

**CITY OF WOBURN
APRIL 17, 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: None.

PUBLIC HEARINGS:

On the petition by Atlantic Plywood, 8 Roessler Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.53 of the 1985 Woburn Zoning Ordinances, as Amended, to allow a flammable storage room at 8 Roessler Road. PUBLIC HEARING OPENED. A communication dated April 11, 2007 was received from Steve Puppo, Director of Operations, Atlantic Plywood Corporation, 8 Roessler Road, Woburn, Massachusetts 01801 as follows:

Dear Mr. Campbell:

Atlantic Plywood Corporation would like a continuance of our hearing before the city council on April 17, 2007, and would appreciate a later date in May 2007.

Sincerely, s/Steve Puppo, Director of Operations, Atlantic Plywood Corporation

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 report was received from the Committee on Ordinances as follows: "ought to pass."

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 report was received from the Committee on Ordinances as follows: "ought to pass."

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.

On the petition by Alderman Richard Getely concerning the building or buildings located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 111 Montvale Avenue, 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.

O the petition by Alderman Gonsalves to further amend the 1985 Woburn Zoning Ordinances, as amended, as follows: "By adding a new Section 11.11 as follows: PROPOSED AFFORDABLE HOUSING AMENDMENT 11.11 Affordable Housing Requirement 1. Whenever a request under this section for a Special Permit from the City Council seeks approval for the development of Townhouse, Garden, or Elevator apartments as specified under Sections 5.1.3(a) through 3(d), and Section 5.1.4, under the zoning classification for the subject parcel existing, at the time of the request, the City Council shall require as a condition of any such grant of a permit, the provision on site and within the development of affordable housing units equal to ten (10%) percent of the development's total number of dwelling units. The affordable units to be provided shall be equivalent in size, quality, and characteristics to the other units within the development, including tenure type, i.e., whether the overall development is intended for rental or homeownership. The distribution of unit sizes and determination of occupancy characteristics shall be made by the City Council at the time of granting the special permits. 2. The units required above shall be affordable to persons and households of low and moderate income, in accordance with the guidelines and regulations of the

Massachusetts Local Initiative Program (LIP), administered by the Massachusetts Department of Housing and Community Development (DHCD), or a successor program, as they may be promulgated from time to time. The Applicant shall be responsible for preparing a Massachusetts Local Initiative Program, Units Only Application, under the direction of the Mayor or his designee, for execution and submission by the City of Woburn, and to complete all other work and fulfill all other requirements related thereto, to ensure that the units will be considered subsidized low and moderate income units as defined by MGL Ch.40B, Section 20. 3. The Applicant may, with the approval of and at the sole discretion of the City Council, as a condition of any such grant of a special permit, meet the affordable housing requirements by the provision of off-site units within the same ward at a location or locations owned by, or under option to purchase by the petitioner and identified prior to the granting of and included as a condition of the special permit. Said affordable housing shall be equal to 10% of the requested development's total number of dwelling units, and shall meet the requirements of Paragraph 2, above. 4. The Applicant may, under certain circumstances, and with the approval of and at the sole discretion of the City Council, as a condition of any such grant of a special permit, may substitute a cash payment for the provision of some or all of the low and moderate income housing units required under Section 1, above. Circumstances under which a cash payment may be made include, but are not limited to: 1) the lack of shopping, schools, or other facilities near the proposed location, 2) the lack of access to public transportation, or 3) any other condition which at the sole determination of the City Council renders the site inadequate as a site for affordable housing for the benefit of Woburn residents. Such payment shall be equivalent to the present value of the difference between the affordable rent or price as required under Section 2, above, and the projected market rent or price of the units as of the date the application is submitted. The Applicant shall propose an appropriate method for determining the amount of such payment, which shall be approved by the City Council at its sole discretion. Such payments shall be placed in the Affordable Housing Fund, as specified in Paragraph 5, below. 5. An Affordable Housing Fund shall be established in the City Treasury to receive all payments made under this Section, and shall be kept separate and apart from other monies by the City Treasurer. Any moneys in said fund shall be expended only at the discretion of the City Council, with the approval of the Mayor, to support the creation of low and moderate income housing units which meet the requirements of Section 2, above. All moneys which are collected as a result of any contribution to this fund shall be transferred to the principal of said fund, and the City Treasurer shall be the custodian of the fund and shall deposit the proceeds in a bank or invest the same in such securities as are legal for the investment of funds of savings banks under the laws of the Commonwealth of Massachusetts, or in federal savings and loan associates situated in the Commonwealth. Any interest earned thereon shall be credited to and become a part of such fund. Any moneys in the fund shall be expended only by a majority vote of the entire membership of the City Council, with the approval of the Mayor. The cost of acquiring land or property for future affordable housing development by the City of Woburn or one of its public authorities is an allowed expenditure of funds held in the Affordable Housing Fund. 6. In the event that the requirements of this section impose a severe economic hardship on the Applicant, the City Council, may, at its sole discretion, modify the requirements of this Section. Such hardship must be caused by unusual site

conditions which substantially increase the cost of development, including: 1) the need to remediate conditions of environmental contamination, 2) the need to preserve an existing structure of significant historic value, 3) the need to preserve a critical area of open space, or 4) a similar site condition which the City Council determines at its sole discretion substantially increases the cost of development. Such modification shall be limited to a reduction in the number of affordable housing units to be provided under this Section, or acceptance of a cash payment less than the full amount specified in Paragraph 4, above, to be placed in the Affordable Housing Fund. 6. In determining the number of units to be provided in accordance with Paragraph 1, above, a fractional unit of .5 or more shall be regarded as a whole unit. When less than a .5 unit is required, the Application may, at the sole discretion of the City Council, satisfy the requirements of this Section by making a cash payment, as specified in Section 4, above.” PUBLIC HEARING OPENED. A communication dated April 17, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Alderman Joanna Gonsalves – to add a new Section 11.11 entitled Affordable Housing Requirement

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on April 10, 2007, the Board voted to recommend to the City Council that they refer this matter to the ZORC committee for further study to establish an Affordable Housing requirement for the City of Woburn that best addresses the needs of Woburn and is in compliance with the various Massachusetts laws and regulations that regulate the powers of cities and towns regarding housing.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

On the petition by Alderman Gonsalves, Alderman Mercer-Bruen and Alderman Gately to further amend the 1985 Woburn Zoning Ordinances, as amended, as follows: That Section 5.1 "Table of Use Regulations" of the 1985 Woburn Zoning Ordinances, as amended be further be amended as follows: 1. By striking from line 5.1.71 “Commercial Parking Garage or Parking Lot” the “X” under the B-H, I-P, IP-2, I-G, S-2, O-P and OP-93 zoning districts and inserting in its place a “P” meaning and intending thereby to change the use from a by-right use to a use requiring a special permit in those zoning districts. 2. By adding to Section 2 "Definitions" in the appropriate alphabetical order a new definition as follows: "Commercial Parking Lot: Any open air parking lot or parking garage used in whole or in part for parking three (3) or more motor vehicles and where a fee/payment for parking is charged to individuals, businesses or organizations.” PUBLIC HEARING OPENED. A communication dated April 17, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Alderman Joanna Gonsalves, Alderman Darlene Mercer-Bruen & Alderman Richard Gately – to amend Section 5.1.71 Commercial Parking Garage or Parking Lot in the BH, IP, IP-2, IG, S2, OP, and OP-93 from a by-right use to a use by Special Permit and adding under Section 2 a definition for a Commercial Parking Lot

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on April 10, 2007, the Board voted to send a favorable recommendation to the City Council with the modifications to the definition of Commercial Parking Lot by replacing the words “three (3)” with the words “fifty (50)” and by adding the following sentence “A license is required under Woburn’s Municipal Code Sections 5-87 and 5-88 for all commercial parking lots of three (3) or more parking spaces.” In addition the Planning Board recommended adding in line 5.1.71 “Commercial Parking Garage or Parking Lot” under “Notes; other sections” the words “See Definition, License Required”.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS:

PERSONNEL:

On the appointment of Patricia Dyer as a member of the Woburn Housing Authority, committee report was received “ought to pass.”

On the appointment of Edward E. Reil, Jr. as a member of the Board of Registrars of Voters, committee report was received “ought to pass.”

On the reappointment of Claudia Leis Bolgen as a member of the Planning Board, committee report was received “ought to pass.”

On the reappointment of Ann D. Alongi as a member of the Council on Aging, committee report was received “ought to pass.”

On the reappointment of Margaret Casey as a member of the Council on Aging, committee report was received “ought to pass.”

On the reappointment of Theresa Donovan as a member of the Council on Aging, committee report was received “ought to pass.”

On the reappointment of Roland French as a member of the Council on Aging, committee report was received “ought to pass.”

POLICE AND LICENSES:

On the renewal of the Livery License by Checker Cab of Woburn, Inc., committee report was received “ought to pass.”

On the renewal of the Taxi Cab License by Checker Cab of Woburn, Inc., committee report was received “ought to pass.”

On the renewal of the Livery License by American Classic Limousine Inc., committee report was received “ought to pass.”

On the renewal of the License to Sell Second-Hand and Personal Articles of Value and Collectibles by GameStop #3315, committee report was received “ought to pass.”

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

FINANCE:

On the Loan Order to appropriate the sum of \$33,850,000.00 for the purposes of financing water system improvements, committee report was received “ought to pass.”

On the Order to appropriate the sum of \$1,000,000.00 from School Stabilization Fund Account to Mayor’s Capital Outlay WMHS Turf Field Account, committee report was received “ought to pass.”

On the Order to appropriate the sum of \$128,000.00 from Free Cash Account to Emergency Repairs Account, committee report was received “ought to pass.”

On the Order to transfer the sum of \$85,438.00 from various Police Departments accounts to various other Police Department accounts, committee report was received “ought to pass.”

On the Order to transfer the sum of \$50,000.00 from Ambulance ALS Account to Ambulance Salaries Account, committee report was received “ought to pass.”

On the Order to transfer the sum of \$87,525.00 from Ambulance BLS Account to Fire Department Holiday Salary Account and Ambulance Salaries Account, committee report was received “ought to pass.”

On the Order to transfer the sum of \$3,451.00 from Outside Survey Consultants Account to Engineering Department Overtime Account and Engineering Department GIS Equipment Maintenance Account, committee report was received “ought to pass.”

NEW PETITIONS:

On the petition by Woburn Kiwanis, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.75 of the Woburn Zoning Ordinances, as amended, to operate a carnival from June 15, 2007 to June 17, 2007 at Library Park.

On the petition by Robert Adams and Greg Adams, c/o Attorney Mark J. Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to replace two multi-family buildings with one building containing five dwelling units.

COMMUNICATIONS AND REPORTS:

A communication dated April 13, 2007 was received from Richard G. Cutts, PE, Chairman, Woburn Conservation Commission as follows:

Re: Rag Rock

Dear President Doherty and Members of the City Council:

At the Conservation Commission meeting on April 12, 2007, the Commission voted unanimously that the portion of the Conservation Commission land being sought by the City is surplus to municipal, conservation and open space needs, in exchange for the three City parcels presented to the Commission by the City Engineer during a power point presentation. The City Engineer said that the proposal is for the Commission to receive more replacement land in the swap than it is giving up. He also indicated to the Commission that once the new water tank is online, the old tank will be immediately dismantled, so that upon completion of the dismantling and removal of debris from the old tank, including foundations, the land would be landscaped, and conveyed to the Commission in a safe and acceptable condition without undue delay.

During the Public Hearing, the Commission also expressed interest in the City land that abuts the Conservation land to the south, contains the lookout point and extends down the side of the hill, and is bounded by Houghton Street, Harrison Avenue, and Bacon Street. This land has long been presumed to be Conservation land, but is not under the custody and control of the Commission currently. The Commission's unanimous vote was for the plan in concept only, since the Commission was not presented with a metes and bounds plan to review, nor with an appraisal of the properties (either for monetary value or for conservation functions and values). The Commission expects that a metes and bounds plan will be submitted for their review, and that there will be further discussions regarding the landscaping, planting, and other potential improvements of the land which it is to receive.

Sincerely, s/Richard G. Cutts, PE, Chairman, Woburn Conservation Commission

A communication dated April 4, 2007 was received from David Epps, Commander, United Veterans Council and Charles Culhane, Veteran's Director inviting the City Council to participate in the Memorial Day parade and commemorative activities on May 28, 2007.

A communication dated April 3, 2007 was received from Donald J. Borchelt, Executive Director, Woburn Redevelopment Authority along with a copy of the WRA April 2007 meeting package.

A communication dated April 12, 2007 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of minutes of the April Council on Aging meeting and the April Director's Report.

A communication date March 29, 2007 was received from the Surface Transportation Board relative to notice of oral argument in the matter of New England Transrail, LLC.

A copy of a communication dated April 2, 2007 was received from State Representative James Miceli, Massachusetts State House relative to his notice of intent to participate in the Surface Transportation board hearing in the matter of New England Transrail, LLC.

A copy of a communication dated April 4, 2007 was received from Carter H. Strickland, Jr., Rutgers Environmental Law Clinic, Newark, New Jersey relative to Raritan Baykeeper, Inc. and Hackensack Riverkeeper, Inc.'s notice of intent to participate in the Surface Transportation board hearing in the matter of New England Transrail, LLC.

A copy of a communication dated April 6, 2007 was received from Frank S. DeMasi, Wellesley, Massachusetts relative to his notice of intent to participate in the Surface Transportation board hearing in the matter of New England Transrail, LLC.

A copy of a communication dated April 6, 2007 was received from Baker Botts LLP, Washington, D.C. relative to New England Transrail, LLC's notice of intent to participate in the Surface Transportation board hearing in the matter of New England Transrail, LLC.

A copy of a communication dated April 6, 2007 was received from Beveridge & Diamond PC, Wellesley, Massachusetts relative to National Solid Wastes Management Association, Solid Waste Association of America, Massachusetts Municipal Association, Construction Materials Recycling Association, Integrated Waste Services Association and New Bedford Waste Service, LLC's notice of intent to participate in the Surface Transportation board hearing in the matter of New England Transrail, LLC.

A copy of a communication dated April 6, 2007 was received from the Massachusetts Office of the Attorney General and the Massachusetts Department of Environmental Protection relative to their notice of intent to participate in the Surface Transportation board hearing in the matter of New England Transrail, LLC.

A copy of a communication dated April 6, 2007 was received from Deutsch Williams, Boston, Massachusetts relative to the town of Wilmington's notice of intent to participate in the Surface Transportation board hearing in the matter of New England Transrail, LLC.

A copy of a communication dated April 5, 2007 was received from Galland Kharasch Greenberg Fellman & Swirsky, PC of Washington, DC relative to the New Jersey Department of Environmental Protection and the New Jersey Meadowlands

Commission's notice of intent to participate in the Surface Transportation board hearing in the matter of New England Transrail, LLC.

A copy of a communication dated March 23, 2007 was received from Baker Botts LLP, Washington, DC along with a Motion for a Protective Order by New England Transrail, LLC in the matter of New England Transrail, LLC before the Surface Transportation Board.

A copy of a communication dated April 9, 2007 was received from Baker Botts LLP, Washington, DC along with a Response to National Solid Wastes Management Association's Notice of Intent to Participate by New England Transrail, LLC in the matter of New England Transrail, LLC before the Surface Transportation Board.

A copy of a communication dated April 9, 2007 was received from Baker Botts LLP, Washington, DC entitled Opposition to Motion to Strike in the matter of New England Transrail, LLC before the Surface Transportation Board.

A copy of a communication dated April 6, 2007 was received from the United States Environmental Protection Agency, Boston, Massachusetts relative to the matter of New England Transrail, LLC before the Surface Transportation Board indicating that it does not intend to participate in the oral argument hearing and providing the Surface Transportation Board with and update on its investigation into the Olin Chemical Superfund Site.

A copy of a communication dated April 14, 2007 was received from Deutsch Williams of Boston, Massachusetts along with a document entitled Position Statement of Town of Wilmington Re: Hearing on Jurisdictional Matters relative to the matter of New England Transrail, LLC before the Surface Transportation Board indicating that it does not intend to participate in the oral argument hearing and providing the Surface Transportation Board with and update on its investigation into the Olin Chemical Superfund Site.

A copy of a communication dated April 10, 2007 was received from Beveridge & Diamond PC of Wellesley, Massachusetts along with a document entitled Opposition to NET's Request for Limited Oral Argument relative to the matter of New England Transrail, LLC before the Surface Transportation Board indicating that it does not intend to participate in the oral argument hearing and providing the Surface Transportation Board with and update on its investigation into the Olin Chemical Superfund Site.

A communication dated April 4, 2007 was received from Elizabeth Ware, Winchester Planning Board relative to Winchester Hospital expansion issues.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Be it Ordained by the City Council of the City of Woburn that the Title 8, Article IV, Section 8-8 of the 1989 Woburn Municipal Code, as amended, be further amended as follows:

1. By striking from Section 8-8(2)(A) the words and numbers "Class IA" and inserting in its place the words and numbers "Class I";
2. By striking from Section 8-8(2)(A) the words and numbers "Class IB" and inserting in its place the words and numbers "Class II"; and
3. By striking from Section 8-8(2)(C) the words and numbers "Class IC" and inserting in its place the words and numbers "Class III",

This being a technical amendment of the ordinances.

s/Alderman _____

ORDERED That the City Clerk be and is hereby directed to set up and give notice of a public hearing to be held at the Regular Meeting of the City Council on May 1, 2007 relative to the construction of traffic control signals and other street improvements at the intersection of Salem Street and Wildwood Street and that such notice include posting on the official bulletin board in city hall, publication at least once in a newspaper of general circulation in the city and by mail to the owners of land abutting the public ways at the intersection of Salem Street and Wildwood Street and the intersection of Wood Street and Wildwood Street along each street a distance of three hundred feet from the said intersections at least ten days prior to said public hearing.

s/Alderman Mercer-Bruen

RESOLVED That the Traffic Commission establish a no parking restriction on the westerly side of Warren Avenue from the intersection of Porter Street to the northern boundary line of the property at 61R Warren Avenue.

s/President Doherty

Motion made and 2nd to ADJOURN.