

**CITY OF WOBURN
APRIL 1, 2014 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gaffney
Concannon	Gately
DiTucci	Mercer-Bruen
Drapeau	Raymond
Haggerty	

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

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$370,000.00 be and is hereby transferred as so stated from Fund Balance Designated for I&I Acct #641-359600 \$370,000.00 to Year 1 CIP Design & Year 2 Sewer System Evaluation \$370,000.00 – Reason: The sum is requested to allow for funding infiltration & inflow.

I hereby recommend the above: s/Scott D. Galvin, Mayor
I hereby approve the above: s/John E. Corey, Jr., City Engineer
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/Alderman _____

ORDERED That the sum of \$25,000.00 be and is hereby transferred as so stated from Traffic Safety and Infrastructure Acct #360058-588230 \$25,000.00 to Council on Aging Acct #0112158-588035 \$25,000.00 – Purpose: Senior Center Paving.

I hereby recommend the above: s/Scott D. Galvin, Mayor
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/Alderman _____

ORDERED That the following funds shall be and hereby are transferred to City Clerk City Clerk Office Supplies Account 0116254-542000 from the City Clerk Professional Development Account 0111157-571050 \$159.63, City Clerk Dues Account 0116157-573000 \$85.00, Election and Registration Repairs

Voting Machine Account 0116452-524905 \$700.00 and Election and Registration Elections Workers Account 0116251-512005 \$1,250.00.

I hereby approve the above. s/William C. Campbell, City Clerk
I hereby recommend the above. s/Scott D. Galvin, Mayor
I have reviewed the above. s/Gerald W. Surette, Auditor

s/Alderman _____

ORDERED That the amount of \$730.00 be and is transferred as follows from Parks/Pick-up Truck Acct #0112158-586727 \$730.00 to Parks Dept/Sod Cutter Acct #0112158-586726 \$730.00

I hereby recommend the above. s/Scott D. Galvin, Mayor
I hereby approve the above. s/James H. DeLong, Parks Superintendent
I have reviewed the above. s/Gerald W. Surette, Auditor

s/Alderman _____

ORDERED The City of Woburn, in accordance with Section 31D of Chapter 44 of the Massachusetts General Laws, approve deficit spending that is in excess of appropriation for the removal of snow and ice. The budgeted appropriation for the removal of snow and ice for fiscal year 2014 amounted to \$279,000. The additional amount to be expended, but not to exceed, is \$750,000 (\$1,029,000 total) for the fiscal year beginning July 1, 2013 and ending June 30, 2014. The exact amount of the deficit shall be raised by taxation on the Fiscal Year 2015 tax recapitulation forms.

s/Mayor Scott Galvin 3-27-2014

s/Alderman _____

PUBLIC HEARINGS:

On the petition NStar Electric Company for a grant of right in a way to install approximately 55 feet of conduit south on Water Street northeasterly from pole #299/12 at the intersection of Woburn Parkway and install approximately 890 feet of conduit and also installing two (new) manholes (MH29735 and MH29736) in Woburn Parkway northerly at the intersection of Water Street. PUBLIC HEARING OPENED.

On the petition by National Grid for a grant of right in a way to install approximately 85 feet of 2 inch plastic main to supply house number 3 Hobson Avenue. PUBLIC HEARING OPENED.

On the petition by Alderman Gately concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 141-143 Main Street, Woburn, Massachusetts, for the purposes of determining whether said structure or structures 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.

On the petition by Joseph Zink, Atlantic Management Corporation, 205 Newbury Street, Framingham, Massachusetts 01701 for special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended as follows: 1. Section 5.1.44 to allow operation of a garage, automobile and truck repair, 2. Section 5.1.57b to allow accessory storage or parking of commercial motor vehicles other than as provided for in Section 5.1.58, trucks, buses or contractor's equipment, and 3. Section 7.3 findings for extension or alteration of non-conforming uses/structures for the following: a. minimum landscaped usable open space requirement under Section 6.1 and footnote 7 (30%), and b. retaining loading bays facing Wildwood Avenue under Section 8.7.10, at 205 Wildwood Avenue. PUBLIC HEARING OPENED.

On the petition by C.N. Wood Realty LLC, 200 Merrimac Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow an addition to be constructed on the existing building as an extension or alteration of a pre-existing non-conforming structure or use at 200 Merrimac Street. PUBLIC HEARING OPENED. A communication dated March 17, 2014 was received from Erin E. Wortman, City Planner/Grant Writer as follows:

Re: C.N. Wood Realty LLC – 200 Merrimac Street – To allow for an addition to be constructed on the existing building as an alteration of a pre-existing non-conforming structure or use pursuant to Section 7.3

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on March 11, 2014, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of C.N. Wood Realty LLC, regarding the property at 200 Merrimac Street to allow for the alteration of an existing non-conforming structure subject to the following conditions:

1. That the Plan of Record shall be “Building Addition for 200 Merrimac Street, Woburn, MA 01801” Sheets Cover Sheet, ABB-1, ABB-2, EX-1, C-2, C-3, C-4, D-1, D-2 dated January 28, 2014 and Sheet C-1 dated March 6, 2014 prepared by Allen and Major Associates, Inc, 100 Commerce Way, Woburn, MA 01888; and
2. That the Operation and Maintenance Plan shall be in accordance with and outlined within the “Development Impact Statement” prepared by Allen and Major Associates, Inc. dated January 28, 2014; and
3. That the developer provide the Engineering Department with the mitigation fee as outlined in the Development Impact Statement dated January 28, 2014 by Allen and Major Associates prior to the issuance of a building permit; and
4. That all dumpsters shall be enclosed by a sight impervious fence; and
5. That the Engineering Department shall review and approve the drainage calculations submitted by the developer prior to the issuance of a building permit.

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

Sincerely, s/Erin E. Wortman, City Planner/Grant Writer

On the petition by Herb Chambers 128, Inc., c/o The Herb Chambers Companies, 47 Eastern Boulevard, Glastonbury, Connecticut 06033 for a special permit pursuant to Section 7.3 and Section 15 of the 1985 Woburn Zoning Ordinances, as amended to allow for the alteration, change and extension of the existing nonconforming use (overnight parking of commercial vehicles) to allow for the storage, reconditioning and preparation and preparation of motor vehicles at 285 Locust Street. PUBLIC HEARING OPENED.

On the petition by Peter Mamakos, 43 Almont Street, Medford, Massachusetts for a special permit to amend a special permit pursuant to Section 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended to allow alteration of the floor plan and amend the plan of record at 487-489 Main Street. PUBLIC HEARING OPENED. A communication dated March 17, 2014 was received from Erin E. Wortman, City Planner/Grant Writer as follows:

Re: Peter Mamakos – 487 – 489 Main Street – To allow for the modification of the Special Permit decision by changing the Plan of Record and to allow for the alteration of the floor plan pursuant to Section 5.1.29

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on March 11, 2014, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Peter Mamakos, regarding the property at 487-489 Main Street to allow for the modification of the Special Permit decision subject to the following conditions:

1. That the condition #11 of the Special Permit issued April 7, 2005 be stricken and in its place be inserted a new condition #11 as follows “11. That the special permit be limited to Peter Mamakos for “The Restaurant” and that the allowable occupancy may not exceed 117 persons as per the Building Code”; and
2. That all conditions of the City Council Special Permit issued on April 7, 2005 and amended on March 11, 2011 shall remain in full force and effect unless further modified by this decision.

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

Sincerely, s/Erin E. Wortman, City Planner/Grant Writer

On the petition by Woburn Truck & Auto, Inc., 1095 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended to allow for the alteration and extension of the preexisting nonconforming use (motor vehicle junkyard) to allow heavy manufacturing at Lot 04-01-01, 04-01-02, 04-01-03, 04-01-04 Kensington Avenue; 03-06-02, 03-05-05 Ingelow Avenue; 03-05-06 Florence Avenue; 03-05-12 1095R Main Street. PUBLIC HEARING OPENED.

On the petition by Adriano Lopes, 1386 Summit Street #3, Lynn, Massachusetts 01905 for a special permit pursuant to the Section 5.1.44 of the 1985 Woburn Zoning Ordinances, as amended, to allow automotive and truck repair (not mechanical) paint spray booth at 10 Draper Street, Unit 32. PUBLIC HEARING OPENED. A copy of a communication dated March 24, 2014 to Tina Cassidy, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 10 Draper Street Unit 32 – Special Permit – Spray Booth Sketch Dated 8/8/12

The applicant has submitted a special permit application to allow for an interior spray booth at the above referenced.

Upon review of the special permit application, there is only interior work being proposed and 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.

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$250,000.00 from Ward 5 Infrastructure Account to Montvale Widening Design Account, committee report was received “ought to pass, as amended with the amendment as follows: That any unexpended funds shall be returned to the Ward 5 Infrastructure Account”. A communication dated March 28, 2014 with attachments was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Request from City Council Committee on Finance – Memorandum of Understanding between City of Woburn and Winchester Hospital

At the Committee on Finance’s request, I am producing herewith a copy of the May 25, 2007 Memorandum of Understanding (“MOU”) between the City of Woburn and Winchester hospital relative to the development of the property located at 620 Washington Street, Winchester, MA together with a copy of former Mayor McLaughlin’s February 27, 2009 correspondence to the City Council Committee on Liaison. A copy of the Committee’s request is also attached hereto for reference.

After reviewing the MOU I spoke with both the City Auditor and the Planning Director who informed me that as of this date, no monies have ever been received from the Winchester Hospital pursuant to the MOU. Further, according to the City Engineer and the former Planning Director, payment of the funds was contingent upon the Winchester Town Meeting approving a “Health Services Overlay District” which would have permitted the construction of an ambulatory outpatient center, medical offices and a parking structure. As the Town Meeting did not approve the zoning amendment, a smaller “by right” project was constructed and the contingency that would have required the payment to the City of Woburn did not occur.

Very truly yours, s/ Ellen Callahan Doucette

On the Loan Order to appropriate the sum of \$1,300,000.00 to pay costs for ground remediation at Leland Park and construction of a splash park, committee report was received “back for action”.

PUBLIC SAFETY AND LICENSES:

On the petition by Blues for Veterans Association for a special events permit for an event to be held on August 23, 2014 at Library Park, committee report was received “ought to pass”.

On the petition by SureRide, LLC for renewal of a Taxi Cab License for one vehicle, committee report was received “ought to pass”.

On the petition by Patricia Porrazzo for renewal of a Livery License, committee report was received “ought to pass subject to filing copy of current motor vehicle registration”.

On the petition by LifeLine Ambulance Service, LLC dba Coach Line Limousine & Motor Coach for renewal of a Livery License, committee report was received “ought to pass”.

On the petition by Woburn Bowladrome Inc. for renewal of Bowling Alley License, committee report was received “ought to pass”.

On the petition by Milano Jewelry LLC for renewal of a License to Purchase and Sell Second-Hand and Personal Articles of Value and Collectibles, committee report was received “ought to pass, pending a report for the Police Department regarding the petition”. A communication dated March 27, 2014 was received from Woburn Police Detective James Flynn which concluded “I have no objections to the renewal of said license.”

NEW PETITIONS:

Petition by St. Anthony Parish, 80 Elm Street, Woburn, Massachusetts 01801 for a special event permit to allow a festival at Ferullo Field on June 7, 2014.

Petitions for renewal of Taxi Cab Licenses by Maqsd Shaikh dba Bombay Taxi, 165U New Boston Road, Suite 275; and Woburn Cab Company, 100 Ashburton Avenue.

Petition by American Classic Limo Inc., 215 Salem Street for renewal of a Livery License.

Petition by TransAction Corporate Shuttles, Inc. 5 Wheeling Avenue for a new Common Carrier License.

A communication dated March 26, 2014 with attachments was received from Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Request for Minor Modification

- 1) Ryeknot Properties–Woburn LLC, 307 Main Street and 6 High Street, Woburn, Massachusetts
- 2) OL Fresh, LLC, 307 Main Street and 6 High Street, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent Ryeknot Properties-Woburn LLC and OL Fresh, LLC. On January 9, 2014 your office issued Landowner's Decisions and Notices of Special Permit setting forth approvals by the Woburn City Council of the Special Permits granted to my clients (the "Decisions").

Enclosed please find ten (10) copies of a plan entitled "Site Plan in Woburn, MA Showing Proposed Re-Development at 307 Main Street and 6 High Street" dated October 18, 2013 revised February 25, 2014 and March 12, 2014 prepared by Millennium Engineering, Inc., 62 Elm Street, Salisbury, MA 01952 (the "Revised Plan").

The Plan referenced in Condition 4 of the Decisions required that the parking "shall be in accordance with the plan dated October 29, 2013" (ten copies enclosed). As a result of site conditions it is necessary to move slightly the proposed foundation. The specific site conditions are as follows:

1. Using the existing retaining wall during construction to hold back abutting embankment.
2. Removal of the existing retaining wall will require extensive sheet pile temporary retaining structure.
3. The sheet pile method will require extensive excavation and more importantly potentially damage the existing embankment and the large brick building and its parking lot that abuts the property.

The original proposed foundation line is outlined as a solid line and the proposed new foundation line is outlined as a hash mark. As you can see the proposed new foundation line is for the most part within the original proposed foundation line.

The proposed revisions to the Decision by substituting the plan approved in the Decisions does not result in any change or modification to the location of the buildings nor does it change any of the conditions contained in the Decisions.

Further, the proposed modifications do not result in a substantive amendment which changes the result of the Decisions or which grants relief different from that originally granted.

On behalf of my clients, I respectfully request approval by the City Council at its meeting on April 1, 2014 of minor modifications to the Decisions by replacing the plan referenced

in Condition 4 with the Revised Plan. If the City Council finds that this request is not a minor modification I respectfully request that the City Council allow for a late filing of a Special Permit Petition and schedule a public hearing for May 6, 2014.

If you have any questions, please do not hesitate to contact me. Thank you.

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

COMMUNICATIONS AND REPORTS:

A communication dated March 26, 2014 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 20½, I am submitting this report to you on the parking violations within the city of Woburn for the period ending February 2014: number of violations issued 213, number of violations paid 102, number of violations outstanding 97, amount collected and submitted to the Collector's Office \$8,630.00. There exists a backlog of 3242 tickets from 1982 through 2013. Demand will be sent until all tickets have been paid. Parking fines referred to the Handicapped Commission \$1,300.00.

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

A communication dated March 27, 2014 with attachment was received from Ellen Callahan Doucette, City Solicitor as follows:

Re: Acceptance of Ingalls Street and Josam Lane as Public Ways

This memorandum is in response to an email I received from the City Clerk relative to the Order submitted for the acceptance of Ingalls Street and Josam Lane as public ways, and correspondence received by the developer of Mentas Way. The City Clerk informed me that the City Council voted to hold a public hearing on April 15 but that based upon the October 1, 2007 memorandum from the City's former legal contractor which discussed the street layout/acceptance procedure, "it was the sense of the City Council that the matter required several other procedural steps in order to accept the streets." (The October 31, 2007 memorandum discusses the distinctions between the WMC procedure for roadway layout and that which is detailed in M.G.L. c.82, §§21-24. Section 12-5(E) requires a notice and a public hearing where c.82 does not.) There are indeed additional steps which must be taken before the streets can be accepted which will be discussed below. A copy of the City Clerk's email is attached hereto for reference.

As to the remaining procedural steps, I offer the following:

- A petition is not required where an Order signed by one or more Alderman will suffice to bring the matter to the City Council’s attention. As neither an Order nor a petition accompanied the letter filed regarding Mentas Circle, I question whether the acceptance of that street is properly before the City Council.
- The Planning Director will forward all documentation regarding the Planning Board’s approval of Ingalls Street and Josam Way including the Planning Board’s Certificate of Completion for the subject streets which should suffice as a recommendation.
- The executed original deed from the developer of Josam Lane and Ingalls Street was delivered to the Planning Board.

Further to the acceptance process, though the subject streets were developed in accordance with approved definitive subdivision plans, notably absent from the Planning Board’s Subdivision Rules and Regulations is a procedure for the submittal of newly constructed streets to the City Council for acceptance as public ways. I have discussed this issue at length with the Planning Director, who indicated to me that revising the subdivision rules and regulations is one of several goals she has moving forward, and that such revisions will include a procedure for acceptance of the newly constructed streets which would streamline the procedure.

Sincerely, s/Ellen Callahan Doucette

UNFINISHED BUSINESS OF PRECEDING MEETING:

On the notice of intent file by Alderman Drapeau relative to his vote in support of the motion to approve renewal of Taxi Cab Licenses by Mourad Djiar dba ABCE Taxi of Woburn, Ahmad S. Abbas dba A.A. Transportation, and Saeed Rajabi dba Sky Taxi of Woburn.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Be it Ordained by the City Council of the City of Woburn that Title 6, Article I, Section 6-10 of the 1989 Woburn Municipal Code, as amended, be further amended by deleting the numbers “\$15.00” in the third sentence and replacing same with the numbers “\$5.00”.

s/Alderman Drapeau

Motion made and 2nd to ADJOURN.