

**CITY OF WOBURN  
JUNE 3, 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:**

ORDERED That the sum of \$386,800.00 be and is hereby transferred as so stated from Unreserved Fund Balance Acct #01-359000 \$386,800.00 to School Department Special Education Section 15 \$386,800.00, Total \$386,800.00

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

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

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ORDERED That the sum of \$50,000.00 be transferred from Scholl Department Energy Receipts Reserved for Appropriation Account to FY2008 School Department Budget Energy Account 0229604-521200

I hereby approve the above. s/Carl R. Batchelder, Ed.D., Superintendent  
I hereby recommend the above. s/Thomas L. McLaughlin, Mayor  
I have reviewed the above. s/Gerald W. Surette, City Auditor

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

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**PUBLIC HEARINGS:**

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.

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On the petition by Pecks, Inc., 238 Bedford Street, #3, Lexington, Massachusetts 02420 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to utilize a pre-existing non-conforming structure for a different use although the proposed use (retail – pre-packaged foods) is an allowed use without a special permit at 891 Main Street. PUBLIC HEARING OPENED.

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On the petition by Kenneth Harrington, 8 Mill Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.44 of the 1985 Woburn Zoning Ordinances, as amended, to allow for an automobile and truck repair garage at Unit 12, 10 Draper Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permit as follows: “ought to pass, as amended, with two conditions as follows: 1. That no other car repair facility shall be allowed on the premises, and 2. That the special permit shall be granted to the petitioner only and any subsequent purchaser of the petitioner’s unit would need to obtain approval from the City Council to operate an auto repair business.”

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On the petition by Lytron, Incorporated, 55 Dragon Court, Woburn, Massachusetts 01801 to amend the Zoning Map of the City of Woburn by amending the zoning district for a parcel of property identified on the Assessor’s Map as 16-2-4 and 16-2-2 and located at 41 Dragon Court and a portion of 55-73 Dragon Court from the R-2 zoning district to the I-P zoning district. PUBLIC HEARING OPENED.

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On the petition by ACS Development Corporation, 80 Everett Avenue, Suite 319, Chelsea, Massachusetts 02150 for a special permit pursuant to Sections 5.1.5 and 11.6.11 of the 1985 Woburn Zoning Ordinances, as amended, to convert second and third floor office space to residential use, creating five two-bedroom units and one one-bedroom unit at 397 Main Street. PUBLIC HEARING OPENED.

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On the petition by College Street Partners LLC, 900 Cummings Park Center, Suite 301U, Beverly, Massachusetts 01915 for a special permit pursuant to Sections 5.1.57b, 5.1.71, 7.3, 8.2.5 and 9 to allow for a 300 vehicle parking lot; a reduction in parking for the office, warehouse and distribution use; the parking of commercial motor vehicles and shuttle buses; and for the continuation of the existing warehouse and distribution use all

within a flood plain district at 23 Mack Road a/k/a 23 Rainin Road, Mack Road and Mack Road Rear. PUBLIC HEARING OPENED.

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**CITIZEN’S PARTICIPATION:**

Petition by Richard O’Rourke, 6 Foster Street to discuss the regulation of hawkers and peddlers using public streets, parks and other public lands.

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**COMMITTEE REPORTS:**

**SPECIAL PERMITS REVIEW:**

On the petition by Lily Draper Street LLC, 8 Sarafine Way, Wilmington, Massachusetts 01887 for a Planning Board special permit to amend a Planning Board special permit granted October 8, 2004 and amended May 12, 2005 by deleting Condition 2 at Lots 9 and 10, 10 Draper Street, committee report was received as follows: “That the City Council send a recommendation to the Planning Board, Condition 2 remain, that the electric control gate be maintained.”

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**POLICE AND LICENSE:**

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

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On the petition by Mohamed S. Moharam dba First Cab for a new Taxi Cab License, committee report was received “ought to pass for one (1) taxi cab.”

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**PERSONNEL:**

On the reappointment of Peter Lennon as a Member of the Historic District Commission, committee report was received “ought to pass”.

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On the reappointment of Loretta Schuck as a Member of the Board of Trustees of the Woburn Public Library, committee report was received “ought to pass”.

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On the appointment of Mary Hines as a Life Trustee on the Board of Trustees of the Woburn Public Library, committee report was received “ought to pass”.

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**FINANCE:**

On the Order to transfer the sum of \$25,000.00 from Unreserved Fund Balance Account to Veterans Cash Aid, committee report was received “ought to pass”.

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On the Order to transfer the sum of \$13,000.00 from Unreserved Fund Balance Account to Inspection – Salary Account, committee report was received “ought to pass”.

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On the Order to appropriate the sum of \$45,000.00 from Cemetery Interest Fund to Cemetery Fence Account, committee report was received “ought to pass”.

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On the Order to appropriate the sum of \$90,000.00 from Cemetery Interest Fund to Burial Sections Account, committee report was received “ought to pass”.

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On the Order to appropriate the sum of \$22,000.00 from Cemetery Interest Fund to various Cemetery Department Accounts, committee report was received “ought to pass”.

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**NEW PETITIONS:**

Petition by Mascoma Corporation, 1380 Soldiers Field Road, Boston, Massachusetts 02135 for a special permit pursuant to Sections 5.1.41 and 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to allow for a research and testing facility and the overnight parking of commercial vehicles at 20-30 Commerce Way.

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Petition by Chair 5 Restaurants – Woburn LLC d/b/a Qdoba Mexican Grill, 572 Washington Street, Suite 17A, Wellesley, Massachusetts 02482 for a special permit pursuant to Sections 5.1.29 and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a fast food restaurant and building signage at 300 Mishawum Road.

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Petition by Koffler/GID Woburn LLC, 260 Boston Post Road, Suite 9, Wayland, MA 01778 for a modification of a special permit dated October 9, 2003, as amended by special permit dated August 21, 2006, as amended by a modification dated February 14, 2008, such modification pursuant to Sections 5.1.23, 5.1.29, 7.3, 8.2 and 8.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for: 1. a further amended site plant, 2. an additional 6,665 square feet of gross floor area more or less, 3. a reduction in the required parking, and 4. parking on a lot separate from 300 Mishawum Road.

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**COMMUNICATIONS AND REPORTS:**

A communication dated May 30, 2008 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the May meeting of the Council on Aging and the Director's report for the month of May.

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A communication dated May 20, 2008 was received from Attorney Brian W. Riley, Kopelman and Paige, P.C. relative to the availability of attorney-client privilege to government officials.

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A copy of a communication dated May 21, 2008 to Attorney David Jenkins, Kopelman and Paige, P.C. was received from Jan Robbins Cox, Director, Human Resources Department relative to Blue Care Elect Preferred (health insurance indemnity option) premium contribution rates.

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A communication dated May 27, 2008 with attachment was received from Donald J. Borchelt, Executive Director, Woburn Redevelopment Authority along with a copy of the Woburn Redevelopment Authority May monthly meeting papers.

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A communication dated February 11, 2008 was received from Gregory Flaherty, Project Manager, Cummings Properties, 200 West Cummings Park, Woburn, Massachusetts 01801 as follows:

Re: Flammable Materials Storage License Record No. 2007-78

Dear Mr. Campbell:

We currently maintain an underground storage tank located at 74 Cedar Street, Woburn, MA. The registration record number is 2007-78. Please note that this tank was properly replaced and upgraded in January 2007. As per your earlier letter, we are no longer required to have a license but instead can obtain a permit from the Woburn Fire Department. We currently have a permit from the Fire Department (copy attached).

By copy of this letter, I am requesting that the City Council formally terminate our license for storage of flammable materials at 74 Cedar Street.

If you have any questions or need further documentation, I can be reached at (781) 932-7030.

Sincerely, s/Gregory Flaherty, Project Manager

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**UNFINISHED BUSINESS OF PRECEDING MEETING:**

On May 21, 2008 at 3:41 p.m., Alderman Paul Denaro filed a notice of intent to move for reconsideration of a vote cast on May 20, 2008 in favor of an Order to appropriate the sum of \$806,272.00 from Unreserved Fund Balance Account to Salary Increases Various Departments FY2008, As Amended.

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**APPOINTMENTS AND ELECTIONS:** None.

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**MOTIONS, ORDERS AND RESOLUTIONS:**

ORDERED WHEREAS, there presently exists a structure or structures located in the City of Woburn, Massachusetts known and numbered as 24 Pine Street; and

WHEREAS, the condition of said building or buildings has been allowed to deteriorate and the property is generally not being maintained;

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 Mercer-Bruen

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ORDERED Be It Ordained by the City Council of the City of Woburn that Section 2-180 of the 1989 Woburn Municipal Code, as amended, be further amended by deleting the salary line of City Auditor and replacing same with the following: City Auditor \$81,740.51 to be effective July 1, 2007 and \$84,192.72 to be effective July 1, 2008.

s/Alderman Deanaro

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ORDERED Be It Ordained by the City Council of the City of Woburn that Section 2-180 of the 1989 Woburn Municipal Code, as amended, be further amended by deleting the salary line of City Clerk and replacing same with the following: City Clerk \$67,091.54 to be effective July 1, 2007 and

\$69,104.29 to be effective July 1, 2008; deleting the salary line of City Council – Clerk of and replacing same with the following: City Council – Clerk of \$9,437.43 to be effective July 1, 2007 and \$9,720.56 to be effective July 1, 2008; deleting the salary line of Voters, Board of Registrars of – Clerk of and replacing same with the following: Voter, Board of Registrars of – Clerk of \$9,437.43 to be effective July 1, 2007 and \$9,720.56 to be effective July 1, 2008.

s/Alderman Deanaro

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ORDERED Be It Ordained by the City Council of the City of Woburn that Section 2-180 of the 1989 Woburn Municipal Code, as amended, be further amended by deleting the salary line of Human Resources Director and replacing same with the following: Human Resources Director \$80,926.50 to be effective July 1, 2007 and \$83,354.29 to be effective July 1, 2008.

s/Alderman Denaro

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ORDERED Be It Ordained by the City Council of the City of Woburn that Section 2-180 of the 1989 Woburn Municipal Code, as amended, be further amended by deleting the salary line of Library - Director and replacing same with the following: Library - Director \$80,428.72 to be effective July 1, 2007 and \$82,841.58 to be effective July 1, 2008.

s/Alderman Deanaro

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