

**CITY OF WOBURN  
FEBRUARY 12, 2008 - 7:30 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Denaro	Gately
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Galvin	Raymond
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:** None.

**PUBLIC HEARINGS:**

On the petition by Lowe's Companies, Inc., 15 Commerce Way, Woburn, Massachusetts 01801 for special permits pursuant to Section 5.1.45, 5.1.57a and 5.1.57b to allow for the rental of moving trucks; accessory storage or parking of storage containers, storage trailers or commercial trailers; and the accessory storage or parking of commercial motor vehicles at 15 Commerce Way. PUBLIC HEARING OPENED. A communication dated February 8, 2008 was received from Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Petition of Lowe's Companies, Inc., 15 Commerce Way, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter be continued to the City Council meeting on March 18, 2008. The Planning Board will be reviewing this matter on March 11, 2008. If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

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On the petition by Michael Tyminski, 14 Otis Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow earth removal or filling to level off yard at 14 Otis Street\_\_\_\_\_.

PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "That the matter remain in committee for further review."

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On the petition by Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless and NSTAR Electric Company, 400 Friberg Parkway, Westborough, Massachusetts 01581 for a special permit pursuant to Section 5.1,80b, Section 11 and Section 5.6 of the 1985 Woburn Zoning Ordinances, as amended, to install three flushed mounted antennas at a center line of 73 feet on a 75 foot replacement of the existing 65 foot utility pole with 12 feet by 30 feet equipment shelter and diesel emergency back up generator inside a fenced telecommunications compound with the antennas relocated at a height of 63 feet on the replacement pole, and to install a single omni-directional whip antenna on the companion 65 foot utility pole on the H frame power stanchion at Waltham Street Rear-Power Easement. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "Back for action." IN FAVOR: None. OPPOSED: A communication dated February 8, 2008 was received from Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Petition of Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless, Waltham Street Rear

Dear Mr. Campbell;

Please be advised that I represent Roger E. Wheaton, Trustee of Waltham Street Realty Trust, the owner of the property on which Verizon Wireless has requested approval of a special permit to allow for the installation of a wireless communications facility on a replacement utility pole. The Special Permit Petition filed in this matter also requests that a special permit be granted to NSTAR to allow for the installation of a single omni-directional whip antenna on a 65 foot utility pole also on my client's property.

You are hereby notified that my client authorized the filing of the Special Permit Petition by Verizon Wireless but did not authorize the filing of a Special Permit Petition by NSTAR. Therefore, you cannot take any action on the request of NSTAR as set forth in the Special Permit Petition. As a result, on behalf of my client, I would respectfully request approval of the request by Verizon Wireless and suggest that you allow the NSTAR request "leave to withdraw" without prejudice.

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

Very truly yours, s/Joseph R. Tarby III

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On the petition by Superior Giclee/Charles Saccardo, 245 Salem Street, Suite 2, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57a of the 1985 Woburn Zoning Ordinances, as amended, to allow parking an enclosed 14 foot by 7 foot

by 7 foot cargo trailer beside building at 245 Salem Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass, as amended, with the conditions as follows: 1. That the special permit shall expire one (1) year after the date of issuance, and 2. That the trailer shall be registered in the city of Woburn."

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On the petition by William Highgas, III, Arpie E. Highgas, individually and as trustees of B.A.R. Realty Trust, landowners, to amend the 1985 Woburn Zoning Ordinances by adding the following: 1. Section 5.1 Table of Use Regulations line 42a self-storage warehouse facility – no storage of high hazard materials, trailers, motor vehicles or any outside storage shall be amended by deleting the “-“ under the B-I column and replacing with “P”; 2. Section 6.1 Table of Dimensional Regulations shall be amended by adding to the Floor Area Ratio column for the B-I Zoning District of the following: “(Note 5)”; 3. Section 6.1, Table of Dimension Regulations shall be amended by adding “Note 5” which shall state as follows: “The Floor Area Ratio for a self-storage warehouse facility as defined in this Ordinance shall be 2.0.” PUBLIC HEARING OPENED. A communication dated February 1, 2008 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: William Highgas III & Arpie E. Highgas Beaman – to amend the Woburn Zoning Ordinances, as amended, regarding Section 5.1 “Self-storage Warehouse facility in the BI Zoning District & Section 6.1 Table of Dimensional Regulations by adding a “Note 5” stating: “The Floor Area Ratio for a self-storage warehouse facility as defined in this Ordinance shall be 2.0.”

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting of January 29, 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 regarding the allowing of Self-Storage Warehouse Facilities by Special Permit in a BI Zoning District is recommended favorably to the City Council;
2. That amendment 2 regarding the inserting of a Note 5 in Section 6.1 in the Floor Area Ratio column in the BI Zoning District is recommended favorably to the City Council;
3. That amendment 3 regarding the wording of Note 5 be modified as follows: “The Floor Area Ratio for a self-storage warehouse facility as defined in this Ordinance may by Special Permit of the City Council be increased to not more than 2.0.” and such modified wording is recommended favorably to the City Council.

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

Respectfully Submitted, s/Edmund P. Tarallo, Planning Director

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**ORDINANCES:**

On the report from the Woburn Traffic Commission to approve the Rules of the Traffic Commission and the following traffic regulations:

**BRENTWOOD ROAD** - Restriction permitting local traffic only on Brentwood Road from main Street to Forest Park Road in both directions from 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 6:00 p.m.

**CUMMINGS AVENUE** - Restriction permitting local traffic only on Cummings Avenue from Kilby Street to Winn Street from 7:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:00 p.m. with signs posted accordingly.

**EASTERN AVENUE** – A handicapped restricted parking space shall be established in front of 62 Eastern Avenue.

**FOWLE STREET** – No parking on Fowle Street odd side only from Highland Street to Conn Street from March 30 to November 15.

**FOWLE STREET** – One way of travel on Fowle Street in a westerly direction from the intersection with Fulton Street to the intersection with Eastern Avenue.

**HAWTHORNE STREET** – No parking on Hawthorne Street both sides from the intersection with Washington Street to a distance of 225 feet west of Washington Street between the hours of 6:00 a.m. to 10:00 a.m. on Monday through Friday.

**HILLTOP PARKWAY** – No parking southerly side Hilltop Parkway beginning at a point twenty-five (25) feet from the intersection with Bow Street to the point one hundred seventy-five (175) feet from the intersection of Bow Street at the intersection with Hilltop Circle between the hours of 7:00 a.m. and 4:00 p.m.

**HILLTOP PARKWAY** – No parking both sides of Hilltop Parkway twenty-five (25) feet back from the intersection with Bow Street.

**INTERVALE STREET** - Restriction permitting local traffic only on Intervale Street from main Street to Brentwood Road in both directions from 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 6:00 p.m.

MAIN STREET - Two hour parking on Main Street easterly side between the sidewalk bump-outs at 375 Main Street, 379 Main Street and 381 Main Street twenty-four hours per day for sixty (60) days from April 19, 2007 at which time the Order shall expire.

MAIN STREET - One hour parking on Main Street both sides from 667 Main Street to Eaton Avenue.

ORANGE STREET – Stop sign on Orange Street in an easterly direction at the intersection with Central Street.

ORANGE STREET – Stop sign on Orange Street in a northerly direction at 35 Orange Street.

ORANGE STREET – Stop sign on Orange Street in a southerly direction at 35 Orange Street.

PARK STREET – A handicapped restricted parking space shall be established in front of 41 Park Street.

PINE GROVE ROAD - Restriction permitting local traffic only on Pine Grove Road at the intersection of Mishawum Road 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 6:00 p.m.

RUMFORD PARK DRIVE - Restriction permitting local traffic only on Rumford Park Drive from Mishawum Road to Forest Park Road from 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 6:00 p.m.

TORRICE DRIVE – No parking on Torrice Drive both sides from the intersection with Fourth Road northerly for a distance of two hundred eighty (280) feet.

WARREN AVENUE – No parking on Warren Avenue westerly side from the intersection with Porter Street to a point ending at 300 feet from the intersection with Porter Street .

WASHINGTON CIRCLE - “Residents Only Do Not Enter” from 7:00 a.m. to 9:00 am. And 2:00 p.m. to 6:00 p.m. and that signs be erected at the entrance to Washington Circle at the intersection with Mill Street and at the entrance to Washington Circle at the intersection with Pine Street.

WASHINGTON STREET – No parking westerly of Washington Street from the intersection with D Street to the intersection with Erie Street.

WEST STREET – One way of travel on West Street in a westerly direction from the intersection with Elm Street to the intersection with Pearl Street.

WOOD STREET – No parking on Wood Street westerly side from a point beginning at 150 feet from the intersection with Montvale Avenue to a point ending at 350 feet from the intersection with Montvale Avenue except Sundays and holidays.

Committee report was received “ought to pass.”

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**PERSONNEL:**

On the re-appointment of Maureen Vallis as a Member of the Sign Review Board, committee report was received “ought to pass.”

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**FINANCE:**

On the Order to appropriate the sum of \$125,000.00 from Unreserved Fund Balance Account to DPW Overtime Account, committee report was received “ought to pass.”

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On the Order to appropriate the sum of \$125,000.00 from Ambulance Receipts Account to Ambulance Salary Account, committee report was received “ought to pass.”

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On the Order to appropriate the sum of \$125,000.00 from Ambulance Salary Account to various Fire Departments Accounts, committee report was received “ought to pass.”

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**POLICE AND LICENSES:**

On the petition by George’s Auto Body for renewal of Second Class Motor Vehicles Sales Licenses, committee report was received “ought to pass.”

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**NEW PETITIONS:**

Petitions for renewal of Taxi Cab Licenses by AACO Travel Taxi, 329 Washington Street and Woburn Cab Co. Inc., 100 Ashburton Avenue.

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Petition for renewal of Livery Licenses by Avalon Transportation LLC, 21G Olympia Avenue #10, Hollywood Limousine, 4 Skyview Lane and Woburn Cab Co. Inc., 100 Ashburton Avenue.

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Petition for renewal of Common Carrier License by M&L Transit Systems Inc., 60 Olympia Avenue.

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Petition for a new Livery License by Heruinder Singh dba Rai Liemo, 83 Forest Park Road.

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Petition for a new Livery License by Amandeep Singh dba Best for Less Livery Service.

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Petition by American Equipment Rentals/FST Equipment, LLC, One Fields Point Drive, Providence, Rhode Island 02905 for a special permit pursuant to Sections 5.1.43 and 57b of the 1985 Woburn Zoning Ordinances, as amended, for the rental, sale, and service of equipment, including cranes, and outside storage of same at 62 Holton Street.

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Petition by American Venture Corporation, 88 Broad Street, Boston, Massachusetts 02110 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to extend and alter a pre-existing non-conforming use, by developing an additional 11,200 square feet (approx.) of retail space on the currently vacant portion of the site, and combining the property at 159 Main Street into the overall site development at 159-175 Main Street.

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**COMMUNICATIONS AND REPORTS:**

A communication dated 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 December 2007: number of tickets issued 1,852, number of tickets paid 1,315, number of hearings scheduled 692, number of tickets voided or dismissed 140, number of tickets outstanding 610, number of tickets issued by motorcycle officers 0, total dollar amount collected and turned into the Treasurer's Office \$61,240.80. There exists a backlog of 5,027 tickets for 1982 through 2007. Demands will be sent out until all tickets have been cleared. Parking violations turned over to Handicap Commission to date \$8,090.00.

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

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A communication dated February 7, 2008 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the January meeting of the Council on Aging and the Director's report for the month of January.

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A communication was received from the Woburn Traffic Commission for the following Orders to be approved by the City Council:

SALEM STREET – No parking southerly side starting at the intersection with Main Street to a point 200 feet east of Main Street.

EASTERN AVENUE – No parking both sides from the intersection with Montvale Avenue to the intersection with Jefferson Avenue Monday through Friday between the hours of 9:00 a.m. and 1:00 p.m.

CENTRAL STREET – Two handicapped restricted parking spaces shall be established on the westerly side starting at a point 230 feet north of the intersection with Montvale Avenue to a point 293 feet north of the intersection with Montvale Avenue.

ELM STREET – Two handicapped restricted parking spaces shall be established on the northerly side at the intersection with Main Street near School Street.

Motion made and 2<sup>nd</sup> that the MATTERS be REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor, 9-0.

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A communication dated January 30, 2008 with attachment was received from Donald J. Borchelt, Executive Director, Woburn Redevelopment Authority with a copy of the meeting package for the meeting on January 29, 2008 and advising of the next meeting on February 25, 2008 at 5:00 p.m.

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A communication dated January 25, 2008 was received from Attorney Judith C. Cutler, Kopelman and Paige, P.C. relative to recent developments in land use law and a summary of 2007 appellate decisions.

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A communication dated January 25, 2008 was received from Attorney Kathleen E. Connolly, Kopelman and Paige, P.C. relative to Commonwealth of Massachusetts preemption over local licensing of massage therapists.

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A communication dated January 24, 2008 was received from State Representative Jay R. Kaufman relative to the Governor's FY2009 budget proposal.

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A communication dated February 6, 2008 was received from Attorney John D. McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 as follows:

Re: Application for Special Permit – Pecks, Inc. – 891 Main Street

Dear Members of the Council:

The above Petitioner had applied for a Special Permit for a "fast food establishment" and a Public Hearing has been scheduled for February 19, 2008. Be advised, however, that both the Planning Board and Mr. Paris have now made a determination that the use is not a fast food establishment and will not require a Special Permit.

Accordingly, on behalf of the Petitioner, I respectfully request that the Petition be given leave to withdraw without prejudice.

Unless you feel my attendance or that of my client will be necessary on February 19<sup>th</sup>, I am trusting that this correspondence will suffice and that there will be no need for us to appear.

Thank you for your courtesy and cooperation in this matter.

Sincerely, s/John D. McElhiney

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A communication dated February 12, 2008 was received from Attorney James J. Mawn, Mawn and Mawn, 215 Lexington Street, Woburn, Massachusetts 01801 as follows:

Re: Minor Modification to Special Permit Granted to Mishawum Properties, LLC, Lot B, Mishawum Road, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that this office represents Mishawum Properties, LLC and NBTC Realty, LLC. On January 2, 2007, your office issued a Landowner's Decision and Notice of Special Permit. The permit allowed for the construction of the new headquarters of Northern Bank & Trust Company.

During final design and commencement of construction, some minor modifications were necessary. The modifications include:

1. The re-configuration of parking spaces within the below-grade parking structure, resulting in one additional parking space;
2. The re-configuration of the handicap ramp leading to the MBTA station, and
3. The elimination of one retaining wall.

Enclosed please find ten copies of a letter prepared by Allen & Major Associates and Plans entitled (1) Sheet C-2A Phase I Layout & Materials Plan; (2) Sheet C-2B Phase I Subsurface Parking Plan, and (3) Sheet C-3 Phase I Grading and Drainage Plan. Said plans depict the aforementioned modifications and accurately display the proposed

specifications all of which comply with the requirements of the Woburn Zoning Ordinance.

As construction progresses in accordance with these modifications, I respectfully request approval by the City council at its meeting on February 12, 2008 of the above minor modifications to the Special Permit issued by the Clerk’s Office on January 2, 2007 as well as adopting the Plans referenced above as the Plans of record.

Very truly yours, s/James J. Mawn

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

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**APPOINTMENTS AND ELECTIONS:** None.

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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 Building Commission is hereby authorized to dispose of a Hewlett Packard Color Laser Jet 4500DN Printer that 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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ORDERED WHEREAS, there presently exists a structure or structures located in the City of Woburn, Massachusetts known and numbered as 55 Montvale Avenue; and

WHEREAS, the condition of said building or buildings appear to be in violation of zoning ordinances including but not limited to the number of units therein;

NOW, THEREFORE, BE IT ORDERED be the City Council of the City of Woburn that the City Clerk and Clerk of the City Council schedule a public hearing pursuant to Mass. General Laws Ch. 139, Sec. 1, et. seq., and give notice thereof to the owner of said building or buildings, said hearing to be conducted for the purposes of determining whether said building or buildings are a nuisance, a nuisance to the neighborhood, dilapidated or dangerous building or buildings or other structure or structures, as said terms are used in Mass. 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.

s/Alderman Gately

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ORDERED The City of Woburn hereby petitions the Great and General Court of the Commonwealth of Massachusetts to amend the Charter of the City of Woburn by adopting the following proposed Special Act:

AN ACT TO DISSOLVE THE TRAFFIC COMMISSION IN THE CITY OF WOBURN

Section 1. Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that Chapter 103 of the Acts of 2005 “An Act Establishing a Traffic Commission in the City of Woburn” be and is hereby repealed.

Section 2. All existing ordinances and regulations relating to the control of vehicular traffic and parking shall remain in full force and effect until superseded by ordinances adopted by the Woburn city council, and the adoption of these ordinances by the city council shall not affect any act done or right accrued or penalty incurred or any suit, prosecution or proceeding pending, at the time of said adoption.

Section 3. This Act shall take effect upon its passage.

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RESOLVED That pursuant to Massachusetts General Laws Chapter 44, Section 53A the Board of Trustees of the Woburn Public Library be and is hereby authorized to accept a distribution of residual funds in connection with the 2002 settlement of the antitrust case brought by the Massachusetts Attorney General’s Office and Attorneys General in other states against certain music companies and retailers known as the Compact Disc Antitrust Litigation.

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

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RESOLVED Whereas, a residential building located at 111 Montvale Avenue had fallen into disrepair, the grounds were unkempt and the locus was the subject of complaint to city officials; and

Whereas, the City Council began a process of working with the landowner to make improvements to the building and grounds; and

Whereas, the new owners of the building with the assistance of the Woburn Historical Commission and other city officials made substantial renovations to the building which served not only to restore the building but benefited the surrounding neighborhood;

Now, Therefore, the City Council of the City of Woburn hereby commends Allegra Loux for her efforts in restoring a valuable residential structure in the City of Woburn and wish her the best in her future endeavors.

s/Richard Gately

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Motion made and 2<sup>nd</sup> to ADJOURN