

**CITY OF WOBURN
MAY 1, 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:

ORDERED That the sum of \$10,000.00 be and is hereby transferred from the Cemetery Interest Fund to the Burial Section Account #0149058-586601

I hereby approve the above: s/Chris Kisiel, Acting Chairperson
I hereby recommend the above: s/Scott D. Galvin, Mayor
I have reviewed the above: s/Gerald W. Surette, Auditor

s/Alderman _____

ORDERED That the sum of \$30,000.00 be and is hereby transferred as so stated from Inspectional Salaries Acct #0125151-511000 \$30,000.00 to Mayor Outlay Acct #0112158-586585 \$30,000.00 – Purpose: Building Vehicle Replacement

I hereby recommend the above: s/Thomas Quinn,
Acting Building Commissioner
I have reviewed the above: Gerald W. Surette, City Auditor
I hereby approve the above: Scott D. Galvin, Mayor

s/Alderman _____

PUBLIC HEARINGS:

On the petition by Kiwanis of Woburn, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.75 of the 1985 Woburn

Zoning Ordinances, as amended, to allow for the annual Flag Day celebration and carnival on June 15-16, 2012 at Library Park. PUBLIC HEARING OPENED. A communication dated April 25, 2012 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Kiwanis Club of Woburn – Library Park – To operate a carnival June 15 & 16, 2012 under Section 5.1.75

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on April 24, 2012, the Planning Board voted to send a favorable recommendation to the City Council regarding the Special Permit application of the Kiwanis Club of Woburn for their Annual Flag Day Festival at Library Park with the condition that the applicant comply with Section 5.1, Note 14 of the Woburn Zoning Ordinance.

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 Larry G. Blomquist dba Fellsway Foreign Motors, 88 Eastway Road, Reading, Massachusetts 01867 for a special permit pursuant to Sections. 5.1.44, 7.3 and 15 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the alteration of the existing nonconforming structure for an automobile and truck repair garage at 300 Cambridge Road. PUBLIC HEARING OPENED. A communication dated April 13, 2012 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Larry G. Bloomquist d/b/a Fellsway Foreign Motors – 300 Cambridge Rd. – To allow for the alteration of the existing nonconforming structure for an automobile and truck repair garage pursuant to Sections 5.1.44, 7.3, and 15

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on April 10, 2012, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Larry G. Bloomquist d/b/a Fellsway Foreign Motors, regarding the property at 300 Cambridge Road subject to the following conditions:

1. That repairs shall be limited to only Mercedes Benz cars and SUVs/ light trucks weighing less than 10,000 pounds;
2. That a maximum of 8 parking spaces shall be provided as shown on the site plan dated 2/17/12 revised 3/28/12 except that space 1 shall be a van accessible handicap space as required;

3. That no more than three cars shall be parked overnight in the bays with not more than eight cars parked overnight on the site;
4. That no work of any kind shall be performed in the parking lot;
5. All bay doors shall be closed when working with air guns;
6. That the landscaping shall be a minimum of 20% of the lot area and shall include a landscaped screen on Country Club Lane and at the rear property line abutting the nearest residential property;
7. That a landscaping plan shall be presented to the Planning Board for approval and the Planning Board shall retain jurisdiction over the landscaping;
8. That a 6-foot vinyl fence shall be located as shown on the site plan dated 2/17/12 revised 3/28/12 instead of a stockade fence;
9. That a landscape maintenance contract shall be filed with the Planning Board and Building Department and said contract shall be approved by the Planning Board as part of the Planning Board's retention of jurisdiction over the landscaping;
10. That no exit shall be allowed onto Cambridge Road and the driveways on Cambridge Road shall be signed as "Entrance Only";
11. That the driveway onto Country Club Road shall be used as an exit only and shall be signed as "Exit Only";
12. That the hours of operation shall be limited to Monday through Friday 7 AM to 7 PM and shall not be open on weekends;
13. That a lighting plan shall be filed and approved by the Building Department prior to occupancy said plan shall show lighting that is shielded from the residential area and the apartments next door;
14. That no vehicle inspections/stickers shall be issued at this site;
15. That no car sales shall be allowed at this site;
16. That no auto body work shall be performed at this site;
17. That no convenience store sales shall be allowed at this site;
18. That the Special Permit is limited to the petitioner and is not transferable;
19. That the City Council shall review compliance with this Special Permit at 6 months and 1 year after initial occupancy; and
20. That no old tires and parts shall be stored outside of the building and shall be removed from the site on a schedule approved by the Fire Department.

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: "back for action, with the following recommended conditions:

1. That repairs shall be limited to only Mercedes Benz cars and SUVs/ light trucks weighing less than 10,000 pounds;
2. That a maximum of 8 parking spaces shall be provided as shown on the site plan dated 2/17/12 revised 3/28/12 except that space 1 shall be a van accessible handicap space as required;

3. That no more than three cars shall be parked overnight in the bays with not more than seven cars parked overnight on the site;
4. That no work of any kind shall be performed in the parking lot;
5. All bay doors shall be closed when working with air guns;
6. That the landscaping shall be a minimum of 20% of the lot area and shall include a landscaped screen on Country Club Lane and at the rear property line abutting the nearest residential property;
7. That a landscaping plan shall be presented to the Planning Board for approval and the Planning Board shall retain jurisdiction over the landscaping;
8. That a 6-foot vinyl fence shall be located as shown on the site plan dated 2/17/12 revised 3/28/12 instead of a stockade fence;
9. That a landscape maintenance contract shall be filed with the Planning Board and Building Department and said contract shall be approved by the Planning Board as part of the Planning Board's retention of jurisdiction over the landscaping;
10. That no exit shall be allowed onto Cambridge Road and the driveways on Cambridge Road shall be signed as "Entrance Only";
11. That the driveway onto Country Club Road shall be used as an exit only and shall be signed as "Exit Only";
12. That the hours of operation shall be limited to Monday through Friday 7 AM to 7 PM and shall not be open on weekends or holidays;
13. That a lighting plan shall be filed and approved by the Building Department prior to occupancy said plan shall show lighting that is shielded from the residential area and the apartments next door;
14. That no vehicle inspections/stickers shall be issued at this site;
15. That no car sales shall be allowed at this site;
16. That no auto body work shall be performed at this site;
17. That no convenience store sales shall be allowed at this site;
18. That the Special Permit is limited to the petitioner and is not transferable;
19. That the City Council shall review compliance with this Special Permit at 6 months and 1 year after initial occupancy;
20. That no old tires and parts shall be stored outside of the building and shall be removed from the site on a schedule approved by the Fire Department;
21. That the petitioner shall allow one permanent sign (for the Woburn Country Club) to remain on the property, and said sign shall be upgraded and maintained by the Woburn Country Club. If the Country Club does not maintain the sign adequately, the petitioner may ask for this condition to be repealed;
22. That a color scheme plan be included;
23. That there shall be no neon signs;
24. That there shall be no parking on any side streets in the area;
25. That any compressor be housed in an insulated room; and
26. That a screened dumpster be located on the right side of the property, and shall be emptied during the hours of 10:00 am through 4:00 pm, Monday through Friday only, excluding holidays;
27. That the petitioner shall install electric lift(s), not pneumatic; and
28. That a snow plow removal plan be filed with the Department of Public Works."

On the petition by William Scire, 505 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow for dwelling units above the first story in a commercial structure at 22 Everett Street. PUBLIC HEARING OPENED.

On the petition by FJ Catalano Ent. Inc., 188 Ayer Road, Harvard, Massachusetts 01451 for a special permit pursuant to Sections 5.1.23, 5.1.29, 5.1.63a, 7.3 and 8.5 of the 1985 Woburn Zoning Ordinances, as amended, to amend a special permit issued September 29, 2011 by modifying as follows: 1. That Condition One of the Decision which states that "The Proposal, parking and landscaping shall be in accordance with the proposed plan dated August 29, 2011" be modified by deleting "August 29, 2011" and replacing with "March 29, 2012" at 880 Main Street. PUBLIC HEARING OPENED. A communication dated April 25, 2012 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: FJ Catalano Ent. Inc. – 880 Main Street – To modify the City Council Special Permit dated September 29, 2011 by substituting in Condition 1 the Plan of Record dated "August 29, 2011" with a new Plan dated "March 29, 2012" said new plan provides for certain site modifications including realignment of the drive through aisle, modifications to landscaping, the relocation of a utility pole and other modifications to the site pursuant to Section 5.1.23, 5.1.29, 5.1.63a, 7.3, and 8.5

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on April 24, 2012, the Planning Board voted to send an unfavorable recommendation to the City Council regarding the modification of condition #1 of the Special Permit dated September 29, 2011 of FJ Catalano Ent. Inc. regarding the property at 880 Main 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 dated April 24, 2012 from Brett F. Gonsalves, Senior Engineer, Engineering Department to Edmund Tarallo, Planning Director was received as follows:

Subject: 880 Main Street – Dunkin Donuts Modification to Special Permit Revised Plan Dated March 29, 2012

The applicant has submitted a revised plan showing modifications to the drive-thru lane as well as an expanded landscaped area, building length, modification to parking in the front of the building, and concrete walk with handicap improvements.

Under the previously approved design, the site provided two lanes, one for the drive-up window and the other for a thru lane. The revised plan shows the change in building limits which extends an additional 5.7 +/- feet over the previous design. This revision also shows 23 feet of clearance between the building and a single parking space. However with the additional building length, the existing utility pole that is located approximately 17 feet off the building affects the through lane.

It would appear that the location of the existing utility pole may interfere with the thru lane traffic and could cause a potential hazard with the vehicles in the drive-up window lane.

To eliminate any potential conflicts, the existing utility pole near the single parking space should be relocated to an area that it will not interfere with any vehicle movement.

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

On the petition by Alderman Mercer-Bruen concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 11 Montvale Road, Woburn, Massachusetts, for the purposes of determining whether said structure or structures are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts 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.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$2,000.00 from Concerts & Entertainment Account to Fence/Recreation Account, committee report was received "ought to pass".

On the Order to transfer the sum of \$5,551.78 from Election & Registration Workers Account to City Clerk Office Supplies Account, committee report was received "ought to pass".

PUBLIC SAFETY AND LICENSES:

On the petition by American Classic Limousine Inc. to renew Livery License, committee report was received "ought to pass".

NEW PETITIONS:

Petition by National Grid for a grant of right in way to replace the existing regulator station in School Street opposite Lord Terrace with a new prefabricated regulator station around the corner in School Street at Merrimac Street, install approximately 375 feet of 4 inch PL 25 psig main to feed inlet of new regulator station to existing 4 inch PL 25 psig main, install approximately 150 feet of 6 inch PL 2 psig to connect outlet of new regulator station to existing 6 inch PL 2 psig main.

Petition by Lytron, Inc., 55 Dragon Court to amend an Inflammable License to allow storage of the following flammables: Acetylene, flammable gas, 5,000 cubic feet, cylinder; Hydrogen, flammable gas, 788 cubic feet, cylinder, at 55 Dragon Court.

Petition by Pier 1 Imports, Inc., 101 Pier 1 Place, Fort Worth, Texas for a special permit pursuant to Section 7.3, 8.7.2.10 and 13.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the alteration of the existing nonconforming structure and use; use of a previously used loading dock as a loading ramp; and alterations to the petitioner's nonconforming signage; said alterations include but are not limited to exterior design elements, entry doors, loading ramp and new signage, all at 425 Washington Street.

COMMUNICATIONS AND REPORTS:

A communication dated April 20, 2012 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 March 2012: number of parking violations issued 268, number of violations paid 128, number of violations outstanding 125, amount collected and submitted to the Office of the Collector \$9,018.00. There exists a backlog of 5909 tickets for 1982 through 2011. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$950.00.

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

A copy of a communication dated April 13, 2012 to Timothy Donovan, City Treasurer was received from Larry Means, Treasurer, Northeast Metropolitan Regional Vocational School District, 100 Hemlock Road, Wakefield, Massachusetts 01880-3597 with a copy

of the District's FY2013 Budget and advising that the assessment for the City of Woburn will be \$925,746.00.

A copy of a communication dated April 25, 2012 to Jefferson Smith, Legislative Director, Massachusetts Department of Transportation, 10 Park Plaza, Room 3170, Boston, Massachusetts 02166 was received from State Representative James J. Dwyer and State Representative Jay R. Kaufman requesting MassDOT to study and re-time the traffic lights at the intersection of Washington Street and Olympia Avenue.

A communication dated April 29, 2012 was received from Jean Cronin, 18 Mayflower Road in support of maintaining librarian staffs in the school libraries.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That the Mayor be and is hereby authorized to accept a perpetual and permanent nonexclusive easement in the name of the City of Woburn from McDonald's Real Estate Company over and upon the property located at 187 Cambridge Street for the purpose of installing a water booster pump station for the Shaker Glen area.

s/Alderman _____

ORDERED That the Mayor be and is hereby authorized to accept an easement in the name of the City of Woburn from David B. Larsen and Dorothy F. Larsen over and upon the property located at 72 Nashua Street for the purpose of installing a sidewalk.

s/Alderman _____

RESOLVED That the temporary drop-off and the temporary drop-off fence at Flemming Field on Hudson Street be removed as previously agreed upon;

Be It Further Ordered that the park at Flemming Field be restored completely to its previous state, including:

- Repair of original playground equipment

- Removal of broken equipment (equipment brought from the Goodyear School)
- Relocation of playground equipment to its original site
- Return of the memorial benches to their original sites
- Remove the fence surrounding the drop-off and return it to its original location on the Hudson Street boundary
- Any and all other repairs to bring the park back to its original condition

s/Alderman Gately

ORDERED Whereas, at the Regular Meeting of the City Council on April 17, 2012, the City Council adopted a Resolution calling on His Honor the Mayor to submit an appropriation to fund much needed repairs to the roof of the police station; and

Whereas, an appropriation has not been submitted and the conditions of the police station roof have remained unresolved; and

Whereas, the Resolution adopted by the City Council at its Regular Meeting on April 17, 2012 was returned by His Honor the Mayor unsigned and without comment, such action leaving open to question the intention of the Administration in making repairs to the police station roof;

Now, Therefore, Be It Ordered by the City Council of the City of Woburn that a communication be directed to His Honor the Mayor requesting that he submit an appropriation to the City Council for the purposes of making much needed repairs to the roof at the Police Station Headquarters building on Harrison Avenue for the preservation of the building and protection of the public safety officials and members of the public who use the building on a daily basis and requesting in the alternative that His Honor the Mayor advise the City Council of the intentions of the Administration in addressing the needed repairs of the police station roof.

s/Alderman Gately

RESOLVED That the City Solicitor provide a written opinion as to whether the provisions of Rule 19 of the Rules and Orders of the City Council is consistent with the provisions of the Open Meeting Law.

s/Alderman Anderson

Motion made and 2nd to ADJOURN.