

**CITY OF WOBURN
JANUARY 3, 2012 - 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 National Grid for a grant of right in a way to modify an existing grant of location of existing underground regulator vault and associated piping on the corner of Montvale Avenue and Washington Street to install an underground vault, associated piping, vent posts and electric traffic box in accordance with plan filed with petition. PUBLIC HEARING OPENED. A communication dated December 19, 2011 was received from John F. Duran, III, P.E., Superintendent, Department of Public Works as follows:

Subject: National Grid, Washington Street

Pursuant to this Minor Modification to the Special Permit Application, I request the City Council to consider the following comments relative to the re-location of the regulator station. The relocation is required to remove the existing equipment from the driveway of the proposed Hess Gas Station.

1. Vault doors shall be rated for vehicular access, flush with grade, and constructed to allow pedestrian and handicap access without any obstructions or defects.
2. Location of vents and Scada box shall be located at the back edge of right of way to allow for pedestrian and snow plow access. Bollards and/or other measures shall be constructed to ensure proper protection.
3. Construction shall be coordinated with the Hess contractor to ensure proper grading for curbs and handicap ramps to prevent ponding or icing in this immediate area.

4. National Grid will be responsible for all maintenance of these structures and should be checked as necessary to ensure public safety.
5. Woburn Engineering Department to issue their approval to ensure that these structures do not interfere with any proposed utilities for compliance to any master plan (if any) associated with the proposed widening of Montvale Avenue and Washington Street.
6. Proposed grading is not shown correctly on the site plan. Topography at property line and adjacent to the site is a concern.
7. Details and proper grading of the sidewalk and egress from the site must be ADA compliant.

On the petition by Northeast Tree, Inc. 60 Louanis Drive, Reading, Massachusetts 01867 for a special permit pursuant to the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Section 5.1.42 to allow for the interior storage of equipment, 2. Section 5.1.43 to allow for the outside storage of new or used building materials and equipment, 3. Section 5.1.45 to allow for the sale of chippers, and 4. Section 5.1.57b to allow for accessory parking of commercial vehicles and equipment, and for a First Class Motor Vehicles Sales Licenses, at 62 Holton Street. PUBLIC HEARING OPENED. A communication dated December 16, 2011 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Northeast Tree, Inc. – 62 Holton Street – To allow for the interior storage of equipment; the outside storage of new or used building materials and equipment; the sale of chippers; and the accessory parking of commercial vehicles and equipment pursuant to Sections 5.1.42, 5.1.43, 5.1.45, and 5.1.57b

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on December 13, 2011, the Planning Board voted to send an unfavorable recommendation to the City Council on the Special Permit application of Northeast Tree, Inc., to allow for the interior storage of equipment; the outside storage of new or used building materials and equipment; the sale of chippers; and the accessory parking of commercial vehicles and equipment pursuant to Sections 5.1.42, 5.1.43, 5.1.45, and 5.1.57b regarding the property at 62 Holton Street, because of the inadequate infrastructure on Holton Street.

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 copy of a communication to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 62 Holton Street, Parking of Commercial Vehicles, Building Equipment, Storage Equipment Sales, outside storage Special Permit – Special Permit Application Dated November 14, 2011 – Site Plan dated

This office has reviewed the special permit application for the above referenced location and offers the following comments.

The petitioner is seeking permission to allow for the accessory parking of commercial vehicles, sale of chippers, outside storage of building materials and interior storage of equipment.

The accompanying site plan shows the approximate location of the firewood and much storage. The plan does not indicate where the overnight, accessory parking and loam will be located. Additionally, the plan should indicate if there will be any proposed improvements to the site such as pavement and drainage.

This information will need to be shown on the plans and submitted to this office for review.

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

On the petition by City of Woburn, Woburn City Hall, 10 Common Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.79 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the construction of a sixty (60) space municipal parking area at end of Mann’s Court. PUBLIC HEARING OPENED. A communication dated December 16, 2011 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: City of Woburn – End of Mann’s Court – To allow for the construction of a 60 space municipal parking area pursuant to Section 5.1.79

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on December 13, 2011, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of the City of Woburn, regarding the property at the end of Mann’s Court to allow for the construction of a 60 space municipal parking area pursuant to Section 5.1.79.

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 Shoebuy.com Inc., 101 Arch Street, Boston, Massachusetts 02110 for a special permit pursuant to Sections 5.1.57a and 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to allow for the overnight parking of commercial vehicles/commercial trailers at 36 Cabot Road. PUBLIC HEARING OPENED. A communication dated December 16, 2011 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Shoebuy.com Inc. – 36 Cabot Rd. – To allow for the overnight parking of commercial vehicles/commercial trailers pursuant to Sections 5.1.57a and 5.1.57b

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on December 13, 2011, the Planning Board continue this matter until the January 10, 2012 meeting.

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

Sincerely, Edmund P. Tarallo, Planning Director

On the petition by 102 Main Street LLC, John Flaherty, Manager, 28 West Street, Woburn, Massachusetts 01801 pursuant to Sections 5.1.69 and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, for the alteration of a pre-existing nonconforming structure to allow a two-family residence as well as renovation of entire building façade at 102-104 Main Street. PUBLIC HEARING OPENED. A communication dated December 16, 2011 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: 102-104 Main Street, LLC, John Flaherty, Manager - 102-104 Main St. – To allow for the alteration of a pre-existing nonconforming structure to allow a two family residence and renovation of the building facade pursuant to Sections 5.1.69 and 7.3

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on December 13, 2011, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of 102-104 Main Street, LLC, John Flaherty, Manager regarding the property at 102-104 Main Street to allow a two family residence and renovation of the building facade pursuant to Sections 5.1.69 and 7.3 in accordance with the plans submitted subject to the following conditions:

1. That the parking shall comply with Section 8.1.2 and entrance to the parking lot shall be from Main Street with exit to Ash Street;

2. That a full NFPA 13 system with a master box that has a direct connection to the Station shall be required to the satisfaction of the Fire Chief; and
3. That separate utilities shall be provided as approved by the City Engineer.

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 copy of a communication dated December 13, 2011 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 102-104 Main Street Special Permit – Special Permit Application Date 11/23/2011 – Plot Plan Dated November 10, 2010

The applicant is seeking permission to alter a pre-existing nonconforming structure to allow a two family residence and renovate the building façade.

Upon review of the special permit application, this office offers the following comments.

The submitted application shows the interior and exterior architectural elevations as well as a plot plan. It does not appear that there is any utility work being proposed.

The utilities for the residential and commercial components will need to be separated and locations with their respective sizes shown on the plan. This will help with water and sewer billing of the property.

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

On the petition by Peterson Party Center Inc., 139 Swanton Street, Winchester, Massachusetts for a special permit pursuant to Sections 7.3 and 5.1.69 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the addition of eleven (11) loading docks to the front existing building and to modify the Special Permit dated August 11, 2011 by deleting the reference to the “Emergency Parking Plan” Sheet SK-1 dated 6/24/11” in Condition 2 and replacing with the plan filed with this petition entitled “Proposed Parking Layout” Sheet PK-1 dated November 15, 2011 as the plan of record, for the property located at 36 Cabot Road. PUBLIC HEARING OPENED. A communication dated December 16, 2011 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Peterson Party Center Inc. – 36 Cabot Rd. - To allow for the addition of 11 loading docks to the front of the existing building and to modify the Special permit dated August 11, 2011 by deleting reference to the “Emergency Parking Plan” Sheet SK-1

dated 6/24/11 in condition 2 and replacing with a new plan entitled "Proposed Parking Layout" Sheet PK-1 dated November 15, 2011 pursuant to Sections 5.1.69 and 7.3

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on December 13, 2011, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Peterson Party Center LLC, regarding the property at 36 Cabot Road, to allow for the addition of 11 loading docks to the front of the existing building and to modify the Special Permit dated August 11, 2011 by deleting reference to the "Emergency Parking Plan" Sheet SK-1 dated 6/24/11 in condition 2 and replacing with a new plan entitled "Proposed Parking Layout" Sheet PK-1 dated November 15, 2011" with a scale of 1"= 40'-0" pursuant to Sections 5.1.69 and 7.3 and subject to Conservation Commission approval.

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 copy of a communication to Edmund Tarallo, Planning Director from Brett F. Gonsalves, Senior Engineer, Engineering Department was received as follows:

The applicant is seeking permission to allow for the construction of 11 loading docks in the front of the building which is located within the 100 year flood plain and modification of the previously approved special permit to delete the reference to Emergency Parking Plan and replace it with Proposed parking plan.

Upon review of the site plan, this office takes no exception to the special permit as submitted. However the application will need to file a notice of intent with the conservation commission for their approval.

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

On the petition by Alderman Gately concerning a vacant parcel of land located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts on Green Street near the intersection with Main Street and the abandoned railroad bed further identified with Assessors' Map ID Number 59-04-04 containing approximately 5,800 square feet of land more or less, Woburn, Massachusetts. PUBLIC HEARING OPENED.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS: None.

NEW PETITIONS: None.

COMMUNICATIONS AND REPORTS:

A communication dated December 16, 2011 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 November 2011: number of parking violations issued 1,253, number of violations paid 582, number of violations outstanding 423, amount collected and submitted to the Office of the Collector \$45,443.60. There exists a backlog of 5,549 tickets for 1982 through 2010. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$9,300.00.

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

A communication dated December 23, 2011 was received from Attorney Richard H. Murphy, Jr., Murphy Law Offices, P.C., 300 Trade Center, Suite 2700, Woburn, Massachusetts 01801 as follows:

Re: Notice of Intent to Sell pursuant to M.G.L. Chapter 61A – City of Woburn Assessor's Map/Block/Lot No. 35/09/26 – Also known as 30 Wyman Street, Woburn, Massachusetts

Dear Mayor Galvin, City Councilors, Members of the Board of Assessors, Members of the Planning Board, Members of the Conservation Commission, State Forester and Commissioner of the Department of Revenue

This firm represents the owners of the real estate that is the subject of this Notice (the "Owners"). On the Owner's behalf, we submit this Notice of Intent to Sell under M.G.L. Chapter 61A. Please be advised that a Purchase and Sale Agreement constituting a bona fide offer to purchase has been received and accepted by the Owners from Melanson Gately, LLC, a Massachusetts limited liability company, as the Buyer, with respect to the premises described therein, which premises are also known as City of Woburn Assessor's Map/Block/Lot No. 35/09/26, and contain approximately 13.6 to 14.0 acres of land, more or less, according to the Assessor's records. The enclosed Board of Assessors Agricultural or Horticultural Tax Lien dated May 17, 1979 and recorded in the Middlesex South Registry of Deeds in Book 13774, Page 719 describes the land as being about

13.65 acres of land, while the Assessor's records currently describe the same land as being approximately 14.0 acres of land.

A certified copy of said executed Purchase and Sale Agreement dated December 16, 2011 is attached hereto and incorporated herein. A map drawn at the scale of the Assessor's Map showing the location and acreage of the land is also enclosed for your reference.

As provided in M.G.L. Chapter 61A §14, please be advised that the Owners hereby make a Statement of Intent to Sell the premises pursuant to the said Purchase and Sale Agreement. As to as Statement of Proposed Use of the land, the Owners understand that the Buyer intends to use the premises for residential use from and after the time such sale is consummated with the Buyer.

The following information is provided for your reference:

Owners: Spence Farm Realty Trust; having as its Trustees Thomas W. Spence, William C. Carlson, Robert J. Spence, Jr., Paul J. Kennedy and Albert T. Spence; and having as it Beneficiaries Thomas W. Spence, as Trustee of the Spence Family Nominee Trust, William C. Carlson, Robert J. Spence, Jr., Paul J. Kennedy et al., Trustees and William Spence & Sons, Inc., all with a mailing address of c/o 12 Newbury Street, Woburn, MA 01801

Owner's Attorney: Richard H. Murphy, Jr., Esq., Murphy Law Offices, P.C., 300 Trade Center, Suite 2700, Woburn, MA 01801

Thank you for your attention to this matter.

Very truly yours, s/Richard H. Murphy, Jr., Attorney for the Owners

A communication dated December 29, 2011 was received from Russell K. Dunning, Esq., Posternak Blankstein & Lund LLP, Prudential Tower, 800 Boylston Street, Boston, Massachusetts 02199-8004 as follows:

Re: 399 Washington Street, Woburn, MA

Dear Mr. Campbell:

We represent 399 Washington Street, LLC and its principal, Nai Nan Ko, Sr. in connection with the above referenced property. We are in receipt of your letter to our clients of December 22, 2011 and are pleased to have this opportunity to advise you and the members of the Woburn City Council concerning Mr. Ko's plans for the property.

While not totally out of the question, Mr. Ko has decided that redevelopment of the building and property as or in connection with an auto dealership may not be its highest and best use. It appears that family restaurants and perhaps some retail are the most

advantageous use of the property. In that regard, Mr. Ko has spent the better part of the past year in discussions with potential tenants and has received Letters of Intent setting forth the proposed business terms for the construction of new buildings and the operation of new businesses on the site. He has also retained attorney Joseph Tarby to advise as to zoning, permitting and other land use issues, solicited and received several proposals for demolition of the building and redevelopment of the site and just last week received anew Phase I Environmental Report. While it has taken some time to reach this point, Mr. Ko is now in a position to assure the City that things will proceed at a faster pace going forward. Once a demolition contractor has been chosen (something that should happen within the next few weeks) actual demolition will be able to be started shortly thereafter with the goal of having the site cleared of all structures by spring.

Once again, we and Mr. Ko are pleased to have this opportunity to report that Mr. Ko's goals for the site are very much aligned with the City's and he looks forward to working closely with the City and its various boards and elected officials in achieving those goals as expeditiously as possible. Perhaps a meeting with Mr. Ko and interested City officials to discuss the redevelopment of the site in more detail sometime early in the new year would be helpful in that regard.

Please do not hesitate to call me if you have any questions concerning the above. Thank you in advance for your attention to this letter.

Very truly yours, s/Russell K. Dunning

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated December 20, 2011 was received from 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 reappoint the following individuals, with terms to expire Dec. 31, 2014, to the Woburn Council on Aging; subject to approval by the City Council.

Geraldine Benecke, 713 Main Street, Woburn, Mass.;
Jean Cronin, 18 Mayflower Road, Woburn, Mass.;
Mary Foley, 13 Franklin Street, Woburn, Mass.; and
Vincent Simeone, 140 Mishawum Road, Woburn, Mass.

Respectfully, s/Scott D. Galvin, Mayor

MOTIONS, ORDERS AND RESOLUTIONS: None.

Motion made and 2nd to ADJOURN.