

**CITY OF WOBURN  
JANUARY 20, 2009 - 7:30 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Denaro	Gonsalves
Drapeau	Mercer-Bruen
Galvin	Raymond
Gately	Wall
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 January 9, 2009 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Dear Mr. Campbell:

I hereby request time for a presentation to be made to the City Council regarding the new Goodyear School. I would appreciate it if this presentation could be made at their regular meeting on January 20, 2009.

Thank you for your consideration.

Sincerely, s/Thomas L. McLaughlin

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A communication dated January 15, 2009 with attachment was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Dear President Doherty and Distinguished Members of the City Council:

Attached please find a copy of a recent letter that I received from Ms. Lisa Signori, Director of Administration and Finance for the City of Boston, concerning the Mary Cummings Property.

Please contact my office if you require any further information regarding this correspondence.

Sincerely, s/Thomas L. McLaughlin

Attached thereto was a copy of a communication dated January 8, 2009 from Lisa Calise Signori, Director of Administration & Finance, City of Boston, Office of Administration and Finance, One City Hall Plaza, Boston, Massachusetts 02201 to Mayor Thomas L. McLaughlin and Town of Burlington Town Administrator Robert A. Mercier as follows:

Dear Mayor McLaughlin and Administrator Mercier:

As a follow up to our most recent meeting, I am sending this letter to thank you again for taking the time to continue our collaborative efforts to discuss and identify the most appropriate ways to use the Mary Cummings Property to maximize its benefits for our citizens.

The recent statement from the Office of Attorney General Martha Coakley regarding the property should serve to clarify the restrictions of the will and guide us as we move forward together to meet its terms.

I am very optimistic that our plans to continue the dialogue, and the sharing of ideas and opportunities, will result in our identifying recreational and educational uses for the land that will honor the wishes of Mary Cummings. Even in view of the fiscal and various unique challenges we face in identifying the most apt uses for the land, I am confident that our joint efforts will lead to creative and suitable ways to use the property. We are planning to move ahead on the improved signage and directional information that we discussed and will be in contact as that work begins.

I look forward to our continuing work.

Sincerely, s/Lisa Calise Signori, Director of Administration & Finance

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ORDERED That the sum of \$150,000.00 be and is hereby appropriated as so stated from School Stabilization Fund Acct #704059-596300 \$150,000.00 to Site Evaluation Leland Park \$30,000.00, Owner Project Manager \$72,000.00, Architectural Design \$48,000.00 Acct #626058-580000 Total \$150,000.00

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

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

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ORDERED That the sum of \$150,000.00 be and is hereby appropriated as so stated from Unreserved Fund Balance Acct #01-359000 \$150,000.00 to DPW Overtime Acct #0141151-513100 \$150,000.00

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

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

**PUBLIC HEARINGS:**

On the petition by Hugo G. Moraes, dba Taste of Brazil, Tuda Na Brasa, 6 Park Drive, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended, to allow authorize restaurant establishment and to allow for expansion of same at 414 Main Street. PUBLIC HEARING OPENED. A communication dated January 13, 2009 was received from Attorney John D. McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition: Hugo G. Moraes dba Taste of Brazil, Tudo na Brasa, 414 Main St., Woburn, MA

Dear Councillors:

Please consider this as a request that the hearing on the above-matter be further continued to your second meeting in February, 2009, which I understand to be February 17, 2009. We have now firmed up the prior questions regarding the scope of the proposal, but we will need additional time to review the same with various department heads and the Planning Board.

Thank you for your courtesy in this matter.

Sincerely, s/John D. McElhiney

A copy of a communication dated January 12, 2009 from Brett F. Gonsalves, Senior Engineer, Woburn Engineering Department to Edmund Tarallo, Planning Director, was received as follows:

Subject: 414 Main Street – Taste of Brazil Restaurant – Special Permit Application Dated October 6, 2008 – Previous Memo Dated October 28, 2008

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

The applicant is seeking permission to expand the existing restaurant to 118 seats. This expansion would include two levels of restaurant seating and storage.

This office has not received any additional information since our previous memo dated October 28, 2008. We will continue with our review when additional information outlined in the above mentioned memo is 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 NSTAR Electric Company and Verizon New England, Inc. for a grant of right in a way to install one joint occupancy pole on the southwesterly side of Ledgewood Road approximately 470 feet northwest of Country Club Road. PUBLIC HEARING OPENED. A communication was received from Superintendent of Public Works Vincent Ferlisi as follows: "Site inspection was performed on Ledgewood Road. Low wire condition exists. OK to proceed with installation of new pole. Location of new pole is acceptable."

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On the petition by Trade Center Park, LLC, 200 West Cummings Park, Woburn, Massachusetts 01801 for a special permit with site plan review pursuant to Section 5.1.41 of the 1985 Woburn Zoning Ordinances, as amended, to allow Research and Testing Laboratory use at TradeCenter 128, and seeks correspondingly, to modify the Certificate of Appeal of Special Permit dated December 22, 2006 by amending condition number 2 to allow such Research and Testing Laboratory use at 100 Sylvan Road. PUBLIC HEARING OPENED.

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On the petition by Woburn Department of Public Works, 55 North Warren Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.79 of the 1985 Woburn Zoning Ordinances, as amended, to allow the construction of a water treatment plant addition and appurtenant facilities at the existing Horn Pond Water Works site PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass, with the conditions as follows: 1. That the Council be made aware when the bid is granted, who was granted the bid and the final price, and 2. The City Council Finance Committee as a whole shall be provided quarterly reports regarding all expenditures for the Horn Pond water treatment project."

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On the petition by John S. Russo and Stephanie Rodman, both of 36 Day Circle, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow bringing fill onto the site at 36 Day Circle PUBLIC HEARING OPENED. A copy of a communication dated January 12, 2009 from Brett F. Gonsalves, Senior Engineer, Woburn Engineering Department to Edmund Tarallo, Planning Director was received as follows:

Subject: 36 Day Circle Fill Special Permit – Special Permit Application Dated December 14, 2008 – Subdivision Plan Dated August 10, 2007

The applicant is requesting permission to bring in fill on the subject property to correct an erosion problem. Neither the submitted application nor the plan indicates the amount of fill requested by the applicant therefore there is not sufficient information submitted with the application for this department to comment on.

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 David Dellarocco, 18 Heritage Drive, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.45 of the 1985 Woburn Zoning Ordinances, as amended, to allow used auto sales and for a Second Class Motor Vehicle Sales License at 5 Crescent Park, Unit #4. PUBLIC HEARING OPENED. A copy of a communication dated January 12, 2009 from Brett F. Gonsalves, Senior Engineer, Woburn Engineering Department to Edmund Tarallo, Planning Director was follows:

Subject: 5 Crescent Avenue Unit 4 – Used Vehicle Sale Special Permit – Special Permit Application Dated December 11, 2008 – Supplemental Information Submitted on January 12, 2009

The applicant is seeking permission to allow for the sale of used vehicles via the internet at the above referenced address. The application does not indicate the number of vehicles that will be sold on site, however the applicant has indicated to the planning director that there will only be 5 to 6 cars and will be located in the building not outside.

Upon review of the special permit application, 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 January 16, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: David Dellarocco – 5 Crescent Ave. Unit 4 – To allow the sale of used vehicles pursuant to Section 5.1.45

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on January 13, 2009, the Board voted to forward a favorable recommendation to the City Council on the Special Permit request to allow for the sale of used vehicles pursuant to Section 5.1.45 at 5 Crescent Avenue Unit 4 subject to the following conditions:

1. That all cars for sale shall be stored inside the unit;

2. That no outside display of vehicles, banners or flags regarding the sale of used vehicles shall be permitted; and
3. That the number of vehicles for sale stored at the site shall not exceed 6 at any one time.

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

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On the petition by President Charles Doherty to amend the 1985 Woburn Zoning Ordinances, as amended, by establishing a new Section 23 entitled Commerce Way Corridor Overlay District as set forth in the petition (Clerk's Note: See City Council Journal dated July 10, 2008 for a full recitation of the text of the ordinance). PUBLIC HEARING OPENED.

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On the petition by Alderman Michael Raymond to further amend the 1985 Woburn Zoning Ordinances, as amended, by striking Section 6.2.4 in its entirety and inserting in its place the following: "A fence, hedge, wall, or other enclosure may be maintained on a corner lot, provided: it shall not obstruct visual clearance at intersecting streets by being between 3 ft. and 10 ft. above the grade within the triangular area formed by the intersection of the lot lines and a straight line joining said curb lines at points which are 16 ft. distant from point of intersection of said lot lines." PUBLIC HEARING OPENED. A communication dated January 16, 2009 was received from Edmund P. Tarallo, Planning Director as follows:

Re: Alderman Michael Raymond – Zone Change – Amend Section 6.2.4 regarding fences, hedges, walls, or other enclosure on a corner lot

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on January 13, 2009, the Board voted to forward a favorable recommendation to the City Council to approve the zoning amendment as proposed to strike Section 6.2.4 in its entirety and inserting in its place the following: "A fence, hedge, wall, or other enclosure may be maintained on a corner lot, provided: it shall not obstruct visual clearance at intersecting streets by being between 3 ft. and 10 ft. above the grade within the triangular area formed by the intersection of the lot lines and a straight line joining said curb lines at points which are 16 ft. distant from point of intersection of said lot lines."

If you have any questions or concerns regarding the matter, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

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**CITIZEN’S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**POLICE AND LICENSE:**

On the petition by Nicolas Saba dba Montvale Service, 289 Salem Street for a new Second Class Motor Vehicle Sales License, committee report was received “ought to pass, with conditions as follows: 1. That the license is to Nicolas Saba only and is not transferable, and 2. That the licenseholder shall maintain the landscaping in front of the property along Salem Street.”

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On the petition by Tracy M. Batten dba Winn St. Auto Sales, 104 Winn Street for transfer of a Second Class Motor Vehicle Sales License from Richard Cail dba Winn St. Auto Sales, committee report was received “Alderman Galvin to inspect the property and the matter will be taken from committee.”

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On the petition by Maqsd dba Shaikh dba M&M Taxi, 12 Naples Avenue for a new Taxi Cab License, committee report was received “ought to deny as location is in a residential neighborhood.” On January 16, 2009, the petitioner filed a copy of a lease for the operation of the business at 165-U New Boston Street, Suite 275.

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On the petition by College Street Partners LLC, 900 Cummings Center, Suite 301U, Beverly, Massachusetts 01915 for a new Commercial Parking Lot License, committee report was received “ought to deny.”

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**NEW PETITIONS:**

Petition by Lenny’s Auto Repair Inc., 280 Salem Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.44 and Section 7 of the 1985 Woburn Zoning Ordinances, as amended, to allow for an automobile and truck repair garage and signage at 280 Salem Street.

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Petition by Winning Auto Services, Inc., 280 Salem Street for a special permit to modify Condition 19 referenced in a special permit issued on June 8, 2006 by deleting Condition 19 in its entirety for property located 280 Salem Street.

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**COMMUNICATIONS AND REPORTS:**

A request by School Committee Member Denis Russell to provide the City Council with a status report of activities in the School Department.

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A communication dated January 12, 2009 was received from Attorney Patricia A. Cantor, Kopelman and Paige, P.C. relative to cutting and trimming of “public shade trees.”

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A communication dated January 20, 2009 was received from Attorney Mark R. Reich, Kopelman and Paige, P.C. relative to the relationship between the City Charter and Ordinances in the event of conflict between those documents.

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A communication dated October 2008 with attachments was received from Gerald Bell, Manager, Community Services Unit, Department of Housing and Community Development, 100 Cambridge Street, Suite 300, Boston, Massachusetts 02114 relative to cold weather relief energy programs.

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

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**APPOINTMENTS AND ELECTIONS:**

A communication dated January 2, 2009 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Alexander Avola, Jr., of 18 Bradford Road as a member of the Golf & Ski Authority. The effective date of this appointment will be the date of confirmation by the City Council. This appointment will be for a term of 6 years.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

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A communication dated January 2, 2009 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Russell S. Braese of 30 Carroll Road as a member of the Golf & Ski Authority. The effective date of this appointment will be the date of confirmation by the City Council. This appointment will be for a term of 6 years.

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:** None.

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