

**CITY OF WOBURN
DECEMBER 1, 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.

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$250,000.00 be and is hereby transferred as so stated from BLS Ambulance Receipts Acct #31359-595000 \$200,000.00 to Ambulance Salaries Acct #0122051-511500 \$200,000.00 and from ALS Ambulance Receipts Acct #31359-595000 \$50,000.00 to Ambulance Maintenance Acct #0122054-544300 \$50,000.00

I hereby recommend the above: s/Paul Tortolano, Chief, Fire Department
I have reviewed the above: s/Gerald W. Surette, City Auditor
I hereby approve the above: s/Thomas L. McLaughlin, Mayor

PUBLIC HEARINGS:

On the petition by Alderman Wall and Alderman Denaro concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 4 Ellis Court, Woburn, Massachusetts, for the purposes of determining whether said structure or structures are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts 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. PUBLIC HEARING OPENED.

On the petition by Cummings Properties, LLC, as managing agent for Sudbury Research Center, LLC, 200 West Cummings Park, Woburn, Massachusetts 01801 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 structure to construct an elevated pedestrian walkway from the second floor of the subject building located at 34 Commerce Way to the second floor of the adjacent building at 8 Cabot Road. PUBLIC HEARING OPENED.

On the petition by Cummings Properties, LLC, as managing agent for Woburn Properties, LLP, 200 West Cummings Park, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.30b and 5.1.41 of the 1985 Woburn Zoning Ordinances, as amended, to amend a special permit granted on May 19, 2009 to construct an elevated pedestrian walkway from the second floor of subject building located at 8 Cabot Road to the second floor of existing adjacent building at 34 Commerce Way. PUBLIC HEARING OPENED.

On the petition by President Doherty to further amend the 1985 Woburn Zoning Ordinances, as amended, by adding to Section 23.5.4 Hours of Operation the following: "Section 5.4 Hours of Operation - Except by the grant of a special permit by the City Council, the hours of operation for supermarkets, retail uses, fast food restaurants and gasoline service stations shall be from 5:00 a.m. to midnight." PUBLIC HEARING OPENED. A communication dated November 24, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: City Council President Charles Doherty – Zoning Ordinance Amendment – to add to Section 23.5.4 Hours of Operation the following: "Section 5.4 Hours of Operation – Except by the grant of a special permit by the City Council, the hours of operation for supermarkets, retail uses, fast food restaurants and gasoline service stations shall be from 5:00 a.m. to midnight."

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on November 17, 2009, the Board voted to forward a favorable recommendation to the City Council subject to the following modification that "5:00 a.m. to midnight" be replaced with 6 A.M. to 11 P.M."

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

Sincerely, s/Edmund P. Tarallo, Planning Director

On the petition by President Charles Doherty to further amend the 1985 Woburn Zoning Ordinances, as amended, by deleting in Section 23.2.2.1 the dashes between the words "CWCOD dated" and "and as may be amended" and inserting in its place the effective date of this ordinance and to amend the Woburn Zoning Map by establishing the Commerce Way Corridor Overlay District generally bordered by the Wilmington Town

Line to the north; Route 93, Dragon Court, and Commerce Way to the east; Mishawum Road to the south; and the MBTA commuter rail tracks and Newberg Avenue to the west. PUBLIC HEARING OPENED. A communication dated November 24, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: City Council President Charles Doherty – Zoning Ordinance & Map Amendment – to delete in Section 23.2.2.1 the dashes between the words “CWCOD dated” and “and as may be amended” and inserting in its place the effective date of this ordinance and to amend the Woburn Zoning Map by establishing the Commerce Way Corridor Overlay District generally bordered by the Wilmington Town Line to the north; Route 93, Dragon Court, and Commerce Way to the east; Mishawum Road to the south; and the MBTA commuter rail tracks and Newberg Avenue to the west.

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on November 17, 2009, the Board voted to forward a favorable recommendation to the City Council to delete in Section 23.2.2.1 the dashes between the words “CWCOD dated” and “and as may be amended” and inserting in its place the effective date of this ordinance and to amend the Woburn Zoning Map by establishing the Commerce Way Corridor Overlay District subject to the following amendments that the R-2 zone on Dragon Court be excluded from the Commerce Way Corridor Overlay District; that the land that is zoned OS be excluded from the Commerce Way Corridor Overlay District; and that the portion of B-I District at the intersection of Mishawum Road and Commerce Way be excluded from the Commerce Way Corridor Overlay District.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS: None.

NEW PETITIONS:

Proposed Grant of Easement to the City of Woburn from Ting-Lei Gu and Xin Zhao, owners of Unit 1, 7 Mikalia Way, Andres H. Ceballos, Catatalin De La Torre, owners of Unit 2, 9 Mikailia Way, Sanson H. Fong and Sheila Wong, owners of Unit 1 of the 6-8 Earl Stokes Circle Condominium, Kristen M. Burns, owner of Unit 2 of the 6-8 Earl Stokes Circle Condominium, S.M. Kuchibhotla and Padmaja S. Charla, owners of Unit 1

of the 9-10 Earl Stokes Circle Condominium, Ralph Fayad and Elham Fayad, owners of Unit 2 of the 9-10 Earl Stokes Circle Condominium, and David Tracy, Richard Cooney and Philip Perschek, Trustees of the 32 Webster Street Realty Trust u/d/t dated October 29, 1999, to the City of Woburn for the perpetual right and easement, to use in common with the Grantors and others from time to time entitled to use the same that strip of land lying within the area labeled "Water and Sewer Main Easement" on a plan entitled Easement Plan of Land dated may 18, 2009 by Edward J. Farrell PLS, to be recorded with the instrument, for underground water lines, including the right to use said strip for the purpose of installing, maintaining, replacing, removing and using water mains and related equipment, with the necessary manholes or conduits.

Petition by Abdelaziz Ilaj dba Woburn Motors, 104 Winn Street for transfer of Second Class Motor Vehicle License from Tracy M. Batten dba Winn Street Auto Sales, 104 Winn Street and for renewal of said Second Class Motor Vehicle Sales License.

A communication dated November 30, 2009 was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Minor Modification to Notice of Special Exception Dated July 8, 1986 – 14
Arlington Road, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent NUPATH, INC. (formerly known as CMARC) of 147 New Boston Street, Woburn, Massachusetts. On October 2, 2009, my client purchased the property formerly owned by Robert and Susan Nelson at 14 Arlington Road, Woburn, Massachusetts for purposes of providing housing for four physically handicapped persons.

The property at 14 Arlington Road, Woburn, Massachusetts is a legal three family dwelling. On July 8, 1986, the Woburn City Council granted a Special Exception to allow for the conversion of the dwelling at 14 Arlington Road to a three family dwelling (copy enclosed). At the present time, my client is allowed to occupy the first two floors of the dwelling but not the third floor. The Commonwealth of Massachusetts Department of Developmental Services requires two means of egress from all floors. As a result, my client needs to make a minor exterior alteration to the structure by adding a door at the third floor egress and to construct stairs to meet the existing deck at the second floor.

The Building Commissioner has taken the position that since the property is a pre-existing non-conforming structure, the City Council must make a finding that the proposed minor alterations to the structure are not substantially more detrimental than the existing non-conforming structure.

The proposed minor modifications do not change or extend the nature of the use of the property as a three family dwelling. The work that is to be completed includes some minor interior renovations and the addition of a new exterior door and a set of stairs to meet the existing deck at the second floor. I have enclosed with this correspondence then (10) copies of the following plans:

1. Site Plan entitled "CMARC Residence, 14 Arlington Road, Woburn, Massachusetts" dated November 20, 2009 prepared by Eisenberg Haven Architects, Inc., 123 North Washington Street, Boston, Massachusetts 02114, scale 1" = 30'.
2. Plan entitled "CMARC - 14 Arlington Road, Woburn, Massachusetts" dated September 23, 2009 prepared by Eisenberg Haven Architects, Inc., 123 North Washington Street, Boston, Massachusetts 02114. This plan shows both the minor interior and exterior alterations.

On behalf of NUPATH, INC., I respectfully request that the City Council allow for the proposed alterations as a minor modification to said Notice of Special Exception. In addition, I request that the City Council act on this request at its meeting on December 1, 2009. Thank you.

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

Petition for renewal of First Class Motor Vehicle Sales License by Azure Dynamics US, Inc., 9 Forbes Road.

Petition for renewal of Second Class Motor Vehicles Sales Licenses by EC, Inc. dba XPress Fuel, 505 Main Street, Tracy M. Batten dba Tracy's Auto Sales, 62R Winn Street, and Wassim (Sam) Nicolas dba Woburn Square Mobil, 23 Pleasant Street.

Petition by Clear Wireless LLC, 4400 Carillon Point, Kirkland, Washington 98022 for a special permit pursuant to Section 5.6 of the 1989 Woburn Zoning Ordinances, as amended, to construct a telecommunications stealth flagpole structure at 92 Merrimac Street.

COMMUNICATIONS AND REPORTS:

A communication dated November 17, 2009 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 20½, I am submitting a report to you on the parking violations in the City of Woburn for the period ending October 2009: number of parking violations issued 1,432, number of violations

paid 752, number of violations outstanding 495, amount collected and submitted to the Office of the Collector \$47,763.00. There exists a backlog of 4,718 tickets for 1982 through 2008. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$8,355.00.

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

A communication dated November 16, 2009 was received from Attorney Katharine I. Doyle, Kopelman and Paige, P.C. relative to important recent decisions regarding lapse of variances and special permits.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

None.

Motion made and 2nd to ADJOURN.