

**CITY OF WOBURN
MAY 15, 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:

ORDERED That the sum of \$40,000.00 be and is hereby transferred as so stated from DPW Administration Salary Acct #0141151-511000 \$20,000.00 to DPW Overtime Acct #0141151-513100 \$20,000.00 from DPW Water Enterprise Salary Acct #64251-511000 \$20,000.00 to DPW Overtime Acct #0141151-511000 \$20,000.00 Total \$40,000.00

I hereby approve the above: s/Thomas L. McLaughlin, Mayor
I have reviewed the above: s/Gerald W. Surette, City Auditor
I recommend the above: s/Fred Russell, DPW Superintendent

s/Alderman _____

ORDERED That the sum of \$20,397.00 be and is hereby transferred as so stated from Mayor's Outlays – Excavator Acct #0112158-586571 \$20,397.00 to Mayor's Outlays – Sidewalk Plow Acct #0112158-586531 \$20,397.00

I hereby approve the above: s/Thomas L. McLaughlin, Mayor
I have reviewed the above: s/Gerald W. Surette, City Auditor
I recommend the above: s/Fred Russell, DPW Superintendent

s/Alderman _____

PUBLIC HEARINGS:

On the petition relative to the building located at 434 Main Street for the purposes of determining whether the building is public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as defined in M.G.L. Ch. 139, Sec. 1. PUBLIC HEARING OPENED.

On the 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. PUBLIC HEARING OPENED. A communication dated May 14, 2007 was received from Attorney Mark J. Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 as follows:

Re: 40 Porter Street

Dear President Doherty and Council Members:

Request is made for leave to withdraw the above petition without prejudice. My client intends to file a new special permit petition to address the issues involved.

Thank you for your cooperation and please call with any questions.

Very truly yours, s/Mark J. Salvati

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. PUBLIC HEARING OPENED. A communication dated May 14, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Kiwanis Club of Woburn – Library Park – Annual Flag Day

Dear Mr. Campbell and Members of the City Council:

At the meeting held on May 8, 2007, the Planning Board voted to forward a favorable recommendation to the City Council regarding the Special Permit for the Annual Flag Day Festival at Library Park with the condition that the applicant comply with Section 5.1, Note 14 of the Woburn Zoning Ordinance.

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

IN FAVOR: A communication dated May 10, 2007 was received from Susan Kolodko, 26 North Warren Street asking that consideration be given to one side of the street parking during the event in the interest of public safety for the residents in the surrounding neighborhoods.

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 30, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Atlantic Plywood – 8 Roessler Road – To build a 2 hour rated room for storage of woodworking stains and finishes under Section 5.1.53

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on April 24, 2007, the Board voted to forward a favorable recommendation to the City Council on the Special Permit request of Atlantic Plywood to build a 2 hour fire rated room for storage of woodworking stains and finishes under Section 5.1.53 subject to the condition that the petitioner shall comply with any and all fire safety requirements of the Woburn Fire Department.

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

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 at 239 Main Street. PUBLIC HEARING OPENED. A communication dated May 7, 2007 was received from John E. Corey, Jr., PE, City Engineer was follows:

SUBJECT: 239-241 Main Street – Proposed 5 Townhouse Special Permit
Special Permit Application Dated 4/10/07
Plans Dated April 9, 2007 & 11/1/2006

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

The submitted plans show one building with 5 three story residential units on 7,955 SF of land and a schematic of the building layout and parking configuration. This site is

bisected by two zoning districts B-I and S-1. The zoning line should be shown on the plans as well as any zoning offset restrictions for the respective zones should be noted.

A more detailed plan showing existing and proposed utilities that will be servicing the site, a zoning regulation table showing required and provided zoning information, how the onsite drainage will be mitigated and a development impact statement per section 18 of the Woburn Zoning Ordinance will need to be submitted for review. The parking and access appear to be substandard and do not meet zoning requirements. There are neither existing nor proposed contours.

The submitted plans do not contain sufficient information to complete our review and it would be a waste of our time and resources to regurgitate the rules and regulations. This office will complete its review of this project at such time as sufficient information is submitted.

I trust the foregoing comments are clear as to the engineering departments position at this time.

CITIZEN’S PARTICIPATION:

On the request for Citizen’s Participation filed by Christopher Doherty seeking to meet with the City Council Committee on Personnel.

COMMITTEE REPORTS:

FINANCE:

On the Loan Order in the sum of \$1,016,000.00 for construction or reconstruction of sewers and drains, committee report was received “ought to pass as amended with the amendment being that language in the letter dated May 3, 2007 from Edwards Angell Palmer & Dodge be substituted.”

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 “To remove the bid process language from the original order.”

On the Order to transfer the sum of \$15,000.00 from Interest on Temporary Loans Account and Professional Liability Insurance Account to Veterans Cash Aid Account, committee report was received “ought to pass.”

On the Order to appropriate the sum of \$250,000.00 for the purpose of financing and implementing portions of the City’s Stormwater Management Plan, committee report was received “ought to pass.”

PERSONNEL:

On the reappointment of Oliver C. Galante as a Member of the Board of Registrars of Voters, committee report was received “ought to pass.”

On the appointment of John DeCata as a Member of the Council on Aging, committee report was received “ought to pass.”

On the appointment of a Member of the Recreation Commission, committee report was received “That Paul Tobin of 10 Stevin Drive, Woburn, Massachusetts be appointed as a Member of the Recreation Commission.”

POLICE AND LICENSE:

On the petition to transfer the Inflammable License at 878 Main Street from Robert C. McSheffrey to McSheffrey Auto Sales, Inc., committee report was received “ought to pass.”

On the petition for renewal of the Second Class Motor Vehicle Sales License by Cambridge Road Auto Service, Inc., committee report was received “ought to pass.”

NEW PETITIONS:

Petition by Noel McDermottroe and Lesley McDermottroe, 4 Rag Rock Drive, Woburn, Massachusetts to transfer flammable license from Lexington St. Realty Turst c/o Shirley Parker to Noel McDermottroe and Lesley McDermottore.

Petition by Sam Gandor, 290 Turnpike Road, Suite 354, Westborough, Massachusetts 01581 for a special permit pursuant to Section 7.1.3 of the 1985 Woburn Zoning Ordinances, as amended, for reconstruction or structural change to a pre-existing and non-conforming four family frame residential dwelling to allow the construction of a deck or porch structure at the rear elevation of principal dwelling at 11-13 Porter Street.

Petition by Pacer Electronics, Inc., owner of the land located at 112 Commerce Way, Woburn, Massachusetts 01801 to amend the 1985 Woburn Zoning Ordinances, as amended, as follows:

ORDERED Be it ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinance, as amended, be further amended by adding the following:

That a new Accessory Use be added to Section 5.1 as follows: “Section 5.1.67 Accessory Kennel used in conjunction with a retail establishment greater than 15,000 square feet”. In addition, an “x” shall be inserted in the BI column and a “-“ in all other columns.

Pacer Electronics, Inc., property owner
By its Attorney,
Joseph R. Tarby III, Esquire
Murtha Cullina LLP
600 Unicorn Park Drive
Woburn, Mass. 01801

Petition by 400 MetroNorth Corporate Center LLC, owner of the property located at 400 Presidential Way to amend the 1985 Woburn Zoning Ordinances, as amended, as follows:

ORDERED Be it ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinance, as amended, be further amended by adding the following:

That line 5.1.65b Accessory muscular therapy facility be amended by deleting the “-“ in the IP2 column and replacing with “x”. This amendment would allow muscular therapy as an accessory use with physical fitness training and recreation facilities as set forth on lines Section 5.1.16, 5.1.16a, 5.1.17a and 5.1.17b.

Pacer Electronics, Inc., property owner
By its Attorney,
Joseph R. Tarby III, Esquire
Murtha Cullina LLP
600 Unicorn Park Drive
Woburn, Mass. 01801

COMMUNICATIONS AND REPORTS:

A communication dated May 8, 2007 was received from Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: 4-K Realty Trust, 27 Montvale Avenue, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent the 4-K Realty Trust in connection with a Landowner's Decision and Notice of Special Permit issued by the City Clerk on August 14, 2003, as amended by a Landowner's Confirmatory Decision and Notice of Special Permit issued by the City Clerk on January 12, 2004, as extended by Notice of Extension of Special Permit issued by the City Clerk on June 14, 2005 (the "Special Permit"). Although the Petitioner has been issued a building permit as of this date, construction has not commenced pursuant to said Special Permit.

Therefore, on behalf of the Petitioner, I respectfully request that the City Council extend the time period for the Petitioner to exercise his rights under the Special Permit for an additional two (2) year period to August 14, 2009.

Should 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 May 8, 2007 was received from Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: ExecuSpace Construction Corporation – 140 Garfield Avenue, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent ExecuSpace Construction Corporation in connection with a Landowner's Decision and Notice of Special Permit issued by the City Clerk on August 11, 2005 (the "Special Permit"). As a result of the current status of the office market in Massachusetts and elsewhere, construction has not commenced pursuant to said Special Permit.

Therefore, on behalf of the Petitioner, I respectfully request that the City Council extend the time period for the Petitioner to exercise his rights under the Special Permit for an additional two (2) year period to August 11, 2009.

Should you need any further information, please do not hesitate to contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

A communication was received from the Town of Winchester Planning Board advising of a public hearing to be held on May 24, 2007 at 8:00 p.m. in the Winchester Room, Town Hall, 71 Mt. Vernon Street, Winchester, Massachusetts regarding two zoning warrant articles to create a new zoning overlay district Health Services Overlay District and to include a specific property located at 620 Washington Street in the Health Services Overlay District.

A communication dated May 10, 2007 was received from Edward R. Quinn, 4 Laurel Street, Woburn, Massachusetts 01801 relative to his concerns about the status of compliance of the Woburn School Department and Woburn Memorial High School in implementing a comprehensive recycling program.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That the City Council Regular Meetings scheduled for July 3, 2007 and August 7, 2007 are hereby canceled.

s/President Doherty

RESOLVED That the Superintendent of Public Works reconstruct and repave Tidd Avenue

s/Alderman Ciriello

RESOLVED That in order to improve public safety the Traffic Commission investigate the feasibility of establishing a resident traffic only restriction on Coolidge Road.

s/Alderman Dwyer

Motion made and 2nd to ADJOURN