

**CITY OF WOBURN  
JULY 6, 2010 - 7:30 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Gaffney	Raymond
Denaro	

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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 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. PUBLIC HEARING OPENED. A communication dated June 22, 2010 was received from Acting Superintendent of Public Works Thomas C. Quinn as follows: "1. All work shall be constructed under the Construction Procedures stated in Title 12 of the City of Woburn Municipal Code, 2. All work except saw cutting must be done between the hours of 9:00 p.m. and 6:00 a.m. Saw cutting may be done during regular working hours, 3. Police details must be in place before any work is started."

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On the 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. PUBLIC HEARING OPENED. A communication dated June 23, 2010 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Clearwireless, LLC – 25 Waltham St. (Rear) – To add 3 panel antenna centerline at elevation 250' and 5 backhaul antenna at elevation 254' and to one equipment cabinet within the existing compound structure under Section 7.3

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on June 22, 2010, the Board voted to forward a favorable recommendation to the City Council on the Special Permit application of Clearwireless, LLC, regarding the property at 25 Waltham St. (Rear) to add 3 panel antennas at elevation 250' and 5 backhaul antennas at elevation 254' and one equipment cabinet within the existing compound structure under Section 7.3, subject to the following conditions:

1. That a structural analysis be performed certifying to the adequacy of the tower after installation and prior to final approval of the installation; and
2. That no additional antennas shall be allowed on this tower based on the structural report stating that the tower is at its maximum support capacity.

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 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. PUBLIC HEARING OPENED. A copy of a communication dated June 22, 2010 from Brett F. Gonsalves, Senior Engineer to Edmund Tarallo, Planning Director was received as follows:

Subject: 1 Arrow Drive Special Permit – Special Permit Application dated June 14. 2010

The applicant has submitted a special permit application to occupy a portion of the above referenced building.

The applicant has submitted a summary of the intended use and how the freight will be processed through the proposed facility. The accompanying plans show the portion of the existing building that will be occupied as well as the proposed vehicle parking. There appears to be no exterior work proposed for this project.

Upon review of the submitted information, this office takes no exception to the 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 June 23, 2010 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Championship Distribution Group, Incorporated – 1 Arrow Drive – To occupy building under Sections 5.42 and 5.57a

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on June 22, 2010, the Board voted to forward a favorable recommendation to the City Council on the Special Permit application of Championship Distribution Group, Incorporated, regarding the property at 1 Arrow Drive to occupy the building for the purposes allowed under Section 5.42 and 5.57a subject to the following conditions:

1. That the parking of storage containers, storage trailers, or commercial trailers shall be limited to not more than 6 vehicles and be limited to one year in accordance with 5.57a Note 17; and
2. That the proposed dumpster shall be screened and gated by sight impervious fencing.

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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**CITIZEN’S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**PERSONNEL:**

On the appointment of Mary Foley as a Member of the Woburn Council on Aging, committee report was received “ought to be confirmed.”

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On the appointment of Catherine B. Shaughnessy as a Member of the Woburn Board of Cemetery Commissioners, committee report was received “ought to be confirmed.”

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On the reappointment of William E. Kerns as a Member of the Woburn Board of Cemetery Commissioners, committee report was received “ought to be confirmed.”

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On the appointment of Jennifer Murray as a Member of the Woburn Handicapped and Disabled Citizens Commission, committee report was received “ought to be confirmed.”

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On the appointment of William Callahan as a Member of the Woburn Historic District Commission, committee report was received “ought to be confirmed.”

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On the appointment of Peter Lennon as a Member of the Woburn Historic District Commission, committee report was received “ought to be confirmed.”

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**MUNICIPAL LANDS:**

On the Order to accept a certain Grant of Easement for a water line from National Amusement, Inc. over a certain portion of property located off Middlesex Canal Park, committee report was received “ought to pass”.

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**ORDINANCES:**

On the Order to amend Section 2-180 of the 1989 Woburn Municipal Code, as amended, relative to salaries for the offices of City Auditor, Human Resources Director, Library Director, City Solicitor, City Clerk, Clerk of the Council, and Clerks of the Board of Registrars of Voters, committee report was received “ought to pass”.

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On the Order to amend Title 13, Article II Sections 13.2.35.A.1, 13.2.35.B.1, and 13.2.35.B.8 relative to water fees, committee report was received “ought to pass”.

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**FINANCE:**

On the Order to appropriate the sum of \$30,000.00 from Cemetery Interest Fund to various Cemetery Accounts, committee report was received “ought to pass”.

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On the Loan Order to appropriate the sum of \$6,800,000.00 for various surface drainage projects, committee report was received “ought to pass”.

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**NEW PETITIONS:**

Petition by Mohamad Moharam dba First Cab to change the location on a Taxi Cab License from 29 Cummings Park, Suite 440 to 300 TradeCenter, Suite 5680.

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Petition by NSTAR Electric Company for a Grant of Right in a Way on Main Street southerly from MH7828 at Campbell Street to MH7821 at Walnut Street a distance of approximately 1,284 feet to install conduit and build one (1) manhole (MH29158) and

rebuild two (2) manholes (MH7822 and MH7827) and on Walnut Street southeasterly from MH7821 at Main Street to MH29159 a distance of approximately 95 feet to install conduit and build one (1) manhole (MH29159).

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Petition by Sheila Scheick/Zen Muscular Therapy & Wellness Center, LLC, 75 School Street, Andover, Massachusetts 01810 for a special permit pursuant to Section 5.1.33b of the 1985 Woburn Zoning Ordinances, as amended, to allow a wellness center including muscular therapy (massage therapy), yoga and other movement related well-being classes at 100 TradeCenter, Suite 725, 100 Sylvan Road.

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**COMMUNICATIONS AND REPORTS:**

A communication received from Richard J. Mahoney, Chair, Woburn Public Library Building Committee relative to a presentation before the City Council concerning the renovation and expansion plans of the Woburn Public Library.

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A communication dated June 22, 2010 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 May 2010: number of parking violations issued 691, number of violations paid 382, number of violations outstanding 253, amount collected and submitted to the Office of the Collector \$27,080.80. There exists a backlog of 5,240 tickets for 1982 through 2009. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$6,000.00.

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

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A communication dated July 1, 2010 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the June meeting of the Council on Aging and the Director's report for the month of June.

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A communication dated July 1, 2010 was received from City Solicitor John D. McElhiney as follows:

Re: 19 Day Circle

Dear Members of the Council:

This office has been in receipt of your recent Order declaring the above property to be a public nuisance, and I have had discussions with the City Clerk relative to the same. Pursuant to the statute, the Order has been forwarded for service upon the owner, with the Mortgagee also in the process of being notified. I have also corresponded with the Mortgagee's attorney of record.

Hopefully your action and the notices which are being served will have the desired effect of abating the nuisance. To the extent no corrective action is taken, however, the Council may want to consider proceeding to the next step, which would be a formal vote ordering certain corrective action to be taken. It does not appear as though the Council included any specific directives or set any time-frames in their prior vote. Therefore, I would suggest that the Council consider scheduling a new hearing for your August meeting, at which time, assuming the nuisance conditions still exist, the Council could consider adopting an Order which specifies the corrective action desired, and which sets a time-frame within which such action is to be accomplished. At that point, if after service, no such corrective action is taken within the time specified, the City will be in a position to take such action on its own and place a lien on the property for the costs thereof.

If I can be of any further assistance in this matter, please do not hesitate to contact me.

Sincerely, s/John D. McElhiney

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A communication dated June 30, 2010 was received from John E. Corey, Jr., PE, City Engineer as follows:

Subject: Street Acceptance Legislation

The writer, Ed Tarallo, Bill Campbell and John McElhiney met on this date to discuss a letter dated June 23, 2010 from the local legislative delegation concerning proposed legislation for streamlined street acceptance.

The letter indicates that a codified listing of streets that the City expects to accept be included as part of the legislation. Based on that language, we are proceeding with the development of a list of streets for that purpose. The group consensus was to proceed using the streets that are shown on the most current Chapter 90 list as not being accepted by the City and therefore are ineligible for Chapter 90 reimbursement. This is a two step process that begins with an assessment of each street as to whether or not there is basic information either in a written description or shown on a plan as to the basic layout, followed by a review of whether or not there were outstanding issues under subdivision control.

Once the list has been prepared and the review completed, it will be forwarded to the Council for adoption as an amendment to the proposed legislation.

Should you have any questions or comments regarding this matter, please do not hesitate to contact this office.

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A copy of a communication dated June 23, 2010 was received from State Senator Patricia Jehlen, State Senator Kenneth Donnelly, State Representative James J. Dwyer and State Representative Jay R. Kaufman as follows:

Re: An Act Relative to the Acceptance of Streets as Public Ways in the City of Woburn

Mayor Galvin,

We would like to take this opportunity to inform you of the legislative process that will be undertaken for passage of “An Act Relative to the Acceptance of Streets as Public Ways in the City of Woburn.”

Currently, the Legislature is in the waning days of the 2009-2010 legislative session. There had been some concern about the ability for this legislation to be passed during the City Council meeting in which the special act was approved. After reaching out to the Counsel to the House of Representatives, we have been informed that the special act will only require a voice vote. Therefore, the special act can be addressed by the legislature any time before the next session begins which will be early January 2011.

Previously, due to possible land takings, there had been concern that a formal roll call vote would be required which would have resulted in the need for an expedited legislative process due to the July 31, 2010 deadline for formal roll call votes.

After a further review from the Counsel to the House of Representatives, it was deemed appropriate that the City of Woburn codify a list of streets to include or refer to in the special act. The lack of inclusion of a list could possibly lead to concerns from the legislature that would hinder passage of the special act.

Also, after reviewing the special act that was passed for the Town of Burlington, which was used to some degree as precedent for the City of Woburn’s special act, it was determined that the Town of Burlington had indeed included a list of streets that had been passed as an article in Burlington Town Meeting. The inclusion of a list of streets indicates to the legislature the intent of the special act.

It is the recommendation of the Woburn Legislative Delegation that the City of Woburn amend the special act entitled, “An Act Relative to Acceptance of Streets as Public Ways in the City of Woburn”, to include or refer to a codified list of streets that the City of Woburn intends to accept as public ways. We cannot guarantee that this will prevent any further objections or concerns to be raised by House and Senate Counsels once the home rule is filed and before them for formal review; however this inclusion will address one major concern we know they have and will help clarify what the City of Woburn is looking to do.

We look forward to hearing back from the City of Woburn with regards to amending the special act to include a codified list of streets. As always, the Woburn Legislative Delegation will do its best to ensure the passage of this special act in order to secure additional Chapter 90 funding for the City of Woburn.

Sincerely,

s/James J. Dwyer, State Representative, 30<sup>th</sup> Middlesex District  
s/Kenneth Donnelly, State Senator, 4<sup>th</sup> Middlesex District  
s/Jay R. Kaufman, State Representative, 15<sup>th</sup> Middlesex District  
s/Patricia Jehlen, State Senator, 2<sup>nd</sup> Middlesex District

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A communication dated June 28, 2010 was received from Attorney James J. Mawn, Mawn and Mawn, P.C., 275 Mishawum Road, 4<sup>th</sup> Floor, Woburn, Massachusetts 01801 as follows:

Re: Request for Extension of Special Permit  
Applicant: Mishawum Properties, LLC  
Property: Lot A, Mishawum Road, Woburn, Massachusetts

Dear Members of the Council:

On behalf of the above-named applicant, and for good cause as set forth below, request is hereby made for a two (2) year extension of the time within which rights under the above-referenced Special Permit may be exercised.

The original Special Permit was approved by a vote of the City Council on January 2, 2007, and the actual Special Permit was issued, following the expiration of the applicable appeal period on January 25, 2007.

Subsequent to the issuance of the Special Permit, the applicant has applied for and received Mass. Highway Indirect Access Permit and a Certificate of the Secretary of Environmental Affairs. The applicant has completed a Phase I and Phase II Environmental Site Investigation and completed a Class A-2 Response Action Outcome Statement Release Abatement Measure. The applicant has also caused the installation of an extensive sub-surface drainage facility designed to service both Lot A and Lot B on the adjoin property. Additionally, the applicant has filed an application pursuant to M.G.L. Chapter 40, §54A and awaits final determination from the Executive Office of Transportation and Construction.

Work is now complete on Lot B (Office Building), and while the applicant is still hopeful of starting work on Lot A within the next year, we are mindful of the fact that each stage of permitting at the state level takes a significant amount of time, and the current market conditions are not favorable for condominium development.

Reference is respectfully made to Section 11.3(10) of the Woburn Zoning Ordinances of 1985 as amended, wherein it is stated: "The City Council may grant an extension of good cause and shall grant an extension if the delay has been caused by the need to seek other permits."

Given the above, we hereby respectfully request that the City Council authorize a two-year extension of the Special Permit.

Thank you for your courtesy and cooperation in considering this request for an extension.

Very truly yours, s/James J. Mawn

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A communication dated June 28, 2010 was received from Attorney James J. Mawn, Mawn and Mawn, P.C., 275 Mishawum Road, 4<sup>th</sup> Floor, Woburn, Massachusetts 01801 as follows:

Re: NBTC Realty, LLC, Applicant, 275 Mishawum Road

Dear Members of the City Council:

On behalf of the above-named applicant, request is hereby made to discuss temporary occupancy at 275 Mishawum Road, Woburn, Massachusetts, as affected by requisite off-site mitigation.

Please consider discussing this matter at your next public hearing on July 6, 2010.

Very truly yours, s/James J. Mawn

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A communication dated June 21, 2010 with attachments was received from James Coronis, 38 Lake Avenue as follows:

Re: Reconstruction of Existing Residential Stairway Entrance w/Modifications

Dear President Denaro & City Alderman,

At this time, we have filed for a building permit seeking reconstruction of my existing wood stairway entrance to my home. All departments required for permit sign off have been obtained with exception to engineering department.

We would like to rebuild an existing 20 year old wood frame stair and small platform (approx 4' x 7') which has served as my entrance since my home was built in 90/91. The proposed rebuilt stairway will be in same location and will connect the existing platform to an upper existing deck, allowing me to move my entry door from the side of my home

to the front. Connecting the two decks together will involve adding approximately 5 wooden stairs and extend a 4' x 4' platform from my existing upper deck.

Currently, a sewer easement 20' wide runs thru the entire length of our property along the easterly edge of our foundation. It is at this location where two existing 10" sonotubes support our platform. To complete our stair connection, we will require two additional sonotube footings. These existing footings and the new footings encroach approximately three to four feet onto the edge of the sewer easement.

We respectfully ask our Alderman's permission to allow two additional sonotubes for our entrance project. Due to the configuration of our lot, (wedge shaped) the proximity of Horn Pond Brook and all required setbacks, we have exhausted all possible alternatives. Please note: In an extreme circumstance, if the easement ever had to be excavated, a two by four window to place some temporary 45 degree supports to the existing foundation wall would support our wooden stairs and platform for the excavation period required.

We hope our Alderman can help us on this technicality given the existing permit conditions and non-detrimental impact our request would have.

Respectfully, s/James Coronis

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

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**APPOINTMENTS AND ELECTIONS:**

A communication dated July 2, 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 make the following appointments to the Woburn Redevelopment Authority, subject to approval by the City Council:

1. Wayne McDaniel, 23 Auburn St., to replace Richard Miliano, who resigned, with a term to expire Dec. 31, 2014.
2. Gary Fuller, 80 Arlington Road, to replace Donald Manzelli, who recently died, with a term to expire Nov. 12, 2012.

Respectfully, s/Scott D. Galvin

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**MOTIONS, ORDERS AND RESOLUTIONS:**

ORDERED That pursuant to Title 12, Article III, Section 12-14B of the 1989 Woburn Municipal Code, as amended, the City Council shall hold a public hearing to determine the need for repairs of that portion of a private way traversing from Russell Street to Lexington Street and shown on Assessors Map 65 as a forty (40) foot right of way; and

Further, that the Superintendent of Public Works and the City Engineer file reports with the City Council prior to the public hearing as to whether repairs are required for public health, safety and welfare and, if so, to set out what repairs are required.

s/Alderman Drapeau

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