

**CITY OF WOBURN
SEPTEMBER 4, 2007 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Ciriello	Galvin
Denaro	Gately
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 \$300,000.00 be and is hereby appropriated as so stated from Overlay Reserve Acct #01-356000 \$300,000.00 to Library Expansion & Renovation Project Acct #0161058-589000 \$300,000.00

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

s/Alderman _____

PUBLIC HEARINGS:

On the petition by Raymond Airhart dba Oriental Medical Therapy Assoc., 73 Green Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.33b of the 1985 Woburn Zoning Ordinances, as amended, to allow massage/muscular therapy as an adjunct to medical services at 350 Washington Street, 208 West Cummings Park, First Floor. PUBLIC HEARING OPENED. A copy of a communication dated July 31, 2007 from Brett F. Gonsalves, Senior Engineer, Woburn Engineering Department to Edmund Tarallo, Planning Director, Woburn Planning Board was received as follows:

Subject: 350 Washington Street Physical Therapy/Chiropractic Service Special Permit – Special Permit Application Dated July 23, 2007

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

The application is seeking a special permit to expand their business to include physical therapy and chiropractic services.

There are no exterior improvements being made and therefore this office takes no 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.

A communication dated August 16, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Raymond Airhart, dba Oriental Medical Therapy Assoc. – 350 Washington Street –
To operate and conduct a muscular therapy facility and chiropractic service under
Section 5.1.33b of the Woburn Zoning Ordinance

Dear Mr. Campbell and Members of the City Council:

At the meeting held on August 7, 2007, the Planning Board voted to send a favorable recommendation to the City Council to allow a muscular therapy facility at 350 Washington St.

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 Pacer Electronics, Inc. to further amend the 1985 Woburn Zoning Ordinances to add a new Accessory Kennel Use to Section 5.1.67 in conjunction with a retail establishment greater than 15,000 square feet. PUBLIC HEARING OPENED. A report was received from the Committee on Ordinances as follows: “That the matter remain in committee for further review.”

On the petition by 112 Commerce Way LLC, c/o National Development, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 for special permits pursuant to Section 5.1.22, 5.1.23 and 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended, to allow for: 1. a retail shopping center in excess of 15,000 square feet (47,010 square feet); and 2. a fast food restaurant at 112 Commerce Way. PUBLIC HEARING OPENED.

On the petition by Woburn Armory LLC, 286 Main Street aka 300 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.69 and Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for change, extension and

alteration of the Woburn Armory building to allow twenty-five (25) residential dwelling units at 286 Main Street aka 320 Main Street. PUBLIC HEARING OPENED.

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS:

PERSONNEL:

On the appointment of David S. Ryan as a Member of the Sign Review Board, committee report was received “ought to pass.”

On the re-appointment of Edward R. Quinn as a Member of the Woburn Handicapped and Disabled Citizens Commission, committee report was received “ought to pass.”

On the re-appointment of John Harney as a Member of the Woburn Handicapped and Disabled Citizens Commission, committee report was received “ought to pass.”

NEW PETITIONS:

Petition by NSTAR Electric Company and Verizon, New England Inc. for a grant of right in a way to install conduit in Forest Park Road a distance of approximately 33 feet from pole 11/47 approximately 130 feet south of Alfred Street.

Petition by pION, Inc., 5 Constitution Way, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.41 of the 1985 Woburn Zoning Ordinances, as amended, to operate a research and testing laboratory along with its manufacturing use at 5 Constitution Way.

Petition by 400 MetroNorth Corporate Center LLC, c/o National Development, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 for special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Pursuant to Section 5.1.17b to allow for the construction of an approximately 32,500 square foot health and fitness facility; 2. Pursuant to Section 5.1.65b to allow for muscular therapy (not to exceed 1,500 square feet) as an accessory use within the building; and 3. the petition also required Site Plan Review pursuant to Section 12.2.4, all at 400 Presidential Way.

Petition by Nicholas Leo and Vincent Leo, 517 Concord Avenue, Cambridge, Massachusetts 02138 for a special permit pursuant to Section 5.1.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow for dwelling units above the first story in a commercial structure at 371 Main Street.

COMMUNICATIONS AND REPORTS:

A communication dated August 30, 2007 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the August meeting of the Council on Aging, the Director's report for the month of August.

A communication dated August 27, 2007 attachments was received from Attorney Michele E. Randazzo, Kopelman and Paige, P.C. relative to changes to M.G.L. Chapter 32B regarding health insurance.

A communication dated August 20, 2007 was received from Baker Botts L.L.P. entitled "Response of New England Transrail, LLC to the Commonwealth of Massachusetts' Petition for Reconsideration, or in the Alternative, for Clarification."

A communication with attachments dated August 29, 2007 was received from Beveridge & Diamond P.C. relative to the matter of New England Transrail, LLC.

A communication dated August 24, 2007 was received from Jacques Whitford relative to the matter of New England Transrail, LLC.

A communication dated August 29, 2007 was received from Deutsch Williams relative to the matter of New England Transrail, LLC.

A communication with attachment dated August 31, 2007 was received from Kevin M. Walsh, Acting Director of Environmental Services, Massachusetts Executive Office of Transportation, Ten Park Plaza, Boston, Massachusetts 02116 relative to a Environmental Notification Form for the I-93/I-95 Interchange Transportation Improvements Project in Woburn, Reading, Stoneham and Wakefield.

UNFINISHED BUSINESS OF PRECEDING MEETING:

On the Order to amend Title 20, Section 20-7 of the 1989 Woburn Municipal Code, as amended relative to fees of the Sealer of Weights and Measures.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Be it ordained by the City Council of the City of Woburn that Title 12, Article IV, section 12-19(A) "Permits for Placing of Poles" of the 1989 Woburn Municipal Code be amended as follows: "By inserting after the words 'and in addition, that the person applying for the permit' the following words 'shall place the pole in such a manner that does not create a sight-view impediment for vehicular traffic, shall place the pole in such a manner that there is at least 36 inches clear, unobstructed path of travel between the base of the pole and the inside edge of the curbing and said path of travel should be at least 52 inches in width where achievable;" so that Paragraph A shall read as follows:

- A. The superintendent of public works, when a petition praying therefore has been granted by the city council, shall issue permits to open and occupy portions of the streets, for the purpose of placing and maintaining poles therein, for the support of wires, on a condition, the terms of which shall be those hereinbefore stated in Sections 12-15 and 12-16 of this chapter, and in addition, that the person applying for the permit shall place the pole in such a manner that does not create a sight-view impediment for vehicular traffic, shall place the pole in such a manner that there is at least 36 inches clear, unobstructed path of travel between the base of the pole and the inside edge of the curbing and said path of travel should be at least 52 inches in width where achievable; shall keep said poles well painted and in good condition, to the satisfaction of the superintendent of public works; shall place the wires on said poles not less than twenty feet from the ground; shall keep the name of the person or corporation owning the wires distinctly marked on said poles; shall allow the departments of the city the exclusive use of the upper crossbar and top of each pole, free of all charge, for the purpose of placing wires thereon; shall not suffer or permit any other person to place or keep wires on said poles or upon the fixtures thereto affixed, without permission being first obtained in writing from the city council; shall not remove any pole erected under this order until, and shall remove any pole when, directed by the city council so to do, and that on violation of any term of this condition the said superintendent shall remove the poles at the expense of the person or corporation owning them. (Prior Ch. 25 sec. 2(E); amended 7/22/2002; 12/19/2003).

The intent of this ordinance is to clarify the record with respect to changes made to the section on July 22, 2002 and December 19, 2003.

s/Alderman Gonsalves

ORDERED That pursuant to Title 12, Article III, Section 12-5 of the 1985 Woburn Municipal Code, as amended, et. seq., the City Council shall hold a public hearing and take all other steps necessary for the purposes of altering a portion of Nashua Street in order to improve the safety of motorists, pedestrians and residents in the area, and that all departments, boards and commissions having an interest in this matter shall file with the City Council a report with recommendations that may assist in rendering a final decision.

s/Alderman Mercer-Bruen

RESOLVED Whereas, on March 23, 2007 an Order of the City Council issued relative to the property located at 239 Main Street; and

Whereas, the Order declared the property to be a public nuisance pursuant to Massachusetts General Laws Chapter 139, Section 1 et. seq.; and

Whereas, the owner of the property was ordered to tear down and remove the property within thirty (30) days of the date of the Order; and

Whereas, the owner of the property has not complied with the Order, that the property has continued to deteriorate, that the property continues to be subject to intrusion, and that the property continues to be a threat to neighboring properties, residents and businesses;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that a communication be directed to His Honor the Mayor urging that he take all action necessary and available to see to the immediate razing of the property located at 239 Main Street including: 1. That the foundations of the buildings shall be taken out and good fill brought in to fill the foundations to the same grade as the neighboring properties so as to prevent run-off from the property to the neighboring properties; 2. That all utilities to the property shall be cut off at the street; 3. That the property shall be kept clear of debris; and 4. That a snow fence shall be installed to keep debris from being deposited on site; and

Further, this His Honor the Mayor consult with the City Solicitor to ensure that the removal of the property is completed in a quick and lawful manner and that the City Solicitor file any and all claims necessary to recover the

cost of removal and securing the property and all other costs incurred by the city of Woburn in acting to protect the public safety in regards to this property.

s/Alderman Gately

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to repave Campbell Street the entire length, to install granite sidewalks on both sides and to install trees along the street.

s/Alderman Dwyer

RESOLVED Whereas, Reverend Larry Edmunds has pastored St. John's Baptist Church since 1976, the longest serving pastor in the history of St. John's; and

Whereas, Reverend Edmunds completed his undergraduate studies at Lincoln University, received advanced degrees from Gordon Conwell Theological Seminary and Andover Newton Theological Seminary, and was awarded an Honorary Doctoral degree from Shaw University; and

Whereas, Reverend Edmunds brought to St. Johns and to the City of Woburn a wealth of personal experience and formal academic training in Sociology, Organizational Development and youth work, including his experience as a tenured professor of Social Work at Salem State College; and

Whereas, Reverend Edmunds has overseen major renovations and an expansion of the church building and adjacent properties on Everett Street; and

Whereas, through his efforts Amos Fortune Square was dedicated at the intersection of Montvale Avenue and Everett Street in recognition of one of Woburn's African-American leaders within the business community in the 1800's; and

Whereas, Reverend Edmunds has been very active with the city's leadership, school system and Social Capital Inc. in organizing events such as the annual Martin Luther King Scholarship Luncheon and in providing assistance to many Woburn residents through the church's Benevolent Fund; and

Whereas, Reverend Edmunds initiated outreach programs that yielded tangible improvements in the lives of people as far way as Kenya, Dominican Republic and Jamaica;

Now, Therefore Be It Resolved that the Woburn City Council recognizes and extends to Reverend Larry Edmunds our appreciation for your dedicated and professional service that he provided to all the members of his church, the Woburn community, and people across the state, nation and world.

s/Alderman Gonsalves and Alderman Dwyer

Motion made and 2nd to ADJOURN