

**CITY OF WOBURN  
APRIL 21, 2015 - 7:00 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gaffney
Concannon	Gately
DiTucci	Mercer-Bruen
Drapeau	Raymond
Haggerty	

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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 \$7,938.00 be and is hereby transferred as so stated from 7 State Street Acct #360048-488207 \$7,938.00 to Aldis Camera's Traffic Detection Installation Acct #360058-588207 \$7,938.00.

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

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

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ORDERED That the sum of \$10,000.00 be and is hereby transferred from the Cemetery Interest Fund to the Cemetery Over-time Account #0149051-513100

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

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

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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 2015 amounted to \$279,000. The additional amount to be expended, but not to exceed, is \$1,000,000 (\$1,279,000 total) for the fiscal year beginning July 1, 2014

and ending June 30, 2015. The exact amount of the deficit shall be raised by taxation on the Fiscal Year 2016 tax recapitulation forms.

s/Scott D. Galvin, Mayor  
s/Gerald W. Surette, City Auditor

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

**PUBLIC HEARINGS:**

On the petition by Constitution Park Eight LLC, Robert W. Murray, Manager, 27 Cambridge Street, Burlington, Massachusetts 01803 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.30b to allow construction of a new 97,200 sq. ft. general office building with an additional 55,420 sq. ft. of under building parking space with associated improvements and landscaping at Constitution Way and Dragon Court. PUBLIC HEARING OPENED. A communication dated April 14, 2015 was received from Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Constitution Park Eight LLC, Building 6, Constitution Way, Woburn, MA

Dear Mr. Campbell:

I respectfully request that the above-referenced Petition by given leave to withdraw without prejudice. If you need any further information, please contact me. Thank you.

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

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On the petition by Jennifer Hardin and Scott Hardin, 35 Avalon Road, Reading, Massachusetts 01867 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended to allow for the change, extension and alteration of the existing nonconforming structure and nonconforming use (three residential units within two structures on one lot) to allow for the addition to one of the structures to provide for a total of four (4) dwelling units (two in each structure) and for a finding the such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood, at 19 Traverse Street. PUBLIC HEARING OPENED. A communication dated April 14, 2015 with attachment was received from Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Jennifer and Scott Hardin, 19 Traverse Street, Woburn, MA

Dear Mr. Campbell:

Enclosed please find for filing ten (10) copies of the revised Site Plan for the above-referenced Petition. Please note that the revised Site Plan shows three (3) units rather than the four (4) units originally requested by the Petitioner. If you need any further information, please do not hesitate to contact me. Thank you.

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

A communication dated April 14, 2015 was received from Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Jennifer and Scott Hardin, 19 Traverse Street, Woburn, MA

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for April 21, 2015 be continued to the City Council meeting on May 5, 2015. If you need any further information, please contact me. Thank you.

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

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On the petition by Oclen Realty LLC, an individual owning land to be affected by change or adoption, and Seaver Properties LLC to amend the Zoning Map of the City of Woburn by changing the zoning district for the property located at 98 and 100 Baldwin Avenue, Dexter Avenue and Warren Avenue; referenced on the Assessors Maps at Map 09, Block 13, Lot 01; Map 09, Block 12, Lot 02; Map 09, Block 12, Lot 01; Map 09, Block 11, Lot 02 and Map 09, Block 11, Lot 01; and further described as the entire parcel of land known as 98 and 100 Baldwin Avenue, to the centerlines of Chester Avenue, Dexter Avenue and Monks Street containing approximately 253,214 square feet of land as shown on a plan by Keenan Survey entitled "Proposed Rezoning Plan in Woburn, Massachusetts" dated October 17, 2014 from R-2/OP zoning district to R-3 zoning district. PUBLIC HEARING OPENED. A communication dated April 14, 2015 was received from Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Petition of Amend Zoning Map/Oclen Realty LLC/Seaver Properties LLC/Baldwin Avenue/Dexter Avenue/Warren Avenue, Woburn, MA

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for April 21, 2015 be continued to the City Council meeting on May 5, 2015. If you need any further information, please contact me. Thank you.

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

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On the petition by NSTAR Electric Company dba Eversource Energy and Verizon New England Inc. for a grant of right in a way to relocate on joint occupancy pole (60/6) on the southerly side of West Dexter Avenue approximately 80 feet southwest of Milan Avenue. PUBLIC HEARING OPENED. A communication dated April 16, 2015 was received from Superintendent of Public Works John Duran as follows:

Subject: NStar Petition for pole relocation on West Dexter Avenue

Pursuant to the request from Eversource for the pole re-location approximately 30 feet westerly to accommodate the new driveway, I offer the following. The location of the proposed new pole is fine as shown. The span between poles will be increased by that amount to the next pole shown as pole 60/7. This span may cause a sag in the line and may require either a tree removal or a sag across the traveled way. I recommend that a new pole be added between them. This would most likely solve the problem(s). Should Eversource concur with my opinion, the new pole would have to be in an approved staked out location within the City Right of Way that I would have to approve in the field. If it were located on private property, it should be conditioned that there be easements of record on file. There is a sewer line in the immediate area, so it is critical that this is properly coordinated. I can work with Eversource with in the field as long as an as-built is submitted and recorded, or a new plan should be submitted for this petition.

Please feel free to call with any questions or concerns.

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On the petition by Nardone Electrical Corporation, 100 Winchester Street, Medford, Massachusetts for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.57b and 7.3 to allow for the outside storage and parking of commercial motor vehicles and contractor's equipment at 160 Olympia Avenue. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "Back for action subject to a report from the Building Commissioner and subject to the following conditions:

1. "Unless otherwise authorized, all construction shall conform to the Plan of Record which for this project shall be "Olympia Avenue Parking Plan; Prepared for Nardone Electrical Corp., 100 Winchester Street, Medford MA; Scale 1"=20'; Date: March 10, 2015, Revised April 2, 2015; Project Number: 1411; Drawing Number: C.1."
2. All vehicles that will be parked on site overnight must be registered in the City of Woburn.
3. The existing chain link fencing shall be augmented with plastic slats to ensure the fence is opaque and capable of screening the proposed outside storage from public view.
4. Wheel stops should be added to each parking space fronting on State Street to ensure vehicles do not overhang into the right-of-way.

5. All signage must comply in all respects with the provisions of Section 13 (Sign Regulations) of the Woburn Zoning Ordinance. All signage is subject to a separate application and approval process by the Department of Municipal Inspections.
6. Section 8.5.1. of the Zoning Ordinance requires security lighting for all parking facilities “which are used at night”. If the Council determines that the overnight parking of vehicles equates to the lot being “...used at night”, then the following condition of approval should be included: “The plans should be revised to incorporate details of security lighting.”
7. The refuse area as shown on the plan will remain enclosed in sight-impervious fence six (6) feet in height and shall not be emptied between the hours of 9:00 p.m. and 7:00 a.m. Similarly, the refuse area shall not be filled after the close of business.
8. The Special Permit shall be issued to Nardone Electrical Corporation only and shall not be transferrable.
9. The Petitioner shall install a KNOX BOX on or next to the gate to the secured area to allow for Fire Department access.
10. That the hours of operation shall be Monday through Saturday 6:00 am through 7:00 pm.

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On the petition by MINAST, LLC, 11 Presidential Way, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.42 and 12 to allow for the construction of a new building containing approximately 46,858 square feet of gross floor area for 1. warehouse and distribution use, and 2. office use, at Lot 1, Presidential Way. PUBLIC HEARING OPENED. A communication dated April 13, 2015 was received from Tina Cassidy, Planning Director as follows:

Re: Planning Department Comments on Special Permit Application for New Building on Lot 1, #4 Presidential Way/MINAST, LLC

Dear Honorable Council:

The Planning Department has reviewed the above-referenced petition which seeks a special permit in accordance with Section 5.1.42 of the Zoning Ordinance to allow for the construction of a new 46,900 sq. ft. building on this 6.6 acre site. The building would be used for office space and warehouse and distribution activities. Section 5.1.42 requires a City Council special permit for a “wholesale establishment, (or) warehouse and distribution center” in an I-P District.

The petition also requests Site Plan Review from the City Council in accordance with Section 12.2.4. of the Zoning Ordinance because 100 parking spaces and more than 15,000 sq. ft. of floor area will be built as part of the project.

The Planning Department notes the following issues for the Council:

1. The two handicapped parking spaces along the western building façade appear to meet ADA Codes but are less than 12' in width (Section 8.4.1.2.b. of the Zoning Ordinance).
2. The driveways exceed the stated maximum driveway width of 28' (driveways are 30.93' and 28.45' in width) but Council approval of a Plan of Record showing the wider driveways will authorize the increase (Section 8.4.3. of the Zoning Ordinance).
3. The applicant's engineer confirmed there are two (2) loading bays in the "depressed loading dock area" as required by Section 8.7.1. of the Zoning Ordinance. A copy of a March 16, 2015 letter from project engineer John Gaudette is attached as Appendix A.
4. The Development Impact Statement contains two varying project descriptions. Page 4 describes the project as "...**60% warehouse and 40% office**..." and page 6 describes it as "...**70% warehouse/30% office**..." The applicant's engineer has confirmed the correct figures are 70% warehouse space and 30% office space. The parking requirements contained on Sheet SP-1 are calculated with the correct numbers.

The Planning Department recommends the City Council consider imposing the following as conditions of the requested special permit:

1. Unless otherwise authorized, all construction shall conform to the Plan of Record which for this project shall be "Presidential Way Development Woburn, MA; Client: Minast LLC, 11 Presidential Way, Woburn, MA 01801; Prepared by: WorldTech Engineering, 300 Tradecenter Suite 5580, Woburn, MA 01801; Sheet No. T-01 (Title Sheet and Index) dated 2-25-15 not to scale; Sheet No. EX-1 (Existing Conditions Survey) dated 2-26-15, at a scale not noted; Sheet SP-1 (Overall Site Layout Plan) dated 2-26-15, revised 3-27-15 at a scale of 1"=40'; Sheet GD-1 (Site Grading and Drainage Plan, Sheet 1 of 2) dated 2-26-15 at a scale of 1"=40'; Sheet GD-2 (Site Grading and Drainage Plan, Sheet 2 of 2) dated 2-26-15 at a scale of 1"=40'; Sheet U-1 (Proposed Utility Plan) dated 2-26-15 at a scale of 1"=40'; and Sheet L-1 (Overall Site Landscape Plan) dated 2-26-15, revised 3-27-15 at a scale of 1"=40'";
2. The site shall be maintained at all times in accordance with and as outlined in the "Stormwater Operations and Maintenance Plan for 4 Presidential Way, Woburn, Massachusetts" included in the undated Development Impact Statement that was submitted with this application and prepared by WorldTech Engineering;
3. Prior to the issuance of a building permit, the applicant shall submit to the City's Engineering Department the required mitigation fee (\$17,808 mitigation fee, \$11,000 connection fee) that is specified in the undated Development Impact

Statement that was submitted with this application and prepared by WorldTech Engineering;

4. No refuse area shall be emptied between the hours of 9:00 p.m. and 7:00 a.m. nor shall any refuse area be filled after the close of business;
5. All signage must comply in all respects with the provisions of Section 13 of the Woburn Zoning Ordinance. All signage is subject to a separate application and approval process by the Department of Municipal Inspections;
6. If the areas identified for on-site snow storage prove to be of inadequate capacity at any time in a given season, then Inspectional Services Director Tom Quinn is hereby authorized to require snow to be removed from the site if and when, in his opinion, on-site snow storage areas are inadequate;
7. A notation should be added to the plan identifying the proposed material for the fencing around each Dumpster to ensure they are adequately screened from view as required by the Zoning Code;
8. All exterior lighting shall be shielded in such a manner that will prevent direct light from impacting any abutting properties;
9. During construction, all vehicles must be parked on site and all staging and deliveries will occur on site;
10. Exterior construction activities on site shall not commence prior to 7:00 a.m. and shall cease no later than 6:00 p.m. Monday through Friday; shall not commence earlier than 8:00 a.m. and shall cease no later than 6:00 p.m. Saturday; and no exterior construction activities shall occur at all on Sundays. This does not include off-site utility work; and
11. During the site redevelopment and construction phases, the petitioner shall maintain all adjoining roadways free and clear of all debris.

Sheets SP-1 and L-1 were revised after submission of the special permit application in order to address questions from this Department. A copy of both is attached for reference.

Please feel free to contact me directly if you have any questions about this recommendation.

Respectfully, s/Tina P. Cassidy, Director

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On the petition by President Haggerty and Alderman Gately concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of

Massachusetts known and numbered as 118 Eastern Avenue, 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.

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On the petition by Alderman Richard Gately concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 22 Mt. Pleasant 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.

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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 20 Garfield Avenue, 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.

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**FINANCE:**

On the Order to transfer the sum of \$439,000.00 from BLS/Ambulance Receipts Acct to various Fire Department Accounts, committee report was received "ought to pass."

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On the Order to transfer the sum of \$5,400.00 from Fire/Maint/Telephone Acct to Fire Maint/Natural Gas and Fire Maint/Fuel Oil Acct, committee report was received "ought to pass."

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On the Order to transfer the sum of \$81,000.00 from Traffic Safety & Infrastructure Acct to U-Haul/Olympia Ave Acct, committee report was received "ought to pass, as

amended, with the amendment as follows: 1. That upon completion of the work the City Council shall be supplied copies of invoices for the expenses and any remaining funds shall be returned to the U-Haul/Olympia Ave Acct.”

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**PUBLIC SAFETY AND LICENSES:**

On the petition by Kristen Gonzalez Boot Camp for a special event permit, committee report was received “that the matter be given leave to withdraw without prejudice”.

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

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On the petition by ecoATM, Inc. 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”.

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

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**PERSONNEL:**

On the appointment of a City Auditor, committee report was received “job description and job posting be approved with a revised salary of \$96,232.25.”

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**ORDINANCES:**

On the Order to amend the 1989 Woburn Municipal Code, as amended, Section 6-12(B) relative to transfer of dog license from another community, committee report was received “ought to pass”.

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On the Order to amend the 1989 Woburn Municipal Code, as amended, Section 2-180 relative to base salaries of non-union department heads, committee report was received “ought to pass, as amended with the amendment as follows: 1. That the Director of Human Resources provide a report of comparable salaries from other communities for the positions.”

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On the Order to amend the 1989 Woburn Municipal Code, as amended, Section 2-181 relative to the base salary of the Superintendent of the Department of Public Works, committee report was received “that the matter be given a first reading.”

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On the Order to amend the 1989 Woburn Municipal Code, as amended, Sections 5-75 and 5-69(E)(1) relative to the effective date of the taxi and livery license ordinance, committee report was received “ought to pass”.

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**NEW PETITIONS:**

Petition by St. Anthony Parish, 80 Elm Street for a special event permit to allow for a procession and festival at Ferullo Field, Main Street on June 20, 2015.

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Petition by Misty Florez, 52 Lake Avenue for a special event permit to allow for wedding ceremony at Horn Pond on July 3, 2015.

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Petition by Checker Cab of Woburn Inc., 289R Salem Street for renewal of Taxi Cab License for three (3) vehicles.

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Petition by Checker Cab of Woburn Inc., 289R Salem Street for renewal of Livery License for six (6) vehicles.

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Petition by GameStop #3315, 103 Commerce Way, Suite B for renewal of a License to Purchase and Sell Second-Hand and Personal Articles of Value and Collectibles.

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**COMMUNICATIONS AND REPORTS:**

A communication dated April 16, 2015 was received from Larry Guiseppe, Director of Veterans’ Services as follows:

Mr. Campbell:

I would like to be scheduled before the proper Committee for the explanation of a rehabilitation project on the USS Maine cowl on Woburn Common. The project will be done by Friends of Woburn Veterans at no cost to the city. We are trying to begin this project as soon as possible.

s/Larry Guiseppe, Director of Veterans’ Services

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A communication dated March 31, 2015 was received from Deborah Boyce, Vice President, MassDevelopment, 99 High Street, Boston, Massachusetts 02110 relative to approval of revenue bond financing for a project being undertaken by Hallmark Health System, Inc.

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A communication dated April 13, 2015 was received from Patricia Porrazzo, 4 Skyview Lane, Woburn, Massachusetts 01801 as follows:

Dear Sir:

This is a note to confirm the Office of the City Clerk I closed my business Hollywood Limousine on 12/31/14. Therefore I will not be applying to renew my license and thank you.

Sincerely, s/Patricia Porrazzo

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

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**APPOINTMENTS AND ELECTIONS:** None.

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**MOTIONS, ORDERS AND RESOLUTIONS:**

ORDERED Be it ordained by the City Council of the City of Woburn that the Mayor be authorized to release any and all rights that the City may have in portions of so-called "paper streets" identified as Baldwin and White and as shown on a plan entitled Woburn City Land and Improvement Company Plan of Section A" recorded on June 20, 1889 and recorded with the Middlesex South Registry of Deeds in Plan Book 58, Plan 2 (A of 2), with the limits of discontinuance being the northerly sideline of Dexter Street and the southerly sideline of Warren Street as shown on said plan.

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

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ORDERED Be it ordained by the City Council of the City of Woburn that the Mayor be authorized to release any and all rights that the City may have in a so-called "paper street" identified as Beacon as shown on a plan entitled "Property of the Park District Land Improvement Association in Woburn, Mass." recorded on November 1, 1894 and recorded with the Middlesex South Registry of Deeds in Plan Book 88, Plan 59.

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

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ORDERED Be it ordained by the City Council of the City of Woburn that pursuant to M.G.L. Chapter 82, § 21, a portion of the way known as Revere Road and shown as Parcels A and B on a plan entitled “Plan Showing Proposed Discontinuance of Portions of Revere Rd., Woburn, Mass.” which is recorded in the Middlesex South Registry of Deeds in Book 19482, Page 233, be discontinued as a public way, and that the Mayor be and is hereby authorized to execute deeds conveying Parcels A and B to the direct abutters provided that such deeds contain a reservation of any and all utility easements.

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

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RESOLVED Whereas, the people of the City of Woburn have great admiration and the utmost gratitude for all the men and women who have selflessly served their country and this community in the Armed Forces for the good of all; and

Whereas, contributions and sacrifices of the men and women from the City of Woburn who served in harm’s way in the Armed Forces have been vital in maintaining the freedom and the way of life enjoyed by our citizens; and

Whereas, citizens of our community have been killed in action while serving in the Armed Forces and have been posthumously awarded the Purple Heart for the ultimate sacrifice; and

Whereas, citizens of our community have been awarded the Purple Heart for their bodily sacrifice of being wounded in action while engaged in combat; and

Whereas, the Purple Heart is the oldest American military decoration in present use and was created as the Badge of Military Merit on August 7, 1782 in Newburgh, New York by General George Washington. Initially it was made of purple cloth, shaped as a heart with the word “Merit” sewn upon it; and

Whereas the heritage it represents is sacred to those who know the price paid to wear the Purple Heart; and

Whereas, August 7<sup>th</sup> is nationally recognized as Purple Heart Appreciation Day;

Now Therefore Be It Resolved, by the City Council of the City of Woburn, that Woburn, Massachusetts be a Purple Heart City, honoring the service and sacrifice of our nation's men and women in uniform that were wounded or killed by the enemy while serving to protect the freedoms enjoyed by all Americans; and

Be It Further Resolved, that the City of Woburn recognize August 7<sup>th</sup> annually as Purple Heart Day, and urge the people and organizations of Woburn to display the Purple Heart Flag as well as other public expressions of recognition of our Purple Heart recipients.

s/Alderman Gately

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