

**CITY OF WOBURN  
JULY 17, 2007 - 7:30 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Ciriello	Galvin
Denaro	Gately
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Doherty	

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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:**

A communication dated July 12, 2007 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Re: Industrial Development Financing Authority

Dear President Doherty and Members of the City Council:

As you may be aware, the Industrial Development Financing Authority has been inactive for the last several years. The City Clerk's research shows that the Authority was established in Woburn in 1974 under MGL Chapter 40D, Section 2.

Pursuant to Section 22 of the City Charter, this month I appointed myself as the fifth member of the existing four-member Authority in order to close out the business of the now-defunct Authority.

On July 9, 2007, the Authority held a meeting with one member absent, the Deputy Auditor in attendance, and the minutes recorded by my administrative assistant. At this meeting the board members voted (4-0 with 1 absent) to submit the question of dissolution of itself to the Mayor and the City Council because it has no property to administer, no outstanding obligations, and because the Board's consensus was that it had outlived its usefulness for a variety of reasons.

The above vote was taken pursuant to MGL Chapter 40D, Section 2, which states in part: "Whenever an industrial development financing authority determines that there is no further need for its existence, that it has no property to administer, other than funds or property, if any, to be paid or transferred to the municipality by which it was established,

and that all its outstanding obligations have been satisfied, it may by a majority vote of its directors submit the question of its dissolution... to the mayor and city council. If a municipality votes for such dissolution and the Massachusetts office of business development is satisfied of the existence of the facts required herein, it shall so certify to the state secretary and said authority shall be dissolved forthwith subject to the applicable provisions of section fifty-one of chapter one hundred and fifty-five.”

The Authority also voted (4-0 with 1 absent) that upon approval of dissolution, it will transfer any remaining funds to the City’s General Fund.

As Mayor I approve of the dissolution, and on behalf of the Authority I hereby submit the question of dissolution of the Industrial Development Financing Authority for your approval.

Sincerely, s/Thomas L. McLaughlin, Mayor

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ORDERED That the sum of \$10,000.00 be and is hereby appropriated from Cemetery Interest Fund to Burial Sections Account 0149058-586601.

I hereby approve the above: s/Edmund McGrath, Chairperson

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

I have reviewed the above: s/Gerald W. Surette, Auditor

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

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**PUBLIC HEARINGS:**

On the petition by Pacer Electronics, Inc. to further amend the 1985 Woburn Zoning Ordinances, as amended, as follows: 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. PUBLIC HEARING OPENED.

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On the petition by Alderman Richard Gately 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.

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On the petition by Anthony Cierri, 1 North Maple Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57a of the 1985 Woburn Zoning Ordinances, as amended, to allow for the accessory storage of a trailer on the property at 1 North Maple Street. PUBLIC HEARING OPENED. A communication dated July 5, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Anthony Cierri – 1 North Maple Street – To allow for the accessory storage of a trailer under Section 5.1.57 of the Woburn Zoning Ordinance

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on June 26, 2007, the Board voted to forward a favorable recommendation to the City Council on the Special Permit request to allow for the accessory storage of a trailer at 1 North Maple Street under Section 5.1 (57a) of the Woburn Zoning Ordinance for a period of one year.

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

Sincerely, Edmund P. Tarallo, Planning Director

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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 July 5, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Robert & Greg Adams – 239 Main Street – To replace two multi-family buildings with one building containing 5 dwelling units

Dear Mr. Campbell and members of the City Council:

At the meeting held on June 26, 2007, the Planning Board voted to table this matter until their August 7, 2007 meeting, because the additional information requested of the applicant had not been provided to the Board.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

A copy of a communication dated June 25, 2007 to Edmund Tarallo, Planning Director from Brett F. Gonsalves, Senior Engineer, Engineering Department as 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 – Previous Memo Dated May 7, 2007

This office has reviewed the special permit application for the above referenced location and finds that this office has not received any additional information since our previous memo dated May 7, 2007.

We will complete our review upon submission of the requested information.

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

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On the petition by Lannan Family LLC, 831 Rogers Street, Lowell, Massachusetts 01852 for a special permit pursuant to Section 5.1 and Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the demolition of the existing building and construction of a proposed showroom parking lot at 56 Winn Street. PUBLIC HEARING OPENED. A communication dated July 5, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Lannan Family LLC – 56 Winn Street – To raze existing single family house and to allow the property to be used for the sale or rental of autos, trucks, and other vehicles under Section 7.3 and Section 5.1 of the Woburn Zoning Ordinance

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on June 26, 2007, the Board voted to forward a favorable recommendation to the City Council on the Special Permit request to allow the property at 56 Winn Street to be used for the sale or rental of autos, trucks, and other vehicles under Section 7.3 and Section 5.1 of the Woburn Zoning Ordinance in accordance with the following conditions:

1. That the approval shall be in accordance with the Proposed Site Plan dated 4-12-07 Sheet S1 prepared by Duran Associates;
2. That the Planning Board shall retain jurisdiction over the landscaping;
3. That the lot shall not be used for customer parking or for vehicles that are damaged or under repair;
4. That there shall be no egress to or from the site from Winn Street or Harrison Ave. except in case of an emergency;
5. That an infiltrator shall be provided if required by the Engineering Department;
6. The existing water and sewer services shall be cut and capped at their respective mains in accordance with the Department of Public Works regulations;
7. In accordance with Section 18.2 of the Woburn Zoning Ordinance the applicant shall provide a mitigation payment to the traffic infrastructure fund;

8. That this Special permit for use of the lot shall be allowed only in conjunction with the property at 40 Winn Street; and
9. This Special Permit is subject to receiving any required licenses from the City Council and any further stipulations that those licenses may impose.

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 copy of a communication dated June 25, 2007 to Edmund Tarallo, Planning Director from Brett F. Gonsalves, Senior Engineer, Engineering Department was received as follows:

Subject: 56 Winn Street – Lannan Chevrolet Special Permit – Special Permit Dared May 14, 2007 – Site Plans Dated April 12, 2007 – Drainage Plans Dated April 3, 1987

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

The applicant is proposing to demolish the existing house and lower the grade of the surrounding lot. The engineer of record included pre and post site runoff plans.

There is no formal drainage that is proposed for this area, and the engineer indicates there would be a slight increase in site runoff due to the increased pavement. However, the proposed grading of the lot will be in such a manner that runoff would be directed back on to the applicant's property. Although minimal, there is an increase in drainage runoff and an infiltrator should be considered if soil conditions warrant.

The applicants engineer has a notation on the plans that state that the existing water and sewer services would be cut and capped at their respective mains. This is in accordance with the Department of Public Works regulations.

It would appear that the proposed improvements to the subject parcel is in contiguous ownership to the abutting lot and would increase the overall parking by 23 spaces and would be subject to Section 18.2 of the Woburn Zoning Ordinance. The Engineering Department believes that mitigation is in order and our primary concern in this area is traffic.

The applicants engineer should address the runoff and mitigation concerns.

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

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On the petition by Lannan Chevrolet, Inc. fka Lannan Chevrolet-Olds, Inc., 40 Winn Street and 56 Winn Street to amend First Class Motor Vehicle Sales License to include the property at 40 Winn Street and 56 Winn Street. PUBLIC HEARING OPENED. See notes from preceding meeting. Appearing for the petitioner was Attorney Steven Cicutelli, Cicutelli & Cicutelli, 266 Main Street, Stoneham, Massachusetts 02180 and he stated that \_\_\_\_\_ IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED.

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On the petition by by Lorraine A. Jenks dba Elements Therapeutic Massage, 12 Tarbox Lane, North Reading, Massachusetts 01864 for a special permit pursuant to Section 5.1.33b of the 1985 Woburn Zoning Ordinances, as amended, to operate and conduct a muscular therapy facility at 446 Main Street. PUBLIC HEARING OPENED. A communication dated July 5, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Lorraine A. Jenks, dba Elements Therapeutic Massage – 446 Main Street – To operate and conduct a muscular therapy facility under Section 5.1 (33b) of the Woburn Zoning Ordinance

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on June 26, 2007, the Board voted to forward a favorable recommendation to the City Council on the Special Permit request to allow a muscular therapy facility at 446 Main St. by a duly licensed massage therapist under Section 5.1 (33b) of the Woburn Zoning Ordinance.

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 copy of a communication dated June 25, 2007 to Edmund Tarallo, Planning Director from Brett F. Gonsalves, Senior Engineer, Engineering Department was received as follows:

Subject: 446 Main Street – Therapeutic Massage Special Permit – Special Permit Dated June 4, 2007 – Mortgage Inspection Plan Dated June 17, 1987

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

The special permit application seeks to operate a massage therapy business at the above referenced location. There does not appear to be any exterior improvements and after reviewing the application, this office does not take any exception to the special permit as submitted.

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

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On the petition by Harout Avakian to further amend the 1985 Woburn Zoning Ordinances, as amended, as follows: that Section 7.1 of the 1985 Woburn Zoning Ordinance, as amended, be further amended by adding a new paragraph to the end of this Section as follows: "A residential structure used as a residence and conforming to the zoning district in which it lies, that is protected by the ten (10) year statute of limitations under Massachusetts General Laws Chapter 40A, Section 7 shall be considered for the purposes of this Section 7.1 a legal non-conforming structure." PUBLIC HEARING OPENED.

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:** None.

**NEW PETITIONS:**

Petition by SAR Woburn Food Inc. dba Sarku, 300 Mishawum Road, Space #210, Woburn, Massachusetts 01801 for a special permit to allow a fast food use at 300 Mishawum Road, #210.

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Petition by Graybar Electric Company Inc., 34 N. Meramec Avenue, St. Louis, Missouri 63105 for two special permits pursuant to 1985 Woburn Zoning Ordinances, as amended as follows: 1. Pursuant to Section 5.1.42 to allow for warehouse and distribution use and 2. Pursuant to Section 5.1.57b to allow for the parking of commercial vehicles, both at Lot 6C, Draper Street.

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Petition by Susan C. Levine, P.O. Box 360, North Salem, New Hampshire 03073 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended Section 5.1.52 and Section 7.3 to construct a 3,400 square foot addition to an existing industrial use building at 11 Wheeling Avenue.

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**COMMUNICATIONS AND REPORTS:**

A communication dated July 12, 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 June 2007: number of tickets issued 994, number of tickets paid 934, number of hearings scheduled 530, number of tickets voided or dismissed 81, number of tickets outstanding 279, number of tickets issued by motorcycle officers 0, total dollar amount collected and turned into the Treasurer's Office \$36,257.60. There exists a backlog of 4,930 tickets for 1982 through 2006. Demands will be sent out until all tickets have been cleared. Parking violations turned over to Handicap Commission to date \$5,710.00.

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

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A communication dated June 28, 2007 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with reports from the June meeting of the Council on Aging and the Director's report for the month of June.

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A communication dated June 11, 2007 was received from Attorney Michele E. Randazzo, Kopelman and Paige, P.C. relative to Massachusetts Health Care Reform Law.

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A copy of a communication to the Cemetery Commission from Mayor Thomas L. McLaughlin was received extending thanks to the Cemetery Commission and its staff for the condition of the Woodbrook Cemetery grounds for the Memorial Day exercises.

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A communication was received from Massachusetts Executive Office of Energy & Environmental Affairs, Department of Environmental Protection, One Winter Street, Boston, Massachusetts 02108 relative to notice of availability of MassDEP Waste Site Cleanup Technical Assistance Grants.

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A communication dated July 10, 2007 entitled "Decision" was received from the Surface Transportation Board relative to the matter of New England Transrail, LLC.

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

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**APPOINTMENTS AND ELECTIONS:**

A communication dated June 19, 2007 was received from His Honor the Mayor as follows:

Re: John Paladino – Historic District Commission

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint John Paladino of 72 Pearl Street as a member of the Historic District Commission for a period of three years.

Mr. Paladino will replace Gregory Dubell, who has resigned from the Commission.

Mr. Paladino's appointment will be effective on the date of confirmation by the City Council, and his year term will expire three years from that date.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

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**MOTIONS, ORDERS AND RESOLUTIONS:**

ORDERED That pursuant to 1989 Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6 the Department of Inspection Services is hereby authorized to dispose of a Canon 6230 copier machine which the Building Commissioner has determined is of no value to the department and which no other department has expressed an interest in obtaining.

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

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RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to repave Cliffside Terrace the entire length side to side.

s/Alderman Gately

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RESOLVED That the Traffic Commission establish a no heavy trucking restriction on Carter Street from the intersection with Bryant Street to the intersection with Garfield Avenue; and

Further, that the Traffic Commission meeting on this matter be held after 5:30 p.m. on a weekday.

s/Alderman Gately

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RESOLVED That the Traffic Commission establish a no heavy trucking restriction on Arlington Street from the intersection with Carter Street to the intersection with Stoneham Street; and

Further, that the Traffic Commission meeting on this matter be held after 5:30 p.m. on a weekday.

s/Alderman Gately

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RESOLVED That the Traffic Commission review and amend as necessary the two hour parking restriction between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Friday presently in force on Bennett Street in order to accommodate the needs of residents who reside on Bennett Street, including but not limited to establishing a resident parking permit so as to allow residents to park on the street for longer than two hours as presently limited.

s/Alderman Gately

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RESOLVED A RESOLUTION TO FILE AND ACCEPT GRANTS WITH AND FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR THE OUTDOOR RECREATION PROJECTS SELF-HELP AND STRATEGIC URBAN RECREATION FUND FOR THE DEVELOPMENT OF THE FORMER MCGARR SCHOOL SITE INTO A TODDLER PARK

Whereas, the development of a toddler park at the former McGarr School site located at Fowle and South Streets in South Woburn. Ownerships history according to the Woburn Assessor records show the property is owned by the City of Woburn since 1/1/1901 and registered in Book 1027/ Page 284 in the Middlesex South Registry of Deeds; and

Whereas, the construction of a toddler park with swings with both baby and toddler seats, large play set, slides, jungle fort, ornamental iron benches, ornamental iron decorative trash containers, concrete walkways that are handicapped accessible, granite curbing, provision for both handicapped and regular vehicle parking, ornamental iron fencing at entrances to the park, play set area and memorial, irrigation system, new landscaping, loaming and seeding and architectural plantings, drinking fountain with water service, engineering and contingency costs; and

Whereas, the overall cost of the project and the fiscal constraints prevented the City from proceeding forward with implementation of development of this project; and

Whereas, the Executive Office of Energy and Environmental Affairs is offering reimbursable grants to cities and towns to support the purchasing

of land, the restoration and development of urban parks through the Outdoor Recreation Projects Self-Help and Strategic Urban Recreation Fund; and

Whereas, the development of a McGarr Toddler Park is estimated by the Woburn Engineering Department to cost approximately \$150,000.00 (One Hundred Fifty Thousand Dollars) and the City Council intends to allocate the sum of \$150,000.00 through transfer from the Free Cash account of which fifty-eight percent will be reimbursed to the City of Woburn upon submittal of invoices to the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOBURN

1. That the Mayor be and is hereby authorized to file and accept grants from the Massachusetts Executive Office of Energy and Environmental Affairs; and
2. That the Mayor be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes and conditions of this grant to be administered by the Parks and Recreation Department; and
3. That this resolution shall take effect upon passage.

s/Alderman Gately

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