

**CITY OF WOBURN
SEPTEMBER 4, 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 \$2,640,221.88 be and is hereby appropriated as so stated from Debt Reserve Acct #648059-596100 \$2,640,221.88 to Debt Principal Acct #0171059-591000 \$1,645,000.00, Debt Interest Acct #0171059-591500 \$995,221.88.

I hereby approve the above: s/Scott D. Galvin, Mayor
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/Alderman _____

PUBLIC HEARINGS:

On the petition by National Grid for a grant of right in a way to extend gas main 185 feet from Burlington Street on Thistle Road to serve 27 Thistle Road and 30 Thistle Road. PUBLIC HEARING OPENED. A communication dated August 29, 2012 was received from Superintendent of Public Works John Duran as follows:

Subject: National Grid – Thistle Road

I am providing this memorandum pursuant to the request for the Grant of Right in a Way on Thistle Road to allow National Grid to install a new main to service the 2 homes as shown on the attached plan. I recommend that the Council allow this under the following conditions. That the main has been sized properly to accommodate these 2 homes but has been designed to accommodate other homes in the future if so requested. Thistle Road was paved less than five years. By Ordinance, they will be required to re-pave the

roadway, curb to curb from the limits of the disturbance on Thistle Road from Burlington Street.

On the petition by National Grid for a grant of right in a way to extend gas main 360 feet on Newbridge Avenue and Main Street to serve 857 Main Street. PUBLIC HEARING OPENED. A communication dated August 29, 2012 was received from Superintendent of Public Works John Duran as follows:

Subject: National Grid- 857 Main Street

I am providing this memorandum pursuant to the request for the Grant of Right in a Way on Newbridge Avenue to and along Main Street as shown on the attached sketch to allow National Grid to install a new main to service the Monarch Homes Alzheimer Facility under construction at 857 Main Street. I recommend that the Council allow this under the following conditions. The proposed main should be designed properly to accommodate this facility, as well as any other future developments in the area. The road falls under Mass Dot jurisdiction and National Grid should secure all permits as necessary within the state roadway. The road has recently been repaved and I recommend that National Grid restore the pavement in Main Street curb to curb in the disturbed area or as dictated by the Mass DOT. The contractor has a permit from Mass DOT for the project and an agreement in place with the City of Woburn. However, the permit is with the Maggiore Companies and the plans do not depict a gas main and/or service to the best of my knowledge.

On the petition by Festival on Common, c/o Gary Fuller, 80 Arlington Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.75 of the 1985 Woburn Zoning Ordinances, as amended, to allow a festival on November 24, 2012 on Woburn Common. PUBLIC HEARING OPENED.

On the petition by Alderman Darlene Mercer-Bruen concerning the structure or structures located at 34 Orange Street a/k/a 29 Hawthorne Street, 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.

On the petition by SECO Properties LLC, 215 Lexington Street, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.5, 7.3 and 9 of the 1985 Woburn Zoning Ordinances, as amended, to allow for two (2) dwelling units above the first floor of the office building at 57 Russell Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "back for action pending Planning Board report." A communication dated August 9, 2012 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: SECO Properties LLC – 57 Russell Street – To allow for two dwelling units above the first floor of an office building pursuant to Sections 1.1.5, 7.3, and 9

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on August 7, 2012, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of SECO Properties LLC, regarding the property at 57 Russell Street to allow for two dwelling units above the first floor of an office building pursuant to Sections 5.1.5, 7.3, and 9 subject to the following conditions:

1. That the requirements of the Fire Department shall be complied with as part of this Special Permit;
2. That the parking shall be as shown on the Plot Plan dated July 24, 2012 by Keenan Survey; and
3. That a landscaping plan shall be provided to and approved by the Planning Board.

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 Roman Catholic Archbishop of Boston, 66 Brooks Drive, Braintree, Massachusetts, landowner affected by the change, and 859 Main Development LLC, 215 Lexington Street, Woburn, Massachusetts 01801, applicant, to amend the Zoning Map of the City of Woburn by changing the zoning district for a portion of the parcel of land known as 859 Main Street containing approximately 29,973 square feet of land identified as Parcel C, Main Street as shown on a plan by Keenan Survey, entitled “Approval Not Required, 859 Main Street, Woburn, Massachusetts” dated April 17, 2012 and Parcel A containing approximately 18,181 square feet as shown on a plan by Keenan Survey entitled “Approval Not Required, 859 Main Street, Woburn, Mass.” dated March 11, 2011 from the R-1 zoning district to the Intergenerational Overlay District. PUBLIC HEARING OPENED. A communication dated August 9, 2012 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Roman Catholic Archbishop of Boston and 859 Main Street Development LLC – Zoning Map Amendment – to further amend the Zoning Map of the City of Woburn by adding the following properties to the Intergenerational Overlay Zoning District: A portion of the parcel of land known as 859 Main St. containing approximately 29,973 square feet identified as Parcel C, Main St. as shown on a plan by Keenan Survey, entitled “Approval Not Required, 859 Main Street, Woburn, Massachusetts” dated April 17, 2012: and Parcel A containing approximately 18,181 square feet as shown on a plan by Keenan Survey, entitled “Approval Not Required, 859 Main Street, Woburn, Massachusetts” dated March 11, 2011.

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting of August 7, 2012, the Planning Board voted to forward a favorable recommendation to the City Council on the above cited zoning ordinance map change to the Intergenerational Overlay Zoning District.

If you or members of the City Council have any questions or concerns regarding the foregoing matter, please contact me.

Respectfully Submitted, s/Edmund P. Tarallo, Planning Director

On the petition by Scott Seaver, landowner affected by the change, to amend Section 25 Upper Main Street Overlay (UMS) District of the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Section B.1 Scope of Authority be amended by deleting the “250” and replacing with “200” so that said Section shall read as follows: “The Upper Main Street Overlay (UMS) District is hereby established as an overlay district. The UMS shall only be applied to properties zoned R-3 that have frontage along Route 38 (Main Street) of at least 200 feet and are at least 500 feet from the Wilmington Town line. Inclusion of any property into the UMS shall also require a zoning map change consistent with the rules and regulations of the Woburn Zoning Ordinance.”; 2. Section F. Dimensional and Density Regulations, Paragraph 1, Lot area, frontage and yards, Minimum Lot Frontage be amended by replacing “250 feet” with “200 feet” so that said Section shall read as follows: “Lot area, frontage and yards. Minimum Lot Area: 4 acres, Minimum Lot Frontage: 200 feet, Minimum Front Yard Setback: 25 feet Minimum Side Yard Setback: 25 feet, Minimum Rear Yard Setback: 30 feet. PUBLIC HEARING OPENED. A report was received from the Committee on Public Lands and Infrastructure as follows: “To accept Planning Board’s recommendations.” A communication dated August 9, 2012 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Scott L. Seaver – Zoning Ordinance Amendment – to amend Section 25 entitled “Upper Main Street Overlay (UMS) District” Section 25 B.1 Scope of Authority by deleting “250” and replacing with “200” and Section 25 F.1 Dimensional and Density Regulations, Minimum Lot Frontage by replacing “250 feet” with “200 feet”

Dear Mr. Campbell and Members of the City Council:

At the public hearing held August 7, 2012, the Woburn Planning Board voted to forward a favorable recommendation to the City Council on the above-cited zoning ordinance amendment, amending Section 25 entitled “Upper Main Street Overlay (UMS) District” Section 25 B.1 Scope of Authority by deleting “250” and replacing with “200” and Section 25 F.1 Dimensional and Density Regulations, Minimum Lot Frontage by replacing “250 feet” with “200 feet”.

If you or members of the City Council have any questions or concerns regarding the foregoing matter, please contact me.

Respectfully Submitted, s/Edmund P. Tarallo, Planning Director

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the communication from the City of Medford relative to Minuteman District School vocational costs, committee report was received "That the matter be received and placed on file."

PUBLIC SAFETY AND LICENSE:

On the petition by Stephen Allen dba Allen's Antiques for a License to Purchase and Sell Second-Hand and Personal Articles of Value and Collectibles at 256 Salem Street, committee report was received "ought to pass".

On the petition to transfer from CRP-2 Holdings Wildwood, LLC to Fairlane Wildwood, LLC of Inflammable License at 275 Wildwood Avenue, committee report was received "ought to pass".

On the petition by Woburn Cab Co. Inc. for renewal of Livery License for three (3) vehicles at 100 Ashburton Avenue, committee report was received "ought to pass".

On the petition by Woburn Cab Company Inc. for renewal of Taxi Cab License for twelve (12) vehicles at 100 Ashburton Avenue, committee report was received "ought to pass".

NEW PETITIONS:

A communication dated August 30, 2012 with attachments was received from David P. Errico, President, Monarch Homes – Woburn, 750 Main Street, Winchester, Massachusetts 01890 as follows:

Re: Minor Modification to Special Permit Granted to Monarch Homes, Inc. Lot A, 859 Main Street, Woburn Massachusetts

Dear Mr. Campbell:

On January 12, 2011, your office issued a Landowner's Decision of Special Permit setting forth approval by the Woburn City Council of a Special Permit granted to Monarch Homes, Inc. The Decision allowed for a 33 unit, 35 bed Alzheimer's Residence and exception to the landscaping requirements. Enclosed please find 19 copies of a plan entitled, "Special Permit Alzheimer's" dated October 11, 2012, revised on November 23, 2012 and September 1, 2011 prepared by Waterfield Design Group, 50 Cross Street, Winchester, Massachusetts (the "Plan").

I would respectfully ask the City Council to consider approval of two minor modifications to our site plan as follows:

1. A reconfiguration of the parking lot shape. As approved our parking lot was a horse-shoe shape. We wish to reconfigure it into a rectangle shape. This reconfiguration will gain us four additional parking spaces and provide a more efficiently designed parking area. There is no impact on drainage and we are still well within our green-space requirements.
2. A realignment of the exterior permanent sign. Allow the Exterior Sign to be perpendicular to Route 38 and to be readable from both sides.

We respectfully ask that City Council allow these minor modifications to our site plan at your next meeting.

If you have any questions, please do not hesitate to contact me directly.

Sincerely, s/David P. Errico, President, Monarch Homes – Woburn

Petition by Metro PCS Massachusetts, LLC, 285 Billerica Road, Chelmsford, Massachusetts 01824 for a special permit pursuant to Section 5.1.80b of the 1985 Woburn Zoning Ordinances, as amended, to install one microwave dish and associated cabling at an existing wireless facility and seeks relief from Sections 5.6 and 11.5 of the 1985 Woburn Zoning Ordinances, as amended, at 44 Montvale Avenue.

Petition by Salvatore Turco, 749 Boston Road, Billerica, Massachusetts 01866 for a special permit pursuant to Section 5.5 of the 1985 Woburn Zoning Ordinances, as amended, to fill greater than 100 cubic yard limit to allow for the construction of a single-family dwelling with associated driveway and utilities at property Off Silvermine Road identified on Woburn Assessors Map as Map 72, Block 2, Lot 59 and Map 72, Block 7, Lot 1.

Petition by Robert C. McSheffrey, 878 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.23, 5.1.29, 7.3 and 13 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the alteration of the existing nonconforming use and structure to relocate the existing Mr. Charlie's from 891 Main Street to 880 Main Street, to allow for 47 parking spaces and for the alteration of the existing nonconforming pylon sign, all at 880 Main Street.

Petition by Robert C. McSheffrey, 878 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.45 and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the sale or rental of automobiles, trucks, truck trailers and motorcycles at 880 Main Street.

Petition by SHP III Country Club, LLC d/b/a Brightview Country Club Heights, 3 Rehabilitation Way, Woburn, Massachusetts 01801 for a special permit to modify a special permit dated May 23, 1977 by altering the existing non-conforming use and structure as follows: 1. To allow for the conversion of sixteen (16) existing assisted living units to twenty-one (21) memory care units with 24 beds; 2. An increase of total units from 101 approved units to 104 units (83 assisted living units and 21 memory units); 3. The alteration of the existing structure to allow for a second floor deck; and 4. To allow for 49 parking spaces, at 3 Rehabilitation Way.

Petition by Main Street Woburn RX, LLC, 300 Trade Center, Suite 7700, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.22c and 63a of the 1985 Woburn Zoning Ordinances, as amended, to allow for: 1. A retail establishment greater than 15,000 square feet of gross floor area, and 2. A Drive-up Customer Service Facility, at 1 School Street, 3 School Street, 13 School Street, 891 Main Street, 893 Main Street and 895 Main Street.

COMMUNICATIONS AND REPORTS:

A communication dated August 12, 2012 was received from Robert Maguire, Chair, Woburn Board of Assessors as follows:

When the Board of Assessor's completed the research, established procedures and determined policies for the exemption for National Guard members and Military reservists serving on active duty outside the United States, as a courtesy, I wanted to inform the Council of our decisions and answer any questions. The forum for that presentation is certainly your prerogative and I welcome the opportunity to address the appropriate committee. We will make ourselves available for whatever date in September is convenient.

A communication dated August 27, 2012 was received from William C. Campbell, City Clerk and Chair of Ad Hoc Polling Place Review Committee as follows:

Re: Status Report

Pursuant to an Order of the City Council which was approved by His Honor the Mayor effective June 21, 2012, the Ad Hoc Polling Place Review Committee was established. The members of the committee are as follows: Administrative Assistant to the Mayor Marie Lingblom; City Council President Paul Denaro; Assistant Superintendent of Schools Joseph Elia; Handicap Commission Member Jennifer E. Murray; Democratic City Committee Member Joseph Demers; Republican City Committee Member Daniel MacGilvray; Unenrolled Voter Shaheen Mozaffar, Ph.D.; and City Clerk William Campbell as Chair. This report is being forwarded to the City Council in accordance with the Order.

The committee has met five times – July 17, July 24, August 2, August 7 and August 14. Members of the committee made a site visit to the Woburn Memorial High School, Joyce Middle School and Woburn Senior Center on August 6. Individual members have worked on tasks between meetings and submitted their finding to the committee at the subsequent meeting. All work product of the committee, including meeting minutes, reports and other materials, will be posted shortly to a dedicated page on the City of Woburn website.

One requirement of the Order was for the committee to hold a public hearing on the issue of polling place consolidation. It was the consensus of the committee that holding such a public hearing during August would not be beneficial. Therefore, the committee hereby requests authorization of the City Council and the Mayor for an extension up to and including October 2, 2012 to file a report of its findings. It is the intention of the committee to hold a public hearing in the Auditorium of the Joyce Middle School on Wednesday, September 12, 2012 at 6:30 p.m. The committee will meet at a time thereafter to prepare and adopt a final report.

Thank you for your consideration of this request.

s/William C. Campbell, City Clerk and Chair

A report dated August 17, 2012 entitled “Walnut Hill Parking Deck, Woburn, Massachusetts, Environmental Notification Form” was received from Allen & Major Associates, Inc., 100 Commerce Way, Woburn, Massachusetts 01888.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated August 23, 2012 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 reappoint Peter V. Murphy, 3 Akeson Road, to the Woburn Golf and Ski Authority, subject to confirmation by the City Council with a term to expire Dec. 31, 2016.

Respectfully, s/Scott D. Galvin, Mayor

A communication dated August 14, 2012 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 appoint Thomas M. Skeffington, 9 Bamberg Drive, to the Woburn License Commission, with a term to expire on June 30, 2016; subject to approval by the City Council.

Mr. Skeffington’s appointment fills the slot vacated by Bill Bishop, who resigned from the Commission earlier this year.

Respectfully, s/Scott D. Galvin, Mayor

A communication dated August 21, 2012 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 reappoint Kevin Feeney, 161 Bedford Road, to serve on the Housing Authority Board, with term to expire on March 31, 2017; subject to confirmation by the City Council.

Respectfully, s/Scott D. Galvin, Mayor

A communication dated August 21, 2012 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Campbell:

In accordance with Title 2, Article XL of the 1989 Woburn Municipal Code, and by the power vested in me as Mayor of the City of Woburn, I hereby reappoint Timothy A. Mooney, 6 Bow Street, to the Woburn Agricultural Commission, with a term to expire on December 31, 2014.

Respectfully, s/Scott D. Galvin, Mayor

ORDERED That pursuant to Chapter 358 of the Acts of 1945, Robert Morgan of 15 Barbara Circle, Woburn be and hereby is re-appointed as a member of the Woburn Recreation Commission for a term expiring on April 1, 2015.

s/President Denaro

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That pursuant to Massachusetts General Laws Chapter 148, Section 13, the City Clerk shall schedule a public hearing before the City Council for the purposes of revoking the following Inflammable Licenses for the reasons stated:

1. NStar Electric Company at Cove Street – At request of license holder;
2. Francis P. McHugh at 26 Jefferson Avenue – Failure to register;
3. Global Companies LLC at 23 Pleasant Street aka 29 Pleasant Street -Failure to register;

Further, that the City Clerk shall give notice by certified mail return receipt requested to the license holder to the last known address of license holder and by causing notification of the hearing to be published once in a newspaper of general circulation in the City at least ten (10) days prior to the hearing.

s/Alderman _____

ORDERED That due to the State Election, the City Council Regular Meeting scheduled for November 6, 2012 is hereby cancelled.

s/Alderman _____

A communication dated August 27, 2012 with attachments was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Acceptance of Permanent and Temporary Easements – New Boston Street

I submit for the City Council’s consideration the attached Order, which would authorize the Mayor to accept a permanent as well as a temporary easement in relation to the proposed redesign of the New Boston Street Bridge. The grantor of the easements is NERP Holding Co., Inc., the owner of 316 New Boston Street.

The permanent easement is to allow construction of the redesigned bridge, and the temporary easement will allow the City access to the property at 316 New Boston Street to reconstruct a portion of the driveway to that property which will be necessitated by the redesign. A copy of the plan depicting both the permanent and temporary easements is also attached hereto.

Please do not hesitate to contact me if any Alderman requires further information or has any questions regarding this matter.

Attached thereto was the following Order:

ORDERED That the Mayor be and is hereby authorized to accept on behalf of the City of Woburn a perpetual, permanent easement consisting of 26,431 sq. ft. over and upon a portion of the property located at 316 New Boston Street for highway and utility purposes, and to accept a temporary easement consisting of 49,932 s.f. over a portion of 316 New Boston Street, for the purpose of constructing or reconstructing a portion of the driveway servicing the property at 316 New Boston Street to rebuild the driveway to a grade which allows access to the roadway which the City will be constructing within the permanent easement area, with the recognition that the reconstruction of the driveway will be performed in consideration for the grant of the permanent easement.

s/Alderman _____

RESOLVED That the Mayor and City Engineer present a status report regarding the Salem Street and Wildwood Avenue intersection improvements at the Regular Meeting of the City Council on October 16, 2012.

s/Alderman _____

Motion made and 2nd to ADJOURN.