

**CITY OF WOBURN
FEBRUARY 24, 2009 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Denaro	Gonsalves
Drapeau	Mercer-Bruen
Galvin	Raymond
Gately	Wall
Doherty	

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

Presentation by Robert McNabb, Executive Director, Woburn Housing Authority relative to progress made on grant-seeking for new elderly housing, the site conditions near Library Place and future elderly housing needs in the city of Woburn.

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$100,000.00 be and is hereby appropriated as so stated from Unreserved Fund Balance Acct #01-359600 \$100,000.00 to Veteran's Cash Aid Acct #0154357-577000 \$100,000.00

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

s/President Doherty

A communication dated February 10, 2009 with attachment was received from William E. Kerns, Chairman, Cemetery Commission as follows:

Re: Appropriation Request

Dear President Doherty and City Council Members:

The Board of Cemetery Commissioners is requesting approval for an appropriation of \$7,500.00 from the Cemetery Interest Fund to the Burial Section account to cover the costs for a botanist and boring needed to begin work for preparation of use of a portion of Forest Park as a new cemetery for the City of Woburn.

Should you have any questions regarding this request do not hesitate to contact this office.

Thank you, s/William E. Kerns, Chairman, Cemetery Commission

Attached thereto was the following:

ORDERED That the sum of \$7,500.00 be and is hereby appropriated from Cemetery Interest Fund to the Burial Sections Account #0149058-586601.

I hereby approve the above: s/William E. Kerns, Chair
I hereby recommend that above: s/Thomas L. McLaughlin, Mayor
I have reviewed the above: s/Gerald W. Surette, Auditor

s/President Doherty

ORDERED That the sum of \$30,000.00 be and is hereby appropriated as so stated from City Stabilization Fund Acct #704059-596300 \$30,000.00 to Leland Park Acct # 626049-497600 \$30,000.00 – Purpose: Weston & Sampson/Site Evaluation.

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

s/President Doherty (per request)

ORDERED That the sum of \$20,000.00 be and is hereby transferred as so stated from Tax Title/Foreclosure Acct #0113857-576010 \$20,000.00 to Treasurer/Payroll Acct #0113852-525800 \$20,000.00

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

s/President Doherty

ORDERED That the sum of \$775,000.00 be and is hereby appropriated as so stated from School Stabilization Fund Acct #704059-596300 \$775,000.00 to Goodyear School Project Acct #626049-497600 \$775,000.00 – Purpose Owners Project Manager \$203,000.00, Architect Design \$547,000.00, Geotechnical Testing \$25,000.00 Total \$775,000.00

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

s/President Doherty (per request)

PUBLIC HEARINGS:

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.

On the 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. PUBLIC HEARING OPENED. A copy of a communication dated February 9, 2009 from Edmund Tarallo, Planning Director to Brett F. Gonsalves, Senior Engineer as follows:

Subject: 280 Salem Street Amendment to Special Permit – Special Permit Application
Dated January 15, 2009 – Plans Dated August 18, 2006

This office has reviewed the submitted materials for the above referenced project and offers the following comments:

The applicant is seeking to modify condition number 19 on a previously approved special permit dated June 8, 2006 which stated “the rights under this special permit, unless further extended by a vote of the City Council, shall expire on the earlier of: the property owner exercising its right under a certain Special Permit Decision filed with the City Clerk’s office on September 24, 2004 allowing for the construction of indoor sports facility; or May 31, 2009.” The applicant seeks to delete this in its entirety.

Upon review of the special permit this office takes no exception to the application as submitted.

If you or the board have any questions concerning this information, do no hesitate to contact this office.

A communication dated February 23, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Winning Auto Services, Inc. – 280 Salem St. – To delete Condition 19 of the June 8, 2006 City Council Special Permit

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on February 10, 2009, the Board voted to send a favorable recommendation to the City Council regarding the request of Winning Auto Services, Inc. to delete Condition 19 of the June 8, 2006 City Council Special Permit granted to 280 Salem 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 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 copy of a communication dated February 9, 2009 to Edmund Tarallo, Planning Director from Brett F. Gonsalves, Senior Engineer 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 – Previous Memo Dated January 12, 2009

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 addition information since our previous memo dated January 12, 2009. 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.

On the 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 PUBLIC HEARING OPENED. A copy of a communication

dated February 9, 2009 to Edmund Tarallo, Planning Director to Brett F. Gonsalves, Senior Engineer was received as follows:

Subject: 280 Salem Street Automotive Repair Special Permit – Special Permit
Application Dated January 15, 2009 – Plans Dated August 18, 2006

This office has reviewed the submitted materials for the above referenced project and offers the following comments:

The applicant is seeking permission to allow for an automobile and truck repair garage with signage. The accompanying site plan shows the proposed location of the garage and office within the existing building. The applicant should verify with the plumbing inspector to determine if there sufficient floors drains for the proposed use.

This office takes no exception to the request, plans or special permit application as submitted.

If you or the board have any questions concerning this information, do not hesitate to contact this office.

A communication dated February 23, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Lenny's Auto Repair Inc. – 280 Salem St. – To allow for an automobile and truck repair garage and signage pursuant to Sections 5.1.44 and Section 7

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on February 10, 2009, the Board voted to send a favorable recommendation to the City Council regarding the request of Lenny's Auto Repair Inc. to allow for an automobile and truck repair garage and signage pursuant to Sections 5.1.44 and Section 7 of the Woburn Zoning Ordinance at 280 Salem St. subject to the following conditions:

1. That the automobile and truck repair garage shall be limited to 1,500 S.F. as marked on the plan and the area hashed on the plan shall be for parking of the vehicles associated with this use;
2. That the hours of operation shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday and 8:00 a.m. to 1:00 p.m. on Saturday;
3. That the Plumbing Inspector shall determine the number and type of floor drains required and that they shall be in place prior to occupancy;
4. That no "junk cars" shall be stored on the premises; and
5. That no more than 10 vehicles of the original 100 vehicles allowed to be stored on this site shall be associated with this use.

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 to further amend the 1985 Woburn Zoning Ordinances, as amended, by striking from Section 2 Definitions the definition for “Sign, Window” in its entirety and replacing same with the following: “Sign, Window: A sign that is applied or attached to a window or door, or a sign located near a window within a building for the purpose of being visible to and read from the outside of the building.” PUBLIC HEARING OPENED.

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS: None.

NEW PETITIONS:

Petition by Robert McSheffrey, Trustee, 306 Montvale Avenue, Woburn, Massachusetts 01801 for an Inflammable License to allow the storage of flammable fluids as follows: Underground 40,000 gallons gasoline and diesel product.

Petition by Wilson TurboPower, Inc., 55 Sixth Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.41 of the 1985 Woburn Zoning Ordinances, as amended, to allow for research and testing facility at 20-30 Commerce Way.

COMMUNICATIONS AND REPORTS:

A communication dated February 23, 2009 with attachment was received from Edmund P. Tarallo, Planning Director as follows:

Re: City Council – Biosafety Level Research and Testing Uses

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on February 10, 2008, the Board voted to forward the following documents to the City Council:

1. Review of BioSafety Permitting Procedures.
2. Proposed Zone Changes: Biomedical Facility & Research & Testing Laboratory.

3. Proposed General Ordinance Amendment: Biomedical Oversight Committee

These documents reflect the research done by the Planning Board staff for the ZORC Committee and the recommended General Ordinance and Zoning Ordinance changes that the Planning Board recommends that the City Council consider in response to the City Council's request of November, 2008.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

A communication dated February 5, 2009 was received from Attorney Katharine I. Doyle, Kopelman and Paige, P.C. relative to changes to the agricultural exemption in the Zoning Act.

A communication dated February 5, 2009 with attachment was received from Stan Usovicz, Regional Director of External Affairs, Verizon, 451 Main Street, Wakefield, Massachusetts 01880 as follows:

Dear Mr. Campbell – City Clerk,

Please find enclosed a listing of all Verizon vehicles that are garaged in the City of Woburn. The listing is separated by facilities, Wildwood Avenue and Locust Street, and includes license numbers, make, and year of each vehicle.

If you could let mw know of any meeting dates that may be available for the City Council, I would appreciate it. I am generally available most business hours during the week.

Sincerely, s/Stan Usovicz, Verizon, Regional Director of External Affairs

A communication dated February 9, 2009 was received from Attorney John D. McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Request – 330 Lexington Street, Woburn
Applicant: Robert W. Murray, Trustee

Dear Mr. Campbell:

This will confirm the above named applicant's consent to time on the above referenced special permit request, up to an inclusive of May 5, 2009, in order to allow sufficient time for the rezoning application to be processed.

Please present this matter to the City Council for their consent to this request as well.

Thank you for your cooperation, and please contact me should you or the council have any questions.

Sincerely, s/John D. McElhiney

A communication dated February 20, 2009 with attachment was received from Maqsud Shaikh, 3M Taxi, Inc., 165U New Boston Street, Suite 275, Woburn, Massachusetts 01801 as follows:

Dear Sirs:

Originally I was going to operate as M&M Taxi Inc., but there is a separate cab company operating in Somerville with the name M&M Taxi, Inc. The Massachusetts Secretary of State will not let two companies have the same name in Massachusetts. Therefore, I registered my company as 3M Taxi Inc.

I have attached the Articles of Organization of M&M Taxi Inc. and the annual report they filed in May of 2008.

If you have any questions or comments, please contact me.

Sincerely, s/Maqsud Shaikh

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated February 20, 2009 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Re: William Callahan – Historic District Commission

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint William Callahan of 14 Kennedy road as an alternate member of the Historic District Commission for a period of three years.

Mr. Callahan's appointment will be effective on the date of confirmation by the City Council; Mr. Callahan's appointment term will expire three years from that date.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

A communication dated February 20, 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 appoint Joanne McNamee, 5 Sturgis Street as a Life Trustee on the Board of Trustees of the Woburn Public Library. Ms. McNamee will be replacing Robert Maguire. The effective date of this appointment will be the date of confirmation by the City Council.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

A communication dated February 20, 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 appoint Rosa DiTucci, 82 Arlington Road as a Member on the Board of Trustees of the Woburn Public Library. The effective date of this appointment will be the date of confirmation by the City Council and will expire in three years.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

A communication dated February 20, 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 appoint William Angelo, 144 Lexington Street as a Member on the Board of Trustees of the Woburn Public Library. The effective date of this appointment will be the date of confirmation by the City Council and will expire in three years.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

A communication dated February 20, 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 appoint Loretta Schuck, 44 Leonard Street as a Life Trustee on the Board of Trustees of the Woburn Public Library. Ms. Schuck will be replacing Robert Dever. The effective date of this appointment will be the date of confirmation by the City Council.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Pursuant to Chapter 53 of the Acts of 2007, the Preliminary Election for the Municipal Election shall be held on Tuesday, September 22, 2009.

s/President Doherty

Motion made and 2nd to ADJOURN.