

**CITY OF WOBURN
FEBRUARY 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.

MAYOR'S COMMUNICATIONS:

A communication dated January 25, 2007 was received from His Honor the Mayor as follows:

Dear President Doherty:

I would like to please request the opportunity to meet with the City Council in Executive Session during its Regular Meeting on February 6, 2007, for the purposes of discussing pending litigation.

I also request that this be first on the agenda because the City's attorney(s) will be present.

Thank you.

Sincerely, s/Thomas L. McLaughlin, Mayor

ORDERED That the sum of \$1,500,000.00 be and is hereby appropriated as so stated from Stabilization Fund Acct #704059-596100 \$1,500,000.00 to Demolition of Old Reeves Elementary School Acct #0112158-586572 \$1,500,000.00.

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

s/Alderman _____

ORDERED Whereas, emergency response to critical incidents requires integrated professional management; and

Whereas, the Incident Command System (ICS) of such incidents is recognized as the management model to maximize the public safety response; and

Whereas, the National Incident Management System (NIMS) has been identified by the federal government as the being the requisite emergency management system for all political subdivisions; and

Whereas, adoption of both the Incident Command System (ICS) and the National Incident Management System (NIMS) are necessary for the city of Woburn to remain eligible for reimbursement of costs expended after an emergency occurs and for further homeland security preparation and training funding;

Now, Therefore, Be it Ordered that the city of Woburn hereby adopts the principles and policies of the National Incident Management System (NIMS); formally recognizes the National Incident Management System (NIMS) as the local standard for incident management; and as such adopts the Incident Command System (ICS) as the official incident response system of the city of Woburn.

I hereby recommend the above. s/Thomas L. McLaughlin, Mayor

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 January 22, 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 traffic data requested by the Planning Board in connection with this Petition will not be available by Tuesday, January 23, 2007, I respectfully request that the public hearing on this matter be further continued to the City Council meeting scheduled for February 20, 2007. If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

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 January 22, 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 traffic data requested by the Planning Board in connection with this Petition will not be available by Tuesday, January 23, 2007, I respectfully request that the public hearing on this matter be further continued to the City Council meeting scheduled for February 20, 2007. If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

On the petition by Boys & Girls Club of Woburn, Inc., Charles Gardner Lane, Woburn, Massachusetts 01801 for a special permit to conduct a carnival at the National Amusements (Showcase Cinemas) site from Tuesday, May 15, 2007 to Sunday, May 20, 2007. PUBLIC HEARING OPENED. A communication dated January 25, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Boys & Girls Club of Woburn – 25 Middlesex Canal Park – Special Permit to conduct carnival

Dear Mr. Campbell and Members of the City Council:

At the meeting held on January 23, 2007, the Planning Board voted to forward a favorable recommendation to the City Council, subject to the condition that the applicant comply with Note 14 of the Notes to Section 5.1 of the 1985 Zoning Ordinance as amended.

If Council members have any questions or concerns regarding the above recommendations, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

On the petition by Brad Kent, Agent to Nextel Communications, 30 Lyman Street, Suite 12, Westborough, Massachusetts 01581 for a special permit to replace the existing nine (9) antennas on an existing pipe frame with twelve (12) antennas on a proposed anchored antenna roof frame pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended at 21 Warren Avenue. PUBLIC HEARING OPENED. A communication dated January 25, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Nextel Communications – 21 Warren Ave. – Special Permit under Section 7.3 to remove existing 9 antenna and replace with 12 antennas

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on January 23, 2007, the Board voted to forward the following recommendation to the City Council on the Special Permit request of Nextel Communications to allow for the removal of 9 existing antennas and to replace them with 12 antennas in accordance with Section 7.3 of the zoning ordinance at 21 Warren Avenue that the City Council require the petitioner to analyze the current request in accordance with Section 5.6 of the zoning ordinance and to approve the request only if the Special Permit conforms with Section 5.6 of the zoning ordinance and the following conditions:

1. That the petitioner shall post a bond for future removal; and
2. That the petitioner shall contribute up to \$5000 for the cost of a survey for the siting of wireless communication facilities within Woburn.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

A communication dated January 22, 2007 was received from Brett F. Gonsalves, Senior Engineer, Woburn Engineering Department as follows:

Subject: 21 Warren Avenue – Nextel Antennas Special Permit
Special Permit Application Dated 12/15/06
Plans Dated 10/4/06

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

The special permit application outlines the removal of an existing 9 antenna assembly and replacing it with a 12 antenna assembly in the same location. This office takes no exception to the special permit application as submitted.

We are not aware if this project is subject to the on going communications study being verified by the City Council.

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

On the petition by President Charles Doherty to further amend the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. By amending Section 5.1 "Table of Use Regulations" by striking therefrom the "X" under line 5 "Dwelling units above first story in commercial structure" in the B-D zoning district and inserting a "P" in its place, meaning and intending to require a special permit for "Dwelling units above first story in commercial structure" in the B-D zoning district. 2. By adding under the "Notes; other sections" column under Section 5.1.5 the words and numbers "Section 11.6.11" 3. By adding a new Section 11.6.11 as follows: 11. Dwelling Units above first story in commercial structures in the B-D District. 1. A parking plan shall be approved by the City Council to ensure that adequate on-site and off-site parking, including parking in a municipal parking lot within 500 feet of the locus, is available to serve the unit and which would not create an undue burden on municipal parking facilities. 2. That if at the time of application the locus has open space there shall be no reduction in excess of ten percent (10%) of the open space. PUBLIC HEARING OPENED. A communication dated January 25, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Alderman Charles E. Doherty – to amend Sections of the Woburn Zoning Ordinance regarding the BD Zoning District

Dear Mr. Campbell and Members of the City Council:

At the public hearing held on January 23, 2007, the Woburn Planning Board voted to forward a favorable recommendation to the City Council on the above-cited zoning amendments to amend Section 5.1.5 and add a new Section 11.6.11 to the Woburn Zoning Ordinance.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$146,000.00 from BLS Ambulance Receipts to Fire Ambulance Salary, committee report was received “ought to pass”.

On the Order to transfer the sum of \$30,000.00 from BLS Ambulance Receipts to Ambulance Maintenance, committee report was received “ought to pass”.

On the Order to transfer the sum of \$50,000.00 from Fire Ambulance Salary to Fire Sick Leave Buy Back, committee report was received “ought to pass”.

POLICE AND LICENSE:

On the petition by Lawless Chrysler Jeep, Inc. for renewal of a First Class Motor Vehicle Sales License, committee report was received “ought to pass”.

PERSONNEL:

On the re-appoint of Alfred Tancreti as a member of the Woburn Handicapped and Disabled Citizens Commission, committee report was received “ought to pass”.

On the appointment of William J. Mulrenan as a member of the Woburn Golf & Ski Authority, committee report was received “ought to pass”.

On the Order to repeal Title 2, Article XXXV, Section 2-214 through 2-226 of the 1989 Woburn Municipal Code, as amended, relative to the Biomedical Oversight Committee, committee report was received “ought to pass”.

SPECIAL PERMITS:

On the petition by Gerrior Realty LLC 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, committee report was received as follows: “ought to pass with the following conditions: 1. That the Planning Board recommendations be made part of the Special Permit: a. That the petitioner be limited to three 16’ trailers and one 20’ trailer, three storage bins, and one 1 ton truck, all as shown on the parking plot

plan, to be completed before the next meeting, b. That the Planning Board approved a landscaping plan and retain jurisdiction over the landscaping; 2. That the City Council will retain jurisdiction over landscaping; 3. That there be no additional outside storage; 4. That there be no retail or wholesale sale of materials allowed on site; 5. That there be gates across bins and trailers; 6. That this special permit is for Gerrior Realty LLC and is non-transferable, and 7. That there be a one year review on this Special Permit.”

CITIZEN’S PARTICIPATION: None.

NEW PETITIONS:

Petition by Azure Dynamics, Inc., 9 Forbes Road for renewal of First Class Motor Vehicle Sales License.

Petition by New Boston Auto Exchange, 210 New Boston Street for renewal of a Second Class Motor Vehicle Sales License.

A communication dated January 16, 2007 was received from Attorney Geoffrey A. Curtis, 8 Cedar Street, Suite 55, Woburn, Massachusetts 01801 as follows:

Re: Abdulla H. Nasser

Dear Ladies and Gentlemen:

This office represents Mr. Abdulla H. Nasser dba AACO Travel and Taxi, with respect to his taxicab license. Mr. Nasser’s current license for 1 can is good until April 30, 2007. A copy of the current Certificate of license is enclosed for your convenience.

Mr. Nasser would like to add another taxicab to his business in order to provide him with some coverage during busy periods. Accordingly, Mr. Nasser requests the Council to increase the number of taxicabs licensed from one (1) to (2).

Please call me if you have any questions, or if you require my client and I attend any hearings.

Very truly yours, s/Geoffrey A. Curtis

Petition by Lorraine Realty Trust, 34A Holton Street, Woburn, Massachusetts 01801 for Planning Board Site Plan Review pursuant to Section 12.2.4 of the 1985 Woburn Zoning Ordinances, as amended, for the creation of one hundred or more parking spaces at Holton Street/Bucci Way. Motion made and 2nd that a communication be forwarded to

the Planning Board advising that the City Council will review this petition and provide a recommendation to the Planning Board.

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.

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.

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.

COMMUNICATIONS AND REPORTS:

A communication dated January 23, 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 December 2006: number of tickets issued 2,110, number of tickets paid 1,645, number of hearings scheduled 766, number of tickets voided or dismissed 204, number of tickets outstanding 453, number of tickets issued by motorcycle officers 0, total dollar amount collected and turned into the Treasurer’s Office \$69,742.60. There exists a backlog of 4,860 tickets for 1982 through 2005. Demands will be sent out until all tickets have been cleared. Parking violations turned over to Handicap Commission to date \$13,100.00.

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

A communication dated January 18, 2007 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the January meeting of the Council on Aging, the Director’s report for the month of January and the Council on Aging Annual Report for Fiscal Year 2006.

A communication dated February 1, 2007 was received from the City Clerk and attached thereto was a list of special permits with conditions requiring that the special permit be reviewed within a certain period of time.

A communication dated January 22, 2007 was received from the Traffic Commission advising that the jurisdiction of the Traffic Commission is over “vehicular street traffic, pedestrian traffic and parking in the city and to the movement, stopping or standing of vehicles on, and their exclusion from, all or any streets, ways, highways, roads or parkways, under the control of the city” and that the jurisdiction does not extend to private developments.

A communication dated January 22, 2007 was received from Attorney John W. Giorgio, Kopelman and Paige, P.C. relative to solid waste user fees.

A communication dated January 19, 2007 was received from Attorney Brian W. Riley and Attorney Lauren F. Goldberg, Kopelman and Paige, P.C. relative to the applicability of the open meeting and public records laws to employee search/screening committees.

A communication dated January 2, 2007 was received from C.N. Wood Co., Inc., 200 Merrimac Street, Woburn, Massachusetts 01801 relative to their efforts to minimize truck traffic from traveling along Merrimac Street.

A communication dated January 16, 2007 with attachment was received from Paul W. Cote, Government Relations Director, Massachusetts Motorcycle Association, P.O. Box 516, Amesbury, Massachusetts 01913 requesting that the City Council declare and participate in the State’s Motorcycle Safety Awareness Period during the last week of March through the last week of April 2007, to authorize the Association to erect a two foot by eight foot sign promoting motorcycle safety in a location to be determined, and to appoint a public safety official to work with the Association in coordinating the effort.

A communication dated February 2, 2007 was received from Attorney John D. McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 as follows:

Re: Request for Approval of Conservation Restriction
Premises: 5 Diana Drive, Woburn, MA

Ladies and Gentlemen of the City Council:

I am submitting herewith for your approval a "Conservation Restriction" on the above-premises. The Restriction was required by the Conservation Commission, and is in a form which has been reviewed and approved by both the Administrator and Commission Chairman, and is in a form as well which is consistent with similar Restrictions approved in the past. As you know, in order to be valid, they must also be approved and signed by the City Council and Mayor.

If you have no objections, we would appreciate it if you could vote to approve the Restriction, in which event this can then be submitted to the Mayor for his approval as well. We are attempting to coordinate a closing on the property later this week, and your action this evening, if at all possible, would allow the property owner and the new buyer to maintain that closing date.

Thank you for your cooperation in this matter.

Sincerely, s/John D. McElhiney

A Conservation Easement and Restriction was received from Charles M. Norcutt and Margaret A. Norcutt, both of 5 Diana Drive, Woburn pursuant to Sections 31, 32 and 33 of Chapter 184 of the Massachusetts General Laws granting, with quitclaim covenants, to the City of Woburn in perpetuity and exclusively for conservation purposes a Conservation Restriction on a parcel of land located in the City of Woburn, Massachusetts and being a portion of Lot 255 on Land Court Plan No. 5711-28, said portion being further labeled on a sketch plan attached hereto as Exhibit A, as "Area Subject to Conservation Easement", (said portion so restricted hereafter called the "Premises").

A Conservation Easement and Restriction was received from Eugene E. Won and Jessica S. Won, 123 Burlington Street, Woburn pursuant to Sections 31, 32 and 33 of Chapter 184 of the Massachusetts General Laws granting, with quitclaim covenants, to the City of Woburn in perpetuity and exclusively for conservation purposes a Conservation Restriction on a parcel of land located in the City of Woburn, Massachusetts, consisting of approximately 10,022 square feet being shown on a plan entitled "Conservation Restriction Plan of Land at 123 Burlington Street in Woburn, Mass.", dated December 13, 2006, prepared for the Grantor by Edward J. Farrell, P.L.S., attached as Exhibit A, said area shown on said Exhibit A as shaded area depicted as "CR" (the "Premises"), and more particularly described in Exhibit B.

A communication dated January 16, 2007 with attachment was received from Mitchell L. Fischman, AICP, Vice President, Daylor Consulting Group, Inc., 10 Forbes Road, Braintree, Massachusetts 02184 along with an Expanded Environmental Notification Form relative to Mishawum Station, Old Mishawum Road, Woburn, Massachusetts.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That the City of Woburn hereby accepts the provisions of Chapter 79 of the Acts of 2006 entitled “An Act Further Regulating Meetings of Municipal Boards” for meetings of the city council, planning board, board of appeals and conservation commission.

s/President Doherty

ORDERED The City of Woburn hereby petitions the Great and General Court of the Commonwealth of Massachusetts to amend the Charter of the City of Woburn by adopting the following proposed Special Act:

An Act regulating preliminary elections in the city of Woburn
Chapter 139 of the acts of 1946 is hereby amended by striking out the first sentence in section 1 and inserting in place thereof the following words:
Section 1. Except as otherwise provided herein, for every regular or special city election in the city of Woburn at which any elective municipal office is to be filled, there shall be held a preliminary election for the purpose of nominating candidates therefore. The board of aldermen shall fix the day of holding preliminary elections. The date fixed shall be no later than the sixth Tuesday preceding the regular or special election. The action of the board of aldermen in fixing the date of the preliminary election shall be taken not later than the sixtieth day prior to the date so fixed.

s/President Doherty

RESOLVED That the Superintendent of Public Works install signs reading “no parking here to corner” on Main Street north and south of Richardson Street a distance of twenty (20) feet.

s/Alderman Gately

RESOLVED That the Traffic Commission investigate the feasibility of establishing a no parking zone on the easterly side of Main Street from the intersection with John Street to a point opposite Hudson Street.

s/Alderman Gately

RESOLVED That the Traffic Commission meet with representatives of the Crestview Plaza relative to concerns regarding the parking layout of the Walnut Hill parking lot and its impact on their business.

s/Alderman Gately

RESOLVED That pursuant to a recommendation of the Woburn Handicapped and Disabled Citizens Commission, the Traffic Commission establish a handicapped parking space in front of 62 Eastern Avenue

s/Alderman Gately

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to install a street light to illuminate the street at the end of Fuller Farm Lane at the end of the cul-de-sac.

s/Alderman Drapeau

RESOLVED Whereas, Sgt. First Class Keith A. Callahan was a long-time resident of the City of Woburn having attended the Clapp Elementary School, the Daniel L. Joyce Middle School and graduating with the Woburn High School class of 1993; and

Whereas, Sgt. First Class Keith A. Callahan was active in sports in his youth having been a member of Woburn High School baseball, wrestling and football teams; and

Whereas, following his graduation from Woburn High School Sgt. First Class Keith A. Callahan enlisted in the United States Army where he received boot camp training, then was involved in the Basic Airborne Course at Ft. Bennington, Georgia, then reported to the 82nd Airborne Division and was assigned as a fire team leader in the 2nd Battalion, 325th AIR; and

Whereas, Sgt. First Class Keith A. Callahan served four deployments with the Second Brigade in support of "Operation Iraqi Freedom" in which he was described as "a warrior that embodied the spirit of freedom"; and

Whereas, Sgt. First Class Keith A. Callahan was the recipient of the following medals, awards and decorations: the Purple Heart, Bronze Star, Army Commendation, the Army Achievement Medal with one oak leaf cluster, the National Defense Service Medal, the Iraq Campaign Medal, the Global War on Terrorism Expeditionary Medal and Service Medal, the Humanitarian Service Medal, the Non-Commissioned Officer Professional Development Ribbon, Army Service Ribbon, the Combat Infantry Badge, the Expert Infantry Badge and the Ranger Tab, and Senior Parachutists Badge; and

Whereas, on January 24, 2007, Sgt. First Class Keith A. Callahan sacrificed his life in service to his country while conducting combat patrol south of Baghdad, Iraq;

Now, Therefore, the City Council of the City of Woburn recognizes with deep appreciation the sacrifices of Sgt. First Class Keith A. Callahan in defending the cause of freedom and liberty and expresses its sincere and heartfelt condolences to his wife Dody Callahan and his children, Tyler, Devin, Brady and Brooke, and calls upon the residents of the community to reflect on the dedicated life of this honorable soldier and noble man.

s/President Doherty

Motion made and 2nd to ADJOURN.