Thomas L. McLaughlin will deliver the State of the City Address.

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VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE.

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**MAYOR'S COMMUNICATIONS:**

ORDERED That the sum of \$146,000.00 be and is hereby transferred as so stated from BLS Ambulance Receipts Acct #31359-595000 \$146,000.00 to Fire Ambulance Salary Acct #0122051-511500 \$146,000.00.

s/Alderman \_\_\_\_\_

I hereby recommend that above: s/Paul Tortolano, Chief, Fire Department  
I have reviewed the above: s/Gerald W. Surette, City Auditor  
I hereby approve the above: s/Thomas L. McLaughlin, Mayor

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ORDERED That the sum of \$50,000.00 be and is hereby transferred as so stated from Fire Ambulance Salary Acct #0122051-511500 \$50,000.00 to Fire Sick Leave Buy Back Acct #0122051-515400 \$50,000.00.

s/Alderman \_\_\_\_\_

I hereby recommend that above: s/Paul Tortolano, Chief, Fire Department  
I have reviewed the above: s/Gerald W. Surette, City Auditor  
I hereby approve the above: s/Thomas L. McLaughlin, Mayor

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ORDERED That the sum of \$30,000.00 be and is hereby transferred as so stated from BLS Ambulance Receipts Acct #31359-595000 \$30,000.00 to Ambulance Maintenance Acct #0122054-544300 \$30,000.00.

s/Alderman \_\_\_\_\_

I hereby recommend that above: s/Paul Tortolano, Chief, Fire Department  
I have reviewed the above: s/Gerald W. Surette, City Auditor  
I hereby approve the above: s/Thomas L. McLaughlin, Mayor

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**PUBLIC HEARINGS:**

On the petition by Keyspan Energy Delivery for a grant of right in a way to install approximately 125 feet of four (4) inch gas main in Cottage Street as shown on the plan filed therewith. PUBLIC HEARING OPENED.

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On the petition by Alderman Scott Galvin concerning the building or buildings located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 434 Main Street, Woburn, Massachusetts for the purposes of determining whether said building or buildings are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts 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.

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On the petition by Alderman Scott Galvin concerning the building or buildings located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 21 Plympton Street, Woburn, Massachusetts for the purposes of determining whether said building or buildings are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts 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.

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On the petition by Alderman Darlene Mercer-Bruen and President Charles Doherty for an amendment to the Zoning Map of the City of Woburn by changing the zoning district designation for the public portion of Tower Park Drive and 369 Washington Street as shown on the map dated January 1, 2006 and filed with the City Council on August 15, 2006 from B-I to O-P. PUBLIC HEARING OPENED. A communication dated January 16, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Alderman Mercer-Bruen and Alderman Doherty – 369 Washington Street – Amend Zoning Map from B-I to OP

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on January 9, 2007, the Board voted to forward a favorable recommendation to the City Council on the above-cited zoning map change from B-I to OP to be consistent with Tower Drive and land on Washington St. that were not changed as originally recommended by the Planning Board.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

A communication dated January 4, 2007 was received from Vicki B. Finkelstein, Director of Real Estate and Senior Real Estate Counsel, W.R. Grace & Co.-Conn., 7500 Grace Drive, Columbia, Maryland 21044 as follows:

Re: Petition for Rezoning from Business-Interstate to Office Park District filed by Alderman Darlene Mercer-Bruen and President Charles Doherty with respect to Land at 369 Washington Street, Woburn, Massachusetts, Comprising Assessors Mapr 26, Block 04, Lot 06 (the "Property")

Petition for Rezoning from Business-Interstate to Office Park District filed by Paul A. Medeiros, Kathleen Bailey, et al. with respect to the Property

Ladies and Gentlemen:

Pursuant to the provisions of Massachusetts General Laws Chapter 40A, Section 5, W.R. Grace & Co.-Conn. ("Grace"), the owner of the above-referenced Property, hereby objects to and protests the two above-referenced Petitions for Rezoning (collectively, the "Rezoning Petitions") and demand that a three-fourths vote of all members of the City Council be required for adoption of either of the Rezoning Petitions. The reasons for this protest include the following:

- The proposed rezoning will encourage the future development of the Property as office use rather than as retail use, which will have a significantly more adverse effect on the existing traffic problems in the vicinity of the Property.
- Any concerns on the part of the City government in general, and the City Councilors in particular, concerning the future development of the Property for retail use if it remains in the Business-Interstate District can be satisfactorily addressed through the special permit processes in place under the Woburn Zoning Ordinance and applicable to such a development.

- The Property was rezoned from the Office Park District to the Business-Interstate District very recently and, following the withdrawal by Decathlon of its development proposal for the Property, Grace has not yet had an opportunity to explore the potential development of the Property by other parties, the impacts of such alternative development proposals on this portion of the City of Woburn, and the means by which such impacts can be mitigated.
- At the request of the City Council at the time of the prior rezoning of the Property to the Business-Interstate District, Grace voluntarily agreed to restrict the future retail use of the Property while it is located in the Business-Interstate District by means of a written covenant to be recorded with the Middlesex South District Registry of Deeds, which covenant was approved by the City's attorneys and members of the City Council at the time. This restrictive covenant would run with the Property and be binding upon future owners while the Property is located in the Business-Interstate district. Grace remains ready, willing and able to abide by the terms of that restrictive covenant as negotiated in good faith. However, the adoption of either of the Rezoning Petitions will effect the termination of this restrictive covenant.

Grace respectfully requests that the City Council not adopt either of the Rezoning Petitions. Thank you for your consideration of this information.

Sincerely, s/Vicki B. Finkelstein

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On the petition by Arvind (Andy) Patel and Ramelabbe A. Patel, 19 Murray Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.46b of the 1985 Woburn Zoning Ordinances, as amended, to convert the current full service gas station to a self-service gas station, and to the extent applicable, including a conversion of the existing structure to a food mart/convenience store at 529 Main Street. PUBLIC HEARING OPENED. A communication dated January 9, 2007 was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 529 Main Street – Self Service Gas Station & Convenience Store  
Special Permit Dated 12/4/06  
Site Plan Dated 5/22/02  
Traffic Study Dated March 14, 2003

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

The traffic study conducted by Meridian Associated is dated March 14, 2003 which outlined traffic projections to 2007. This traffic study will need to be reanalyzed and updated to current traffic conditions.

It would appear that there is a fast food establishment proposed in the self serve gas station which would require the applicant to submit a development impact statement and is subject to mitigation as per section 18 of the Woburn Zoning Ordinance.

This office will complete its review of this project when the above mentioned information is submitted.

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

A communication dated January 16, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Arvind (Andy) and Ramelabbe A. Patel – 529 Main Street – To convert full service gas station to self-service gas station and convenience store

Dear Mr. Campbell and Members of the City Council:

At the meeting held on January 9, 2007, the Planning Board voted to forward an unfavorable recommendation to the City Council on the Special Permit application of Arvind (Andy) and Ramelabbe A. Patel to convert full service gas station to self-service gas station and convenience store at 529 Main Street, Woburn, Ma. However, if the City Council does approve the Special Permit the Planning Board would offer its assistance to the City Council in reviewing the landscaping, facade design, and driveways for the proposal.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

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On the petition by Gerrior Realty LLC, 245 Salem Street, Woburn, Massachusetts 01801 for a special permit pursuant to the 1985 Woburn Zoning Ordinances, as amended as follows: Sections 5.1.43 to allow Open or outside storage of new or used building materials or equipment; 5.1.57A to allow Accessory Storage or Parking of Storage Container, Storage Trailer, Commercial Trailer or Semi Trailer, one or more; and 5.1.57B to allow Accessory storage or parking of commercial motor vehicles other than as provided for in line 58, trucks, buses or contractors' equipment, all at 245 Salem Street PUBLIC HEARING OPENED. A communication dated January 8, 2007 was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Re: 245 Salem Street – Commercial Parking and Storage Special Permit  
Special Permit Dated 12/14/06  
Plan Dated May 18, 2006

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

The applicant has submitted a request for overnight parking and storage of construction equipment on the premises, which requires a special permit under Section 5.1 of the Zoning Ordinance.

The subject parcel and surrounding parcel lies within the I-G zoning. The submitted plan shows proposed parking configuration and storage locations to which we take no exception to.

There does not appear to be any proposed utility work being nor any improvements to the building. With all information provided to this office, we take no exception to the special permit as submitted.

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

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**COMMITTEE REPORTS:**

**SPECIAL PERMITS:**

On the petition by Krystal New England, LLC for a special permit to allow auto sales and for a First Class Motor Vehicle Sales License at 399 Washington Street, committee report was received as follows: “ought to pass with the conditions as follows: 1. limited to twenty (20) limousines, 2. that the special permit is issued to Krystal New England, LLC and is not transferable, and 3. that there shall be no limousine rental business operated from this location.”

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**ORDINANCES:**

On the Order to amend Title 3, Article VI, Section 3-26 of the 1989 Woburn Municipal Code, as amended, relative to the allocation of indirect costs of departments under the Water and Sewer Enterprise Fund, committee report was received “ought to pass.”

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On the Order to amend Title 13 of the 1989 Woburn Municipal Code, as amended, relative to Public Services, committee report was received as follows: “ought to pass with the following amendments: 1. That the language in Section 13.2.35.A.3 be stricken and in their place be inserted the words “Any increase in the rates in Subsection 1 herein shall require a majority vote of the City Council for approval.”; 2. That the language in Section 13.3.9.6 be stricken and in their place be inserted the words “Any change in the base rates specified herein shall require a majority vote of the City Council for approval.”; 3. That Section 13.2.5 shall be amended to read as follows: “Owners and occupants of any

commercial, industrial or residential premises served by the City of Woburn water system shall upon presentation by the Department, authorize entry to their premises for the purpose of inspecting and surveying their water system for new installation, cross connections, or to remove, repair, or replace any water meter at any time the Department deems necessary. When such access is refused, the water shall be shut off and shall not be turned on until such access has been allowed and fees have been paid for shutting off and letting on of water. The city shall provide written notice to the owners and occupants of property at least twenty-four (24) hours prior to shutting off service to the property.”

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**CITIZEN’S PARTICIPATION:** None.

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**NEW PETITIONS:**

Petitions by Lawless Chrysler Jeep, Inc., 196 Lexington Street for renewal of First Class Motor Vehicle Sales License.

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Petition by Thomas J. Flanagan, 344 Lexington Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.11b of the 1985 Woburn Zoning Ordinances, as amended, to allow teaching, training students, adults in basic trade and craft business skills.

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**COMMUNICATIONS AND REPORTS:**

A copy communication dated December 29, 2006 with attachments was to the Appeals Court for the Commonwealth of Massachusetts from Attorney Michael B. Cabral of Kopleman and Paige, P.C. was received relative to Gibbs Oil Company Limited v. Members of the City Council of the City of Woburn.

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A communication dated January 16, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Fast Food Restaurant/Convenience Store

Dear Mr. Campbell and Members of the City Council:

At the meeting held on January 9, 2007, the Planning Board voted to request that the City Council consider the definition of fast food restaurant as it currently appears in the zoning ordinance, and decide whether or not to apply such definition to a convenience store wishing to serve coffee, slurpees or other food or beverages. Presently, convenience store is undefined in the zoning ordinance.

If members of the Council have any questions or concerns regarding the foregoing, please contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

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A communication dated January 14, 2007 was received from Paul A. Medeiros, 90 Marietta Street requesting that the Municipal Code be amended to add the fees to be charged for disposal of appliances and Freon bearing waste items, information on how to dispose of the items and where to obtain additional information on disposing of these items.

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**UNFINISHED BUSINESS OF PRECEDING MEETING:** None.

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**APPOINTMENTS AND ELECTIONS:**

A communication dated January 11, 2007 was received from His Honor the Mayor as follows:

Re: William J. Mulrenan – Golf & Ski Authority

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint William J. Mulrenan of 4 Field Terrace as a member of the Golf & Ski Authority.

Mr. Mulrenan will replace Charles O'Reilly, whose term expired 12/31/06.

The effective date of this appointment will be the date of confirmation by the City Council. This appointment will be for a term of six years.

If you have any questions, please feel free to contact me.

Sincerely, s/Thomas L. McLaughlin

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**MOTIONS, ORDERS AND RESOLUTIONS:**

RESOLVED That the Building Commissioner investigate and prepare a report detailing the "uses" allowed at 167 Winn Street, 169 Winn Street, 171 Winn Street and 173 Winn Street and provide a copy of such report to the City Council.

s/Alderman Galvin

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RESOLVED Whereas, through their efforts and demonstrated proficiency in their sport, the members of the 2006 Woburn PeeWee Football Trojan D1 Cheering Team participated in advanced competition including appearances in the Middlesex League Cheering Competition, Eastern Mass Cheerleading Competition and New England Regional Cheer and Dance Championship competitions; and

Whereas, the 2006 Woburn PeeWee Football Trojan D1 Cheering Team competed in the 2006 National Cheer and Dance Championship in Orlando, Florida; and

Whereas, the 2006 Woburn PeeWee Football Trojan D1 Cheering Team were recognized as the National Champions in their division; and

Whereas, the members of the 2006 Woburn PeeWee Football Trojan D1 Cheering Team have exemplified true determination in competitive sport all season;

Now, therefore, the City Council of the City of Woburn recognizes the efforts and accomplishments of the members of the 2006 Woburn PeeWee Football Trojan D1 Cheering Team and Sydney A. Cassidy and bestows the best wishes of the community on their continued academic and athletic success.

s/President Doherty

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Motion made and 2<sup>nd</sup> to ADJOURN