

**CITY OF WOBURN  
JANUARY 5, 2010 - 7:30 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gaffney
Denaro	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Raymond	

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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 Alderman Scott Galvin concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 17-19 Franklin Street, 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.

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On the petition by Alderman Richard Gately concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 320 Main Street aka 286 Main Street, Woburn, Massachusetts, commonly referred to as the Woburn Armory, 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.

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**CITIZEN'S PARTICIPATION:** None.

**COMMITTEE REPORTS:** None.

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**NEW PETITIONS:**

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

Re: Minor Modification to Landowner's Decision and Notice of Special Permit dated December 27, 2007, as amended by Notice of Modification of Special Permit dated September 24, 2009 (the "Decision") Granted to Allied Building Products Corp., 41 Atlantic Avenue, Woburn, MA

Dear Mr. Campbell:

Please be advised that I represent Allied Building Products Corp. ("Allied") of 41 Atlantic Avenue, Woburn, Massachusetts (the "Property"). As you know, on December 27, 2007, the City Council issued a Special Permit to Allied for the use of the Property as a wholesale establishment, warehouse and distribution center, outside storage of new or used building materials and equipment and the accessory parking of commercial motor vehicles. On September 24, 2009, the City Council issued a Modification to the Special Permit allowing for a modified site plan (the "Decision"). Enclosed please find ten (10) copies of the Decision.

- Condition 4 of the Decision states: "That no more than four (4) commercial vehicles shall be parked at the premises and all registered vehicles shall be parked on the premises overnight shall be registered in the City of Woburn.
- Condition 9 of the Decision states: "That the Special Permit is granted to Allied Building Products Inc. ("Allied") and is not transferable except to any affiliate of Allied; any corporation into which or with Allied or its parent corporation may merge; or to any corporation or any other business entity or to any company which may result from a reorganization or consolidation by or with Allied; this permit is not transferable if Allied is sold, purchased or taken over by a non-affiliate".

My client has entered into an Agreement to sell its business to American Builders and Contractors Supply Company, Inc., d/b/a ABC Supply Co., Inc. of Beloit, Wisconsin (hereafter, "ABC"). ABC (similar to Allied) is a wholesale distributor of roofing materials, siding, windows and other select exterior building products. ABC has 380 stores in 46 states including five stores in Massachusetts with one located at 100 Commerce Way, Woburn, MA. ABC will operate consistent with Allied Building's

operations and similar to other businesses in the area such as Harvey Door and Window, New England Wholesale Supply and KAMCO.

On behalf of my client, I respectfully request approval by the City Council to modify: (i) Condition 4 of the Decision to allow for eight (8) commercial vehicles and (ii) Condition 9 of the Decision allowing for the transfer of the Special Permit to American Builders and Contractors Supply Company, Inc. All of the Conditions attached to the Special Permit Decision will remain in full force and effect. I also request that this matter be placed on the agenda of the City Council meeting scheduled for January 5, 2010. If you have any questions, please feel free to contact me.

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

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Petitions for renewal of Second Class Motor Vehicle Sales License by Cambridge Road Auto Service, Inc., 293 Cambridge Road and Woburn Gas & Service, Inc., 545 Main Street.

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Petition by Ali Saleh dba Metro Car Service, 21 Cummings Park, Suite 224 to amend a current Taxi Cab License by increasing the number of vehicles from one (1) vehicle to two (2) vehicles.

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Petition by Viewpoint Sign & Awning, 35 Lyman Street, Northboro, Massachusetts 01532 for a special permit for an additional sign at 65 Winn Street.

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**COMMUNICATIONS AND REPORTS:**

A communication dated December 22, 2009 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the December meeting of the Council on Aging and the Director's report for the month of December.

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A communication dated December 16, 2009 with attachments was received from Joanne Collins, Director, Woburn Council on Aging relative to the establishment of the Woburn Council on Aging Associate Membership Program.

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A communication dated December 14, 2009 was received from Attorney Patricia A. Cantor, Kopelman and Paige, P.C. relative to FCC establishment of time limits for wireless siting decisions.

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A copy of a communication dated December 11, 2009 to Rosa DiTucci, Carol Seitz and Woburn Historical Commission was received from Brona Simon, Executive Director, State Historic Preservation Officer, Massachusetts Historical Commission, 220 Morrissey Boulevard, Boston, Massachusetts 02125 advising that the Middlesex Canal Historic and Archaeological District, Lowell-Boston, Massachusetts, including a portion in Woburn, was accepted by the National Park Service, Department of Interior, for listing in the National Register of Historic Places on November 19, 2009.

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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:**

From the Woburn Traffic Commission:

**ORDERED** MAIN STREET – Handicapped parking space shall be established on the southerly side at 415 Main Street.

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