

**CITY OF WOBURN
OCTOBER 4, 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 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. PUBLIC HEARING OPENED. A communication dated October 3, 2011 was received from Attorney Shaun W. Briere, Mawn and Mawn, 275 Mishawum Road, Woburn, Massachusetts 01801 as follows:

Re: 859 Main Development LLC – Special Permit Petition

Dear Mr. Campbell and Members of the City Council:

The Petitioner respectfully requests a continuance of the above referenced matter scheduled for public hearing by the City Council at its upcoming meeting on October 4, 2011. The Petitioner requests said continuance in order to afford the Planning Board time to complete the review of the Special Permit Petition scheduled for hearing on October 25, 2011. Therefore, the Petitioner requests a continuance to the meeting of the City Council on November 1, 2011.

Please feel free to contact the undersigned should you have any questions or require any additional information regarding the above. Again, I thank you for your consideration and respect in this matter.

Very truly yours, s/Shawn W. Briere

On the petition by Stephanie A. Maggiore, 6 Stafford Court, Haverhill, Massachusetts 01835 for a special permit pursuant to Section 5.1.35 of the 1985 Woburn Zoning Ordinances, as amended, to allow a dog daycare business at 167-171B Merrimac Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits "back for action subject to receipt of a recommendation from the Planning Board and the following conditions 1. That there shall be no overnight or weekend service, 2. That there shall be no feeding of dogs except for treats and as needed for prescribed medication, 3. That there shall be no cages or crates, 4. There there shall be only 10-15 dogs at a time during outside play time supervised by a staff member. Leashes will be used when leading dogs between the building and outside play area, 5. That "Beware of Dogs" signs shall be installed around the perimeter of the outside play area, 6. That dogs shall not roam outside of the two designated areas, 7. That after 7:00 pm, workers shall disinfect floors, main area rugs, double check outdoor area, and put all waste in airtight, sealed containers that will be emptied twice a week by a waste removal company, 8. That all dogs must be registered in the community of their residence, and be current on all vaccinations, 9. That dogs must be free of fleas and ticks, 10. That there shall be a maximum of thirty (30) dogs on site, 11. That the special permit is not transferable, 12. That the hours of operation shall not exceed 7:00 am to 7:00 pm, Monday through Friday and that there shall be no weekend hours of operation, 13. That the petitioner and staff shall be required to keep barking to a minimum. If barking becomes a nuisance, the City Council has the right to revoke the special permit, 14. That dumpster shall be placed on the south side of building at loading dock per the plan dated 10/31/1984 and shall be screened and fenced in within the loading dock area. A communication dated September 28, 2011 was received from the petitioner Stephanie A. Maggiore as follows:

Subject: Special Permit

To whom it may concern:

At this time I would like to respectfully withdraw my application for a special permit to open a Doggie Daycare located at 167-171B Merrimack St. without prejudice.

Thank you for your time.

Stephanie A. Maggiore

On the petition by Alderman Anderson relative to the structure or structures located at 30 Union Street, Woburn for the purposes of determining whether said building or buildings are a nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or buildings or other structure, 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. PUBLIC HEARING

OPENED. A communication dated September 19, 2011 was received from Attorney Stephen F. Smoot, 101 Arch Street, 9th Floor, Boston, Massachusetts 02110 as follows:

Re: Ronald D. Gilblair, Jr. (“Mortgagor”), Somerville Municipal Federal Credit Union (“Mortgagee”), 30 Union Street, Woburn, MA (“Property”)

Dear Mr. Campbell:

I wanted to keep the Council informed of the status of the foreclosure of 30 Union Street, and ask that a continuance from October 4, 2011 is appropriate.

When I appeared before the Council I stated that the return date for the Land Court Action (Servicemember’s Relief Act) was due on August 15, 2011. On August 16, 2011 no answer was filed so I messengered the motion for judgment to the Land Court. I called the Land Court several times and informed that they have not gotten to my file. They are at 47% staff level and are far behind and were working on the July files.

When I addressed the Council I expected a quicker turn around and expected to complete the auction before the next Council date of October 4, 2011. We have maintain the Property since that time. Thank you for your attention in this matter.

Sincerely, s/Steven F. Smoot

On the petition by Alderman Gaffney relative to the structure or structures located at 602 Main Street, Woburn for the purposes of determining whether said building or buildings are a nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or buildings or other structure, 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. PUBLIC HEARING OPENED. A communication dated September 29, 2011 was received from Brian Gingras, Building Inspector, Department of Inspection Services as follows:

Re: 602 Main Street

As requested, an inspection of the property located at 602 Main St was performed, and photos taken, from the public way on September 2, 2011 in conjunction with a complaint of a possible public nuisance. Several issues related to maintenance, safety, and zoning were noted as listed below.

- Overgrown vegetation adjacent to the primary structure including grass, shrubs, bushes, and trees.
- Egress components are missing, including hand rails and stairs.
- Front porch appears to be deteriorated.
- The garage located towards the rear has collapsed.
- Multiple unregistered vehicles stored on the property.

- Open and exposed sections of the primary structure from rotted or deteriorated materials.
- Exposed wiring located on the exterior.
- The retaining wall along the sidewalk on Main Street appears to be failing in some spots.

Please feel free to contact me at any time regarding these observations, or for any additional information you may need regarding this property.

s/Brian Gingras, City of Woburn Building Inspector

On the petition by McDonald's USA, LLC, c/o Bohler Engineering, 352 Turnpike Road, Southborough, Massachusetts 01772 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to construct a dining room addition at the front and vestibule additions on the side of the existing McDonald's restaurant, including renovations to the building interior and exterior façade, at 333 Montvale Avenue. PUBLIC HEARING OPENED. A communication dated October 3, 2011 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: McDonald's USA LLC – 333 Montvale Avenue – To allow for the alteration of the existing Fast Food Restaurant with a drive-up customer service facility by constructing dining room and vestibule additions as well as renovations to the building interior and exterior facade pursuant to Section 7.3

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on September 27, 2011, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of McDonald's USA LLC, regarding the property at 333 Montvale Avenue to allow for the alteration of the existing Fast Food Restaurant with a drive-up customer service facility by constructing dining room and vestibule additions at the side of the building having a new net additional area of 434 S.F as well as renovations to the building interior and exterior facade pursuant to Section 7.3 subject to the following conditions:

1. That the Order of Conditions of the Woburn Conservation Commission shall be required as part of the approval of this Special Permit; and
2. The Planning Board shall review and approve a landscaping plan and shall retain jurisdiction over the landscaping.

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 Ava Donuts LLC, 293 Cambridge Road, Woburn, Massachusetts 01801 for a special permit to modify a special permit issued December 9, 2004, as modified by a special permit issued June 20, 2005, as modified by a special permit issued on August 10, 2006, pursuant to Sections 5.1.23, 5.1.29, 5.1.63a, 5.1.69, 7.3, 8.2.5, 8.6.3, 11, 13.5 and 15 of the 1985 Woburn Zoning Ordinances, as amended, to allow for modifications to the approved site plan as modified to include modifications to the existing landscaping, portions of the parking areas, alteration of the existing nonconforming pylon sign, a Drive-up Customer Service Facility, and to allow for 666 parking spaces, at 350 Cambridge Road. PUBLIC HEARING OPENED. The Planning Board advised that the matter had been continued to their next meeting on October 25, 2011.

On the petition by Accurate Auto Services, 7 Harrison Avenue, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.44 and Section 15 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the construction of a new building containing approximately 2,100 square feet to allow an automobile and truck garage within the Ground Water Protection District at 7 Harrison Avenue. PUBLIC HEARING OPENED. A copy of a communication dated September 27, 2011 from Brett F. Gonsalves, Senior Engineer, Engineering Department to Edmund Tarallo, Planning Director was received as follows:

Subject: 7 Harrison Ave – Automobile and Truck repair Special Permit – Special Permit Application Dated August 29, 2011 – Revised Site Plan Dated May 9, 2011

The applicant is seeking permission to allow for automobile and truck repair garage that lies within a ground water protection district.

The submitted site plan shows the location of the proposed building, parking and site configuration. The applicant will need to consult with the plumbing inspector to determine whether a oil/water separator will be needed based on the proposed use.

The revised site plan dated May 9, 2011, shows an oil & grease separator on the catch basin in the driveway at Harrison Ave. All drainage entering the infiltration chambers should be protected with oil and grease separators. The current submission only shows one oil and grease separator entering the infiltration chamber. These structures will need to be a DEP approved devices.

The applicant will need to verify that the site will be in compliance with current stormwater management requirements as well as compliance with section 15 of the zoning ordinance.

An electronic copy of the as-built plan should be submitted to the office upon completion of the project.

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

A communication dated September 28, 2011 was received from John F. Duran III, P.E., Superintendent, Department of Public Works as follows:

Subject: 7 Harrison Avenue – Petition for Special Permit

Pursuant to this Special Permit Application, I request the City Council to consider the following comments relative to the “Proposed Site Plan” that has been forwarded for review by the DPW.

1. Prior water and sewer services must be cut and capped at their respective mains. Existing utilities are not shown into the property.
2. Size, type and connection information for proposed utilities is not shown on the plan.
3. Proposed grading is not shown correctly on the site plan. Topography at property line and adjacent to the site is a concern.
4. Drainage system is shown to be re-configured. This should be accurately depicted on the proposed plan. Calculations for compliance to a Stormwater Management Plan should be approved by the Engineering Department, including proper details of the MDC approved gas and oil separator and infiltration system to provide protection of the overflow runoff into the municipal drainage system which eventually discharges to a resource area. The drainage outlet crosses over a City of Woburn parcel and there is not an easement shown.
5. Details and proper grading of the sidewalk and egress from the site are no shown for evaluation to ensure ADA compliance and re-construction of the City sidewalk.

In addition, there other items which could be addressed prior to issuance of the Building Permit. However, this office does not have that information for evaluation at this time. I was not aware that this matter had already been sent to the Planning Board for a recommendation. I would like these comments to be conditions of the Special Permit Conditions if the Council decides to consider this petition.

A communication dated October 3, 2011 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Accurate Auto Services – 7 Harrison Avenue – To allow for the construction of a new 2,100 S.F. building to be used as an automobile and truck repair garage within the Ground Water Protection District pursuant to Sections 5.1.44 and 15

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on September 27, 2011, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Accurate Auto Services, regarding the property at 7 Harrison Avenue to allow for the construction of a new 2,100 S.F. building to be used as an automobile and truck repair

garage within the Ground Water Protection District pursuant to Sections 5.1.44 and 15 subject to the following conditions:

1. That the Plumbing Inspector shall determine the location of any separators and catch basins required within the structure;
2. All drainage entering the infiltration chambers shall be protected with oil and grease separators and all these structures will need to be DEP approved devices;
3. That the site shall be in compliance with current stormwater management requirements as well as compliance with section 15 of the zoning ordinance;
4. An electronic copy of the as-built plan shall be submitted to Engineering upon completion of the project;
5. That the Fire Department shall approve the proposed structures fire protection system;
6. A handicapped parking space shall be provided as required and at least 10 parking spaces including the handicapped parking space shall be provided;
7. The height of the structure shall be one story and be limited to two bays; and
8. The Planning Board shall review and approve a landscaping plan and shall retain jurisdiction over the landscaping.

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 on the recommendation of the City Clerk for the purposes of determining whether there is cause for revoking the following inflammable licenses and to take action following said hearing. PUBLIC HEARING OPENED. A report was received from the Committee on Police and Licenses as follows with respect to the inflammable license held by Francis P. McHugh, 26 Jefferson Avenue – committee report was received “that the inflammable license be transferred from Francis P. McHugh to Leroy Chute, 31 High Street, Woburn. A report was received from the Committee on Police and Licenses as follows with respect to the inflammable license formerly held by Farrell’s Service Center at the gasoline service station operating under the name Tim’s Gas & Auto Repair, 146 Main Street – “that the matter remain in committee”.

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS:

SPECIAL PERMITS:

On the petition by ZRC Operations Company Inc. dba Qdoba Mexican Grill for a special permit to modify a special permit issued on September 16, 2008, which allowed for a fast

food restaurant and building signage, as modified by a special permit issued on October 8, 2009, as modified by a special permit issued on June 29, 2010, pursuant to Section 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended, to allow for outside patio seating at the Qdoba Mexican Grill at 300 Mishwaum Road. A communication dated September 19, 2011 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: ZRC Operations Company Inc. d/b/a Qdoba Mexican Grill – 300 Mishawum Road –
To modify existing Special Permit to allow for outside patio seating pursuant to
Section 5.1.29

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on September 6, 2011, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of ZRC Operations Company Inc. d/b/a Qdoba Mexican Grill, regarding the property at 300 Mishawum Road for five tables and twenty seats and no fencing in accordance with the revised plan dated September 6, 2011.

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

A report was received from the Committee on Special Permits as follows: “ought to pass with the condition that the Plan of Record be the Revised Plan entitled “Patio Plan” with a revision date 9-23-2011 prepared by Lingle Design Group, Inc.

FINANCE:

On the Order to appropriate a supplemental budget in the sum of \$340,275.00 to the MWRA Sewer User Charge, committee report was received “ought to pass”.

POLICE AND LICENSES:

On the petition by Infinity Limo Corporation for a new Livery License, committee report was received “ought to pass subject to the condition that the vehicle be registered at 10 Draper Street, Woburn.” A copy of a Mass DOT Certificate of Registration with a mailing address of 10 Draper Street, Unit #26, Woburn and Secretary of the Commonwealth State of Change of Registered Agent/Registered Office to 10 Draper Street, Unit #26, Woburn, were filed with the Office of the City Clerk.

MUNICIPAL LANDS:

On the request by Director of Veterans Services Larry Guiseppe to report to the City Council on a proposal to erect a new Roll Call Memorial for all wars on Woburn Common to replace the existing WWII Roll Call Monument, committee report was received “that the matter be heard by the City Council at its meeting on October 4, 2011.”

NEW PETITIONS:

Petitions for renewal of First Class Motor Vehicles Sales License by Woburn Foreign Motors, 394 Washington Street.

Petition for renewal of Second Class Motor Vehicle Sales License by ACT Leasing Inc., 215 Salem Street.

Petition by Festival on the Common, c/o Gary Fuller, 80 Arlington Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.7.75 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a city festival on Woburn Common on November 26, 2011.

COMMUNICATIONS AND REPORTS: None.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

From the Traffic Commission:

ORDERED Lafayette Place – That a stop sign restriction be established on Lafayette Place at the intersection with Sylvanus Wood Lane.

RESOLVED That a communication be sent to SSG/Public Storage, Self Storage Group LLC, 637 Washington Street, Suite 200, Brookline, Massachusetts 02446 regarding the conditions of their special permit which requires them to install a fence and arbovites along the back of the property located at 420 and 422 Washington Street, Woburn. The condition has not been complete and it is required under the special permit.

s/Alderman Mercer-Bruen

RESOLVED Whereas, NStar completed a major upgrade of their grid approximately two years ago; and

Whereas, permits were issued to perform this work along Washington Street, the work is complete and at this time all the old, original utility poles are still in place; and

Whereas, these utility poles have no attached wires and should be removed;

Be it Resolved by the City Council of the City of Woburn that a communication be forwarded to NStar requesting that the abandoned utility poles on Washington Street be removed forthwith.

s/Alderman Mercer-Bruen

RESOLVED Whereas, the property located at 306 Montvale Avenue is subject of a special permit granted to Hess Corporation fka Amerada Hess Corporation; and

Whereas, the property in it's current condition is a nuisance to the neighborhood in that the landscaping and weeds need to be removed, advertising signs removed from the chain link fence, old sign removed, and property be brought into good order;

Be It Resolved by the City Council of the City of Woburn that a communication be forwarded to Hess Corporation fka Amerada Hess Corporation advising that if the property located at 306 Montvale Avenue is not cleaned and put in good order the City Council will hold a public hearing for the purposes of determining whether the property should be declared a nuisance.

s/Alderman Mercer-Bruen

RESOLVED That the His Honor the Mayor instruct the Superintendent of Public Works to improve the handicapped accessibility of the following crosswalks to allow wheelchair accessibility:

1. In front of Linscott School;
2. St. Anthony's Church at Main Street;

3. Main Street at Ashburton Avenue;
4. School Street at Fletcher Road;
5. Bartlett Drive at Pearl Street;
6. Van Norden Road at School Street;
7. Tedesco Drive at Merrimac Street;
8. Ward Street; and
9. Elm Street at the Tidd Home.

s/Alderman Raymond

Motion made and 2nd to ADJOURN.