

**CITY OF WOBURN
JANUARY 22, 2008 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Denaro	Gately
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Galvin	Raymond
Doherty	

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE.

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$125,000.00 be and is hereby appropriated as so stated from Unreserved Fund Balance Acct #01-359000 \$125,000.00 to DPW Overtime Acct #011151-513100 \$125,000.00

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 A.L. Prime Energy, 319B Salem Street, Wakefield, Massachusetts 01880 for a special permit pursuant to Sections 5.1.46a, 5.1.46b and 5.1.22a of the 1985 Woburn Zoning Ordinances, as amended, to allow for a self service gasoline station and convenience store with hours in excess of 7:00 a.m. to 10:00 p.m. at 1 Hill Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "back for action."

On the petition by Renaissance Development Corp., 35 Sockanosset Cross Road, P.O. Box 8819, Cranston, Rhode Island 02920-0819 for an Inflammable License to allow the storage of flammable fluids as follows: 1. 30 gallons of gasoline aboveground in two motor vehicles, and 2. 30,000 gallons underground in three (3) 10,000 gallon tanks, at 1 Hill Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows "back for action."

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 report was received from the Committee on Special Permit as follows: "That the special permit be granted, as amended, with the conditions as follows: 1. That the recommendations of the Planning Board, as amended, be adopted as conditions of the special permit, 2. That Planning Board condition #5 be amended to read "That the units shall be no closer than 6' from the westerly property line and that the height shall not exceed 35'", and 3. That there shall be a condition reading "That snow removal is to be off-site."

On the 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. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "that the matter remain in committee."

On the petition by Alderman Galvin and Alderman Gately to amend the 1985 Woburn Zoning Ordinances as follows: "Be it Ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinances, as amended, be further amended as follows: 1. By adding to Section 2 Definitions in the appropriate alphabetical order a new definition for "Restaurant, Formula Fast Food" as follows: "Any building, room, space or portion thereof where food or beverage is sold for consumption on-site or off-premises within a short period of time, orders are made at either a walk-up window or counter, payment for food or beverage is made prior to consumption, and the packaging of food is done in disposable containers, or is not a "Restaurant, full-service". A fast food restaurant may provide "accessory" related retail sales items and delivery service. "Formula Fast Food Restaurant maintains either by contractual or other arrangement, established or recognized business practice or membership affiliation, any of the following: 1. Business name common to a similar business located elsewhere, 2. Standardized menus, ingredients, food preparation, uniforms, or other standardized features common to restaurant located elsewhere, 3. Interior and exterior décor and/or signage common to a similar business located elsewhere, and 4. Use of trademark or logo common to a similar business located elsewhere."; 2. By amending line 5.1.29 by striking all current designations and inserting in their place an "X" under the B-N, B-H, B-I, I-P, IP-2, I-G, O-P and OP-93 zoning districts meaning that the use is allowed by right, a "P" under the B-D zoning district meaning that a special permit is required and a "-" under the R-1, R-2, R-3, R-4, S-1, S-2 and O-S zoning districts meaning that the use is not allowed, and by inserting a reference to "Note 16; Section 18.3.4" under the column "Notes; other

sections” and inserting a reference to “Section 12” under the column “Site Plan Requirements”.; 3. By amending Note 16 of Section 5.1 by adding in the third sentence after the words “Restaurant, full-service” the words “, Restaurant, Formula Fast Food”.; 4. By amending Section 12.2.1 by striking the reference to “Restaurant, Fast Food” and inserting in its place “Restaurant, Formula Fast Food”.; 5. By amending Section 18.3.4 by striking it in its entirety and inserting in its place the following: “All uses permitted by special permit under line 5.1.29a of Section 5.1 Table of Uses ‘Restaurant, Formula Fast Food’.”; 6. By adding a new line 5.1.29a Restaurant, Formula Fast Food and inserting a “-” under the R-1, R-2, R-3, R-4, S-1 and O-S zoning districts meaning that the use is not allowed and a “P” under the B-H, B-D, B-I, I-P, I-P2, I-G, S-2, O-P and OP-93 zoning districts meaning that a special permit is required, and by inserting a reference to “Note 16; Section 18.3.4” under the column “Notes; other sections” and inserting the reference to “Section 12” under the column “Site Plan Requirements.” PUBLIC HEARING OPENED. A communication dated January 18, 2008 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Alderman Galvin and Alderman Gately – to amend the Woburn Zoning Ordinances, as amended, regarding “Restaurant, Formula Fast Food” & “Restaurant, Fast Food”

Dear Mr. Campbell and Members of the City Council:

At the ZORC meeting of January 17, 2008, the Planning Board voted to forward the following recommendation to the City Council on the above cited zoning ordinance changes:

1. That amendment 1 not be approved;
2. That amendment 2 be approved as amended:
By amending line 5.1.29 by striking all current designations and inserting in their place a “P” under the B-N, B-H, B-D, B-I, I-P, IP-2, I-G, S-2, O-P, and OP-93 zoning district meaning that a special permit is required and a “-” under the R-1, R-2, R-3, R-4, S-1, and O-S zoning districts meaning that the use is not allowed, and by inserting a reference to “Note 16; Section 18.3.4” under the column “Notes; other sections” and inserting a reference to “Section 12” under the column “Site Plan Requirements”.
3. That amendment 3 not be approved;
4. That amendment 4 not be approved;
5. That amendment 5 not be approved ; and
6. That amendment 6 not be approved.

If you or the members of the City Council have any questions or concerns regarding the foregoing matter, please contact me.

Respectfully Submitted, Edmund P. Tarallo, Planning Director

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to appropriate the sum of \$35,000.00 from Cemetery Interest Fund Account to New Equipment Account for the purchase of a new dump truck, committee report was received “ought to pass.”

On the Order to transfer the sum of \$150,000.00 from Receipts Reserved for Appropriation Ambulance Account to Ambulance Salary Account and Ambulance Maintenance Account, committee report was received “ought to pass.”

On the Order to appropriate the sum of \$257,000.00 from Unreserved Fund Balance Account to Commercial Water Meter Installation Account, committee report was received “ought to pass.”

On the Order to appropriate the sum of \$201,532.00 from Unreserved Fund Balance Account to Inspections/Temporary Help Account, Veterans Cash Aid Account, Property & Liability Account, two Election and Registration Accounts, and DPW – Telephone Account, committee report was received “ought to pass, as amended, with the amendment as follows: By reducing Property & Liability Account to \$20,000.00, by reducing DPW – Telephone Account to \$28,000.00 and by reducing the total appropriation to \$156,532.00.”

PERSONNEL:

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

On the re-appointment of Doris Stanton as a member of the Woburn Council on Aging, committee report was received “ought to pass.”

On the re-appointment of Barbara McCauley as a member of the Woburn Council on Aging, committee report was received “ought to pass.”

On the re-appointment of Francis Hancock as a member of the Woburn Council on Aging, committee report was received “ought to pass.”

On the re-appointment of Dorothy Capone as a member of the Woburn Council on Aging, committee report was received “ought to pass.”

On the re-appointment of Eleanor Camillieri as a member of the Woburn Council on Aging, committee report was received “ought to pass.”

POLICE AND LICENSES:

On the petition by Azure Dynamics Incorporation to amend the conditions of the First Class Motor Vehicle Sales License, committee report was received as follows: 1. That Condition #1 be amended to read: 1. That outside storage of electric or hybrid vehicles is limited to not more than fifteen (15) vehicles, not including employee vehicles, 2. That Condition #2 be amended to read: That vehicles with internal combustion as part of the hybrid system be limited to not more than fifteen (15) vehicles, not including employee vehicles, 3. That Condition #3 remain unchanged, and 4. That condition #4 remain unchanged.”

NEW PETITIONS:

Petition by Boys & Girls Club of Woburn, Inc., Charles Gardner Lane, Woburn, Massachusetts 01801 for a special permit to conduct a six-day carnival from May 13, 2008 to May 18, 2008 at the National Amusements (Showcase Cinemas) site at 25 Middlesex Canal Park.

Petition by John Tremblay, 8 Ruthven Avenue, Burlington, Massachusetts 01803 for a special permit to recognize a residential property as a three-family residence at 4-6 Lowell Street.

Petition by Michael Colameta and Douglas Lynch, 247 Salem Street, Woburn, Massachusetts 01801 for a special permit to allow three metal storage bins at 247 Salem Street.

Petition by Verizon New England Inc., 125 High Street, Boston, Massachusetts 02210 for a special permit pursuant to Section 57b of the 1985 Woburn Zoning Ordinances, as amended, to further amend a special permit granted July 15, 1988, as amended February 18, 2005, as amended May 12, 2005 to allow for parking of an additional thirty commercial vehicles for a total of 167 commercial vehicles at 275 Wildwood Avenue.

Petition by Extra Space Storage, 15 Olympia Avenue, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57b of the 1985 Woburn Zoning Ordinances, as

amended, to modify a special permit dated February 8, 1989 by modifying the hours of operation to Monday through Sunday 7:00 a.m. to 7:00 p.m. and to allow for the outside storage of commercial motor vehicles at 15 Olympia Avenue.

Petition by Ztek Corporation, 300 West Cummings Park, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.41 of the 1985 Woburn Zoning Ordinances, as amended, to allow research and testing laboratory at 300 West Cummings Park.

COMMUNICATIONS AND REPORTS:

A communication dated January 15, 2008 with attachments was received from Joanne Collins, Director, Woburn Council on Aging with a copy of the minutes from the December meeting of the Council on Aging and the Director's monthly report.

A copy of a communication dated January 14, 2008 with attachment to Kristen M. Hall, Project Manager, MWRA Community Support Program, from John E. Corey, Jr., PE, City Engineer was received as follows:

Subject: MWRA Local Pipeline Assistance Program – Loan Application – South End Cleaning and Lining – Year 2 Program

Dear Ms. Hall:

Enclosed for processing by your office is one executed copy of the above referenced loan application and supporting documentation.

The loan application requests \$1,214,000.00 to perform cleaning and lining of approximately 13,300 feet of 6, 8 and 12 inch diameter unlined cast iron water mains installed between 1912 and 1922. The project was bid in June of this year with a contract being awarded to J. Fletcher Creamer & Sons. Cleaning and relining work commenced on September 15th of this year with approximately 95% of the contract being completed to date. The contractors operations have been suspended for the winter with project completion scheduled for the spring of 2008. The total loan amount has been authorized by a vote of the city council as evidenced in the supporting documents.

I trust the enclosed information is sufficient for your needs. Should you have any questions or comments regarding this application, please do not hesitate to contact me.

Very truly yours, s/John E. Corey, Jr., PE

A report dated January 9, 2008 was received from the Woburn Police Department entitled "Fuel Transactions (short format) dated December 1, 2007 to December 31, 2007".

A communication dated January 2, 2008 was received from Elizabeth Ware, Town Planner, Town of Winchester relative to a series of meetings concerning the Winchester Hospital expansion at 620 Washington Street, Winchester before the Design Review Committee on January 3, 2008 and before the Winchester Planning Board on January 17, 24 and 31, 2008 at 7:30 p.m. in the Winchester Room at Winchester Town Hall, 71 Mt. Vernon Street, Winchester.

A communication dated January 17, 2008 with attachment was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Minor Modification to Special Permit Granted to Koffler/GID Woburn LLC, 300 Mishawum Road, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent Koffler/GID Woburn LLC. On August 21, 2006, your office issued a Landowner's Decision and Notice of Special Permit setting forth approval by the Woburn City Council of a modification of the Special Permit granted to my client on October 9, 2003 (the "Decision"). The Decision allowed for a modified Site Plan. Enclosed please find ten copies of a plan entitled "Koffler/GID Woburn Development LLC Outparcel Building, Woburn Mall, Certified Existing Parking Plan" dated December 19, 2007 and revised on January 15, 2008 prepared by Griffin Engineering Group LLC, P.O. Box 7061, 100 Cummings Center, Suite 224G, Beverly, Massachusetts (the "Plan").

Recently in connection with the filing of a Petition for Special Permit (which Petition was withdrawn) seeking a further modification to the Decision, it was discovered that there was a minor discrepancy in the gross and net floor areas shown on the site plan of record referenced in the Decision and the actual gross and net floor area existing today.

In the Plan of Record referenced in the Decision, the gross floor area was 304,089 square feet. The actual gross floor area is 304,853 square feet. The difference is 750 gross square feet or a .0025124% difference. In the Plan of Record referenced in the Decision, the net floor area was 290,140 square feet. The actual gross floor area is 290,855 square feet. The difference is 715 gross square feet or a .0024643% difference.

In addition, the actual number of parking spaces on the premises exceeds the number of spaces shown on the Plan of Record referenced in the Decision. The Plan of Record showed a total of 1,292 parking spaces (1137 standard spaces, 127 compact spaces and 28 handicapped spaces). The Plan provides for 818 retail spaces, 330 standard spaces, 127 compact spaces and 28 handicapped spaces for a total of 1,303 parking spaces which results in an increase of 11 parking spaces.

As a result of these minor discrepancies, the Planning Director cannot signoff on the Certificate of Occupancy for both Talbots and Sarku Japan until the City Council approves the minor modifications as set forth above. Since Talbots needs to occupy its premises immediately, I respectfully request approval by the City Council at its meeting on January 22, 2008 of the above modifications which clearly are minor modifications to the Special Permit issued by the City Clerk's office on August 21, 2006 as well as adopting the Plan referenced above as the Plan of Record.

If you have any questions, please do not hesitate to contact me. Thank you.

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

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated January 9, 2008 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Re: Sign Review Board – Maureen Valis

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Maureen Vallis of 4 Clifford Terrace as a Member of the Sign Review Board for a period of two years. Her term will expire on June 29, 2009.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That Rule 20 of the Rules and Orders of the City Council be further amended by adding under the second paragraph after the words “i. Tax Delinquency” the following words “j. Elderly Housing” meaning and intending to establish a three member standing committee of the City Council to be known as the Committee on Elderly Housing.

s/President Doherty

Motion made and 2nd to ADJOURN