

**CITY OF WOBURN
MARCH 15, 2011 - 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: None.

PUBLIC HEARINGS:

On the petition by Alderman Haggerty and Alderman Raymond to adopt Woburn Municipal Code, Title 15, Article VII entitled "Stretch Energy Code" and a petition to accept 780 CMR Appendix 120 AA "Stretch Energy Code". PUBLIC HEARING OPENED.

On the petition by Woodco Machinery, Inc., 22 North Maple Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to allow for the use of a portion of the identified property for additional parking and storage of equipment and vehicles in connection with its existing use of the adjacent property, at Assessors Map 9, Block 7, Lot 3 Merrimac Street adjacent to 22 North Maple Street. PUBLIC HEARING OPENED. A communication dated March 11, 2011 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Woodco Machinery, Inc. – Lot 3 Merrimac Street – To allow use of a portion of the property for additional parking and storage of equipment and vehicles, in connection with its existing use of the adjacent property at 22 North Maple Street pursuant to Section 5.1.57b

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on March 1, 2011, the Board voted to send a favorable recommendation to the City Council on the Special Permit application of

Woodco Machinery, Inc., regarding the property at Lot 3 Merrimac Street, subject to the following conditions:

1. That the existing gravel surface shall be regraded and supplemented to the satisfaction of the Building Department;
2. That the weedy vegetative growth within the fenced parking and storage area shall be cleared and removed;
3. That all debris within the fenced parking and storage area shall be removed and disposed of;
4. That the fence enclosing the parking and storage area shall be 6' in height and be sight impervious;
5. That the existing access on the north side of the site shall be closed and 2 new access gates shall be installed on the south side of the site in accordance with the "Site Plan" prepared by Fay, Spofford & Thorndike, LLC dated January 3, 2011;
6. That signs shall be installed at all exits instructing truck drivers to use New Boston Street rather than Merrimac Street;
7. That the parking of the vehicles shall be approved by the Fire Chief with regard to fire safety and access for fire protection; and
8. That all registered vehicles parked or stored overnight on the site shall be registered in the City of Woburn.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Sincerely,

Edmund P. Tarallo, Planning Director

A communication dated February 24, 2011 from Brett F. Gonsalves, Senior Engineer, Engineering Department to Edmund Tarallo, Planning Director was received as follows:

Subject: 22 North Maple Street – Woodco Special Permit – Special Permit Application
Dated February 7, 2011 – Site Plan Dated January 31, 2011

The applicant is seeking a special permit to use a portion of the above referenced property for additional parking and storage of equipment. The site was previously used as a bus storage area and according to the submitted narrative, is currently vacant.

The submitted site plan shows that the existing access to the property from New Boston Street will be closed off with an 8 foot high fence and two proposed 26 foot wide access locations will be created at the southerly portion of the site.

There is no impervious surfaces that are being proposed and upon review of the special permit application, this office takes no exception to the application as submitted.

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

On the petition by T-Mobile Northeast, LLC, 15 Commerce Way, Suite B, Norton, Massachusetts 02766 for a special permit pursuant to Section 5.1.80b of the 1985 Woburn Zoning Ordinances, as amended, to add one antenna on the roof in a new faux chimney structure and associated cables to the existing equipment area with no new base equipment at 667 Main Street. PUBLIC HEARING OPENED. A communication dated March 11, 2011 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: T-Mobile Northeast, LLC – 667 Main Street – To add 1 new antenna on the roof in a new faux chimney structure and associated cables to existing equipment area pursuant to Section 5.1.80B, 5.1, 5.6, & 6.2.8.

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on March 1, 2011, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of T-Mobile Northeast, LLC, regarding the property at 667 Main Street subject to the following conditions:

1. That the new antenna shall be in compliance with Section 6.2.8; and
2. That the hours for routine maintenance shall be Monday through Friday 9:00 A.M. to 5:00 P.M.

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 President Paul Denaro to amend Section 5.2 of the 1985 Woburn Zoning Ordinances, as amended, as follows: That current Section “5.2.4 (6)” be re-numbered, by deleting said sub-section (6) and inserting the same provision as part of Section 5.2.1 (“General Requirements for All Districts”), by adding a new sub-section (4). The provision, thus renumbered, would read as follows: 5.2.1 (General Requirements for All Districts)..... (4) “Access to the buildable portion of a lot shall be gained from a lot’s legal street frontage only. Access to lots by so-called “common driveways or access easements shall be prohibited.” PUBLIC HEARING OPENED. A communication dated March 11, 2011 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: City Council President Paul Denaro – Zoning Amendment – to amend Section 5.2 by deleting Section “5.2.4(6)” and inserting the same provision as part of Section 5.2.1 (“General Requirements for All Districts”), by adding a new sub-section (4)

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on March 1, 2011, the Board voted to forward a favorable recommendation to the City Council regarding the zoning amendment to relocate Section 5.2.4(6) and inserting the same provision as part of Section 5.2.1 (“General Requirements for All Districts”), by adding a new sub-section (4).

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:

Petition by Woburn Bowladrome Inc., 32 Montvale Avenue for renewal of Bowling Alley License.

Petitions for renewal of Taxi Cab Licenses by Abdulla Nasser dba AACO Travel Taxi Service, 329 Washington Street; Mourad Djiar dba ABCE Taxi of Woburn, 165 New Boston Street, Suite 241; Maqsud Shaikh dba Bombay Taxi, 165U New Boston Street, Suite 275; and Checker Cab of Woburn, Inc., 289R Salem Street.

Petition for renewal of Livery License by Checker Cab of Woburn, Inc., 289R Salem Street.

Petition for renewal of Common Carrier License by Boston Tours Inc., 56 Williams Street, Waltham, Massachusetts 02154.

Petition by Steven Alicandro db SureRide, 400 TradeCenter, Suite 5900 for a new Taxi Cab License for one (1) vehicle.

Petition by New Cingular Wireless PCS, LLC dba AT&T Mobility (AT&T), 550 Cochituate Road, Framingham, Massachusetts 01701 for a special permit pursuant to Section 5.1.80a of the 1985 Woburn Zoning Ordinances, as amended, to install three (3) panel antennas, in addition to AT&Ts existing antennas, to existing 75 foot monopole at an antenna centerline height of 64 feet, remote radio heads and surge arrestor for new

network service upgrade with associated antenna and electronic equipment, fiber and coax conduits, and install additional equipment in existing AT&T equipment shelter at base of existing monopole, at 100 Sylvan Road.

Petition by Cabot Risk Strategies LLC, 12 Gill Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.30b, 5.1.69 and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to use the existing approximately 16,578 square foot building for "business, professional and general office use" and to allow for the alteration of a non-conforming use/structure at 15 Cabot Road.

Petition by 859 Main Development, LLC, 57 Russell Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 22 of the 1985 Woburn Zoning Ordinances, as amended for a proposed 98 unit condominium development at 859 Main Street.

COMMUNICATIONS AND REPORTS:

A communication dated March 2, 2011 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Director's Report and the minutes of the Council on Aging for the month of February.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Whereas, the City of Woburn contains distinctive and historic resources that help make up the city's special character;

Whereas, the City of Woburn has adopted a Demolition Delay Ordinance that establishes a review process when property owners affirmatively seek to demolish a significant property;

Whereas, on occasion, property owners have failed to maintain their properties and these distinctive resources have been lost even though a demolition permit has not been sought, i.e., "demolition by neglect";

Whereas, it is in the public's best interest to establish a process to prevent demolition by neglect and the associated loss of significant buildings; Now, Therefore, Be it ordained by the City Council of the City of Woburn that

a new Title 15, Article VII of the 1989 Woburn Municipal Code, as amended, be adopted as follows:

Article VII. MINIMUM MAINTENANCE STANDARDS FOR HISTORICAL RESOURCES

15-30 Purpose.

This Section is intended to preserve and protect significant buildings in the City of Woburn in conjunction with the Demolition Delay Ordinance and the Historic District Commission Ordinance. Exclusions...

15-31 Demolition by neglect prohibited.

No owner or person with an interest in real property that is within a Local Historic District, is on the National or State Registers of Historic Places, is eligible for demolition delay under Title 15 Article V, Demolition Delay or has been determined to be a significant building or structure shall fail to preserve or otherwise permit a deterioration or decay of any significant exterior architectural feature, including, but not limited to, balustrades, bargeboards, belt courses, brackets, buttresses, chimneys, corbelling, cornices, cresting, decorative carvings, dentils, finials, gable ends, masonry, pediments, porches, roofing, shutters, siding, spires, stained glass, towers, and window sashes and casings, provided that such deterioration or decay is not otherwise regulated by the state building code. Nothing in this ordinance shall be construed to prohibit a property owner from installing replacement siding.

15-32 Original Condition.

Nothing in this ordinance shall be construed to require a property to be renovated or restored to original conditions.

15-33 Procedure.

- A. If any property is suspected of being in deterioration and decay and is potentially "significant", a duly noticed public meeting shall be scheduled before the Historical Commission to determine if the property is "significant". The property owner and direct abutters shall be provided with written notification regarding the public meeting and advised of their ability to provide comment.
- B. The Historical Commission shall state in writing the findings of fact in support of such determination of violation of this Minimum Maintenance Standards Ordinance and shall issue and cause to be served upon the owner and/or other parties in interest therein an order to repair within a time to be specified in the written decision those

features of the structure that do not comply with Section B. Findings made by the Historical Commission may be appealed to the Woburn Board of Appeals. To perfect such an appeal, a written application must be filed by an aggrieved party with the Historical Commission within ten (10) business days following receipt of the order. A hearing on the appeal shall be held within sixty (60) days of the written application.

15-34 Enforcement.

- A. The provisions of this section may be enforced by the Historical Commission, by noncriminal disposition pursuant to Massachusetts General Laws Chapter 40, Section 21D. Each day on which a violation exists shall be deemed a separate offense. No fine shall be levied in accordance with Massachusetts General Laws Chapter 40, Section 21D unless and until the Historical Commission sends a written notice to the person responsible for each violation indicating the nature of the violation and ordering corrective action. The notice shall also set forth the time period when corrective measures must be completed. The notice shall state that failure to correct the violation within the specified time period will result in the fines. If after the allotted time period has expired and after the hearing of an appeal, if any, by the Woburn Board of Appeals corrective action has not been completed, any person, firm, corporation, association or other entity violating any provision of this section shall be punished by a fine of \$100 per day.
- B. After Action: If, after the allotted time period has expired and after the hearing of an appeal, if any, the owner or person with an interest in property has failed to meet the requirements of this ordinance, the City may enter the property, subject to applicable law, to correct the violations of this ordinance. The City shall charge the expenses incurred in doing such work or having work done or improvements made to the owner of record of such property. If such work is done or improvement made at the expense of the City then such expenses shall be assessed as a lien on the real estate, lot, or lots upon which such expense was incurred. Subject to applicable law, the City is authorized to enter upon private property at all reasonable hours for the purpose of completing the work necessary for correcting the violations of this section.
- C. Severability. In case any section, paragraph or part of this section for any reason shall be declared invalid by any court, every other section, paragraph and part shall continue in full force and effect.

15-35 Definitions.

For the purposes of this Section and unless the context of usage clearly indicates another meaning, terms and words shall have the meaning given in the Demolition Delay Ordinance set forth in Title 15, Article V.

s/Alderman Raymond

ORDERED WHEREAS, there presently exists a structure or structures located in the City of Woburn, Massachusetts known and numbered as 52-54 High Street; and

WHEREAS, the said building or buildings and the property is generally not being properly maintained;

NOW, THEREFORE, BE IT ORDERED be the City Council of the City of Woburn that the City Clerk and Clerk of the City Council schedule a public hearing pursuant to Mass. General Laws Ch. 139, Sec. 1, et. seq., and give notice thereof to the owner of said building or buildings, said hearing to be conducted for the purposes of determining whether said building or buildings are a nuisance, a nuisance to the neighborhood, dilapidated or dangerous building or buildings or other structure or structures, as said terms are used in Mass. 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.

s/Alderman Gately

Motion made and 2nd to ADJOURN.