

**CITY OF WOBURN
JUNE 15, 2010 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Gaffney	Raymond
Denaro	

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

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$30,000.00 be and is hereby appropriated from Cemetery Interest Fund and distributed as follows for Fiscal Year 2011: \$10,000.00 to Utility Acc. 0149052-521103, \$5,000.00 to New Equipment 0149058-586600, \$2,000.00 to Office Supplies 0149054-542000, \$5,000.00 to Equip/Bldg Maint 0149054-543000, \$8,000.00 to Tools/Supplies Acct 0149054-546100

I hereby approve the above. s/William E. Kerns, Chairperson

I hereby recommend the above. s/Scott D. Galvin, Mayor

I have reviewed the above. s/Gerald W. Surette, City Auditor

s/Alderman _____

PUBLIC HEARINGS:

Proceedings to review, conduct a public hearing and take action as determined by the City Council on the Fiscal Year 2011 Budget.

On the petition by Alderman DiTucci relative to the structure located at 19 Day Circle for the purposes of determining whether the building is public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as defined in M.G.L. Ch. 139, Sec. 1. PUBLIC HEARING OPENED. A copy of a communication dated June 15, 2010 to Alderman DiTucci was received from Mark LaLumiere, Department of Inspectional Services as follows:

Re: 19 Day Circle

On 5/19/10 I made a site visit to 19 Day Circle to investigate a complaint regarding an unsecured in-ground swimming pool. The property is vacant and overgrown. The fence which serves as the enclosure for the pool was un-locked and propped open. The pool is covered, however the cover is ripped and an area of the cover has fallen into the pool. The overall condition of the pool and surrounding area is unkempt. The enclosure surrounding the pool needs maintenance and at a minimum must be brought into compliance with the Massachusetts State Building Code 780 CMR 421.10 – private swimming pools. Overall the property appears to be abandoned, with over grown shrubs and landscaping. The swimming pool enclosure needs to be maintained and monitored to be sure that it remains secure.

s/Marl LaLumiere

On the petition by Clear Wireless, LLC, 200 5th Avenue, Waltham, Massachusetts 02451 for a special permit pursuant to Sections 5.6 and 11.5 of the 1985 Woburn Zoning Ordinances, as amended, to install a wireless communications facility consisting of a 100 foot monopole tower and three (3) wimax antennas and two (2) wireless backhaul dish antennas to be mounted on the top of the proposed monopole, together with supporting equipment to be located at the base of the monopole and surrounded by an eight (8) foot chain link fence, all at 205 Wildwood Avenue. PUBLIC HEARING OPENED. A communication dated June 8, 2010 was received from Attorney Anne K. Malone, Prince Lobel Glovsky & Tye LLP, 100 Cambridge Street, Suite 2200, Boston, Massachusetts 02114 as follows:

Re: Request for Withdrawal Without Prejudice – Clear Wireless, LLC – 205 Wildwood Avenue, Woburn, MA

Dear Honorable Members of the City Council, Mr. Clerk and Mr. Tarallo:

This firm represents the above-captioned Applicant, Clear Wireless, LLC, in connection with its application before the City Council for a proposed wireless telecommunications facility at the property located at 205 Wildwood Avenue, Woburn, MA. In an effort to resolve certain issues associated with the subject property before pursuing the zoning relief for the facility, the Applicant respectfully requests that this application be withdrawn without prejudice.

If you should have any questions, please do not hesitate to call me.

Sincerely, s/Anne K. Malone

A communication dated June 10, 2010 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Clearwireless, LLC – 205 Wildwood Ave. – To construct 100’ monopole with 3 wimax antennas and 2 wireless backhaul to be installed on top of the proposed monopole and to install supporting equipment to at the base of the monopole within an 8’ chain link fence under Section 5.6 and 11.5

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on June 8, 2010, the Board voted to support the petitioner’s request to withdraw without prejudice.

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 Clear Wireless, LLC, c/o Anne Grant, Prince, Lobel, Glovsky & Tye, LLP, 100 Cambridge Street, Suite 2200, Boston, Massachusetts 02114 for a special permit pursuant to Sections 5.6 and 11.5 of the 1985 Woburn Zoning Ordinances, as amended, to install a wireless communications facility by constructing a 125 foot flagpole design monopole, to install three (3) wimax antennas and two (2) wireless backhaul dish antennas, all to be mounted and completely concealed within the proposed monopole together with supporting equipment to be located at the base of the monopole and surrounded by a proposed eight (8) foot chain link fence, all at 92 Merrimac Street. PUBLIC HEARING OPENED. A communication dated June 8, 2010 was received from Attorney Anne K. Malone, Prince Lobel Glovsky & Tye LLP, 100 Cambridge Street, Suite 2200, Boston, Massachusetts 02114 as follows:

Re: Request for Withdrawal Without Prejudice – Clear Wireless, LLC – 92 Merrimac Street, Woburn, MA

Dear Honorable Members of the City Council, Mr. Clerk and Mr. Tarallo:

This firm represents the above-captioned Applicant, Clear Wireless, LLC, in connection with its application before the City Council for a proposed wireless telecommunications facility at the property located at 92 Merrimac Street, Woburn, MA. In an effort to resolve certain issues associated with the subject property before pursuing the zoning relief for the facility, the Applicant respectfully requests that this application be withdrawn without prejudice.

If you should have any questions, please do not hesitate to call me.

Sincerely, s/Anne K. Malone

A communication dated June 10, 2010 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Clearwireless, LLC – 92 Merrimac St. – To construct 125’ flagpole design monopole with 3 wimax antennas and 2 wireless backhaul installed within and to install supporting equipment to at the base of the monopole within an 8’ chain link fence under Sections 5.6 and 11.5

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on June 8, 2010, the Board voted to support the petitioner’s request to withdraw without prejudice.

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 amend the 1985 Woburn Zoning Ordinances, as amended, by establishing a new Section 25 Upper Main Street Overlay (UMS) District. [For a full recitation of the Ordinance, see Journal of the City Council for the Regular Meeting held on May 4, 2010.] PUBLIC HEARING OPENED. A communication dated June 9, 2010 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Alderman Michael Raymond – Zone Ordinance Amendment – To add a new Section 25 entitled “Upper Main Street Overlay (UMS) District” as set forth in the petition and to amend the Woburn Zoning Map by establishing the “Upper Main Street Overlay District” (“UMS”) consisting of the parcel of land known as 1071 Main Street (Map 8, Parcel 18) consisting of approximately 4.92 acres

Dear Mr. Campbell and Members of the City Council:

At the public hearing held June 8, 2010, the Woburn Planning Board voted to forward a favorable recommendation to the City Council on the above-cited zoning map amendment establishing the “Upper Main Street Overlay District” (“UMS”) consisting of the parcel of land known as 1071 Main Street (Map 8, Parcel 18) consisting of approximately 4.92 acres and the zoning amendments adding a new Section 25, entitled “Upper Main Street Overlay (UMS) District” with the following modification to Section 25 B.1. by striking “860 feet” and inserting in its place “500 feet”.

If members of the Council have any questions or concerns regarding the foregoing recommendations, please contact me.

Sincerely, s/Edmund P. Tarallo, Director

On the petition by Alderman Michael Raymond to amend the “Zoning Map of the City of Woburn, dated April 7, 1980, as revised” by adding the parcel of land known as 1071 Main Street (Map 8, Parcel 18) consisting of approximately 4.92 acres and shown on plan on file to the “Upper Main Street Overlay District” (“UMS”) zoning district. PUBLIC HEARING OPENED. A communication dated June 9, 2010 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Alderman Michael Raymond – Zone Ordinance Amendment – To add a new Section 25 entitled “Upper Main Street Overlay (UMS) District” as set forth in the petition and to amend the Woburn Zoning Map by establishing the “Upper Main Street Overlay District” (“UMS”) consisting of the parcel of land known as 1071 Main Street (Map 8, Parcel 18) consisting of approximately 4.92 acres

Dear Mr. Campbell and Members of the City Council:

At the public hearing held June 8, 2010, the Woburn Planning Board voted to forward a favorable recommendation to the City Council on the above-cited zoning map amendment establishing the “Upper Main Street Overlay District” (“UMS”) consisting of the parcel of land known as 1071 Main Street (Map 8, Parcel 18) consisting of approximately 4.92 acres and the zoning amendments adding a new Section 25, entitled “Upper Main Street Overlay (UMS) District” with the following modification to Section 25 B.1. by striking “860 feet” and inserting in its place “500 feet”.

If members of the Council have any questions or concerns regarding the foregoing recommendations, please contact me.

Sincerely, s/Edmund P. Tarallo, Director

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS: None.

NEW PETITIONS:

Petition by NSTAR Electric Company for a grant of right in a way to install conduit in Main Street southerly from manhole #9544 approximately 280 feet north of Montvale Avenue a distance of approximately 85 feet.

Petition by Clear Wireless, LLC, c/o Tower Resource Management, Inc., 30 Lyman Street, #12, Westborough, Massachusetts 01581 for a special permit pursuant to Section

7.3 of the 1985 Woburn Zoning Ordinances, as amended, to alter a pre-existing, non-conforming use to co-locate wireless communications facility equipment including antenna and backhaul dishes onto an existing tower at (25 Rear) Waltham Street.

Petition by Championship Distribution Group, Incorporated, 5 Wheeling Avenue, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 42 and 57a of the 1985 Woburn Zoning Ordinances, as amended, to allow third party logistics facility at One Arrow Drive.

ORDERED

Be it Ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinances, as amended, be revising Section 22 entitled “Senior Housing Overlay District” (SHO) by deleting in its entirety and replacing with the following:

SECTION 22 - Residential Overlay District (ROD) District

A. Purpose and Objectives

1. To provide housing options to meet the needs of households at different stages of life.
2. To promote high quality design and minimize negative impacts on the surrounding area.

B. Application

1. The Residential Overlay District (ROD) is hereby established as an overlay district. The ROD shall only be applied to properties zoned R-1 that have frontage along Route 38 (Main Street) of at least 125 feet and are north of Interstate 95 (I-95) and Route 38 interchange; and are within 2,250 feet northerly of the centerline right of way of said I-95 at the Route 38 interchange. Inclusion of any property into an ROD shall also require a zoning map change consistent with the rules and regulations of the Woburn Zoning Ordinance.
2. The provisions of the ROD shall only apply to projects using ROD criteria. Any building, structure or use of land that is not part of an ROD development proposal shall maintain the rights and privileges of the underlying district without modification by the ROD.

C. Associated Criteria

1. All ROD proposals shall be subject to Site Plan Review Section 12a, as applicable.
2. All ROD proposals shall be subject to Section 18, Development Impact Mitigation as applicable.
3. All ROD proposals except those uses in Section 22(E)(1)(c) and Section 22(E)(1)(d) shall be subject to Section 11.11 Affordable Housing Requirements, as applicable.

D. By Right Uses

1. None

E. Special Permit Uses

1. A special permit shall be required from the Woburn City Council for the following uses.
 - a. Congregate Elderly Apartments as defined in Section 2. Definitions.
 - b. Assisted Living residences.
 - c. Nursing homes, Alzheimer care residences, and similar facilities.
 - d. Continuing Care Facility: A combination of the uses noted in items a through c above.
 - e. Multi-family housing.
 - f. Accessory offices, clubhouses, personal services and recreation amenities consistent and with the uses noted above.

F. Dimensional and Density Regulations

1. Lot area, frontage and yards.

- | | |
|---|---|
| a. Congregate Elderly Apartments | b. Assisted Living residences or |
| d. Continuing Care facility | c. Nursing Homes or Alzheimer residence or similar facilities |
| e. Multi-Family housing | f. Accessory offices, clubhouses, personal services and recreation amenities consistent and with the uses noted above |
| f. Accessory offices, clubhouses, personal services and recreation amenities consistent and with the uses noted above | |

Minimum Lot Area	5 acres	1 acre
Minimum Lot Frontage	200 feet	125 feet
Minimum Front Yard Setback	50 feet	50 feet
Minimum Side Yard		

Setback	40 feet	25 feet
Minimum Rear Yard Setback	30 feet	30 feet

2. Lot coverage and Landscaped Usable Open Space

Maximum building coverage: 40%
 Minimum landscaped usable open space: 30%
 Maximum Lot Coverage: 70%

3. Building Height and Intensity of Use

- a. Maximum height for a Multi-Family housing development in the ROD shall be 3 stories and 52 feet. The maximum number of residential units shall be not more than 1 bedroom or per 1,000 square feet of gross lot area not including the area assigned to rivers or canals that may be on the lot. Further, in no instance shall there be more than 120 units in any Multi-Family housing development in the ROD.
- b. Maximum height for Congregate Elderly Apartments; Assisted Living Residences; Nursing Homes; Alzheimer care residences and similar facilities; and Continuing Care Facilities shall be 3 stories and 42 feet in the ROD. A peaked roof shall be required unless waived during the site plan review process; however, the maximum exterior eave height of any portion of any building shall not exceed 36 feet at any one point. The maximum number of residential units shall be not more than 1 bedroom per 1,000 square feet of gross lot area not including the area assigned to rivers or canals that may be on the lot; a nursing home room/bed or Alzheimer room/bed shall be construed to be a bedroom. Further, in no instance shall there be more than 150 units in any of the above uses in the ROD.

4. More than One Building on a Lot

- a. All ROD developments may contain more than one principal building on a lot.

G. Off-Street Parking Requirements

1. At a minimum, off street parking spaces shall be provided as follows.

- a. Congregate Elderly Apartments: 1.5 spaces per unit and 1 visitor space per 10 units.

- b. Assisted Living: 0.50 parking spaces per unit and 1 visitor space per 10 units.
- c. Nursing Homes, Alzheimer facility and similar residences: 0.35 spaces per unit and 1 visitor space per every 10 residences.
- d. Continuing Care Facilities: A proportional combination of the parking requirements noted in items a through c above.
- e. Multi-family housing: 1 visitor space for every 10 units; 1.5 spaces per studio or one bedroom unit, 2 spaces for every two bedroom unit and 2.5 spaces for every three bedroom unit.

H. Design Standards

- 1. All development in an ROD shall comply with the following standards for streetscape design in addition to criteria that may be required as part of site plan review.
 - a. As approved and required as part of site plan review process trees shall be planted along all public rights of way. Trees shall be planted at intervals of not less than 40 feet, unless plantings are precluded by utilities or points of access. Tree species shall be selected that require minimal maintenance and are of native origin.
 - b. Pedestrian amenities such as benches, kiosks, trash receptacles shall be provided along public sidewalks as approved as part of the site plan review process.
 - c. Access to historic walkways, trails, canal walks, and other similar public open spaces and amenities that abut the proposed development shall be provided to the general public.
 - d. All new utilities shall be placed underground as is practical, as determined during the site plan review process.
- 2. Exception to the area and landscaping requirements in Section 8.6.2 for all ROD developments may be granted by Special Permit if the City Council finds the amount, placement and type of landscaping proposed will be equal or superior in visual appearance than if the requirements were strictly adhered to.

By Landowner

ORDERED Be it Ordained by the City Council of the City of Woburn that the Zoning Map of the City of Woburn, as amended, be further amended as follows:

By amending the Zoning Map for a parcel of land containing approximately 6.00 acres of land identified as Lot 2 Main Street as shown on a plan by Allen & Major Associates, Inc., entitled "St. Anthony of Padua, 859 Main Street, Woburn, MA" Revised 1/04/08 from the Senior Housing Overlay District to the Residential Overlay District and by adding the parcel of land containing approximately 1.091 acres of land identified as Lot A, Main Street, as shown on a plan by Holmberg & Howe entitled "Plan of Land, 859 Main Street, Woburn, Massachusetts" dated May 24, 2010 to the Residential Overlay ("ROD") District.

By Landowner

COMMUNICATIONS AND REPORTS:

A communication dated June 2, 2010 was received from Richard G. Cutts, PE, Chairman, Woburn Conservation Commission as follows:

Re: Whispering Hill and Spence Farm Properties

Dear Members of the City Council:

The Conservation Commission would like to take this opportunity to voice its support in concept for the acquisition of the Whispering Hill Property parcel of land located off Cambridge Road, and the Spence Farm Property located off Lowell and Wyman Streets. The Commission favors the preservation of Open Space, and believes that these parcels would be a great asset to the City, as it could provide the community with opportunities for passive recreation, while protecting valuable wetlands and wildlife habitat.

Thank you for your time and consideration.

Sincerely, s/Richard G. Cutts, PE, Chairman, Woburn Conservation Commission

A communication dated June 7, 2010 was received from Frederick J. Gonsalves, 119 Winn Street requesting that the City Council review the special permit issued to Gibbs Oil Company Limited Partnership at 107 Winn Street relative to removing scrap metal from the site and shielding light from abutting properties.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated June 9, 2010 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Mary Foley, 13 Franklin St., to the Woburn Council on Aging to fill a vacant term set to expire Dec. 31, 2011; subject to approval by the City Council.

Respectfully, s/Scott D. Galvin

A communication dated June 10, 2010 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Catherine B. Shaughnessy, 31 Scott Street, to the Woburn Board of Cemetery Commissioners; subject to approval by the City Council.

Ms. Shaughnessy's appointment, with term to expire March 30, 2014, replaces outgoing member Shaun Garvey.

Respectfully, s/Scott D. Galvin

A communication dated June 15, 2010 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Jennifer Murray, to serve on the Handicapped and Disabled Citizens Commission with an expiration date of June 15, 2013; subject to confirmation by the City Council.

Respectfully, s/Scott D. Galvin

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Be it Ordained by the City Council of the City of Woburn as follows:

That Section 2-180 of the 1989 Woburn Municipal Code, as amended, be further amended by deleting the base salary lines of the City Auditor, Human Resources Director, Library Director, City Solicitor, City Clerk,

Clerk of the City Council, and Clerk of the Board of Registrars of Voters, and replacing same with the following new base salary lines:

City Auditor	\$88,023.49
Human Resources Director	\$87,146.91
Library Director	\$86,610.87
City Solicitor	\$86,190.00
City Clerk	\$72,248.54
Clerk of the Council	\$10,162.84
Clerk of Board of Registrars of Voters	\$10,162.84

This Ordinance shall be effective July 1, 2010.

s/President Denaro

RESOLVED That His Honor the Mayor add 3 Virginia Avenue to the Citywide Drainage Improvement Bond Initiative. The North Maple Street Wetlands adjacent to the Woburn Landfill are flooding due to a drainage correction that is collapsed under the driveway at 3 Virginia Avenue. This is causing the flooding of the surrounding homes on North Maple Street and Virginia Avenue. I have reviewed the request with the Acting Department of Public Works Superintendent and he agrees that a pipe replacement would take care most if not all of the problem. Further, that the Acting Superintendent of Public Works and the City Engineer prepare a proposal for the Mayor's approval regarding the matter.

s/Alderman Raymond

RESOLVED That His Honor the Mayor add to the Citywide Drainage Improvement Bond Initiative the serious flooding issue at the the intersection of Indiana Avenue and 15 Naples Avenue. I have reviewed the request with the Acting Superintendent of Public Works and he agrees that extending the drain line to the wetlands adjacent to Naples Avenue will take care of most if not all of the problem. Further, that the Acting Superintendent of Public Works and the City Engineer prepare a proposal for the Mayor's approval regarding the matter.

s/Alderman Raymond

RESOLVED Whereas, the Woburn City Council recognizes the National Guard and Reserve are essential to the strength of our nation and the well-being of our communities; and

Whereas, in the highest American tradition, the patriotic men and women of the Guard and Reserve serve voluntarily in an honorable and vital profession; they train to respond to their community and their country in time of need; and they deserve the support of every segment of our society; and

Whereas, if these volunteer forces are to continue to serve our nation, increased public understanding is required of the essential role of the Guard and Reserve in preserving our national security;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn, that the City of Woburn join other employers in pledging that:

1. The City of Woburn fully recognize, honor and enforce the Uniformed Services Employment and Reemployment Rights Act (USERRA);
2. The City of Woburn managers and supervisors will have the tools they need to effectively manage those employees who serve in the Guard and Reserve; and
3. The City of Woburn will continually recognize and support our country's service members and their families in peace, in crisis, and in war.

s/Alderman Haggerty

Motion made and 2nd to ADJOURN.