

**CITY OF WOBURN
DECEMBER 19, 2006 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Ciriello	Gately
Denaro	Galvin
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Doherty	

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE.

MAYOR'S COMMUNICATIONS: None.

PUBLIC HEARINGS: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$5,228,010.86 from General Fund to Stabilization Fund, committee report was received "to allow the matter to be withdrawn".

POLICE AND LICENSES:

On the petition by Marc Dionne for renewal of Billiard Table License at 435 Main Street, committee report was received "ought to pass with the conditions as follows: 1. Limit twelve (12) tables, 2. Hours of operation not to exceed Monday through Saturday from 11:00 a.m. to 12:30 a.m. and Sunday from 3:00 p.m. to 12:00 Sunday."

On the petition by R.C. Olsen Cadillac, Inc. for renewal of First Class Motor Vehicle Sales License, committee report was received "ought to pass."

On the petitions for renewal of Second Class Motor Vehicle Sales Licenses by EC, Inc. dba Xpress Fuel, Inc.; William R. Garvey dba Garvey's Auto Repair; Larade's Collision

Repair Center, Inc.; and Wassim Nicolas dba Woburn Square Mobil, committee report was received "ought to pass."

CITIZEN'S PARTICIPATION: None.

NEW PETITIONS:

Petitions for renewal of First Class Motor Vehicle Sales Licenses by C.N. Wood Company, Inc., 200 Merrimac Street; and Woodco Machinery, Inc., 22 North Maple Street.

Petitions for renewal of Second Class Motor Vehicle Sales Licenses by Tracy M. Batten dba Tracey's Auto Sales, 62R Winn Street; Richard Cail dba 104 Winn Street; Robert P. Fucarile dba Classic Auto Sales dba 9 Salem Street; and O'Rourke's Service Station, Inc., 183 Cambridge Road.

Petition by Keyspan Energy Delivery for a grant of right in a way to install approximately 125 feet of four (4) inch gas main in Cottage Street as shown on the plan filed therewith.

Petition by Gerrior Realty LLC, 245 Salem Street, Woburn, Massachusetts 01801 for a special permit pursuant to the 1985 Woburn Zoning Ordinances, as amended as follows: Sections 5.1.43 to allow Open or outside storage of new or used building materials or equipment; 5.1.57A to allow Accessory Storage or Parking of Storage Container, Storage Trailer, Commercial Trailer or Semi Trailer, one or more; and 5.1.57B to allow Accessory storage or parking of commercial motor vehicles other than as provided for in line 58, trucks, buses or contractors' equipment, all at 245 Salem Street.

COMMUNICATIONS AND REPORTS:

A communication dated December 18, 2006 was received from Jan Robbins Cox, Director, Human Resources Department relative to a meeting that she held with Cherylann Silva pursuant to an order of the City Council.

A communication dated December 4, 2006 with attachments was received from Donald Borchelt, Executive Director, Woburn Redevelopment Authority (WRA) relative to the minutes of the October and November meetings of the WRA and offering to meet with the City Council or an appropriate Committee in order to improve communication and coordination between the two boards.

A communication dated December 6, 2006 was received from Attorney John D. McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 as follows:

Re: Request for extension of Special Permit for Townhouse Development
Applicant: Winning Farm Trust
Property: Lexington Street, (Winning Farm), Woburn, MA

Dear Members of the Council:

On behalf of the above named applicant, and for good cause as set forth below, request is hereby made for a two (2) year additional extension of the time within which rights under the above referenced Special Permit may be exercised.

The original Special Permit was approved by a vote of the City Council on December 17, 2002, and the actual Special Permit was issued, following the expiration of the applicable appeal period on January 9, 2003. Most of the first two years following were taken up by the need to obtain other permits, including but not limited to two separate Orders of Conditions, both of which had been the subject of time-consuming appeals on both the DEP and the adjudicatory hearing levels.

For the above stated reasons, the applicant requests and received from the City Council a two-year extension in December, 2004.

Since that time, the applicant has been diligently pursuing the permitting process. One of the original appeals from the Orders of Conditions was not fully concluded until September 30, 2005, following which the applicant applied for a sewer extension permit. Partial approval of this sewer extension permit was issued in April of this year. The applicant also applied for a Massachusetts Highway Department access permit in November of 2005, and we are still working through the process of having that permit approved, which we expect to be approved shortly. Regulations did not allow us to apply for the state permits until all local permits had been received.

In addition to the above, the Massachusetts DEP will need to review and approve various plans associated with the work to be done on the site to remove certain fill, in accordance with a previously approved permit from the DEP. These various reports will require a certain review and approval period from the DEP.

While the applicant is still hopeful of starting work on this project within the next two year period, we are mindful of the fact that each stage of permitting at the state level takes a significant amount of time.

Reference is respectfully made to Section 11.3(10) of the Woburn Zoning Ordinances of 1985 as amended, wherein it is stated: "The City Council may grant an extension of good

cause and shall grant an extension if the delay has been caused by the need to seek other permits”

Given that the delay to date has been caused by the need to seek other permits, mostly on the state level, we would respectfully request that the City Council authorize an additional two year extension of the Special Permit.

Thank you for your courtesy and cooperation in considering this request for an extension. I will be in attendance at your next meeting or at such other meeting as you may schedule to further discuss this matter, and/or to provide you with any further information that you may desire.

Sincerely, s/John D. McElhiney

A communication dated December 18, 2006 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Lot 1, Inwood Drive, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent Avalon Bay Communities, Inc. (“Avalon”) in connection with its Landowner’s Decision and Notice of Special Permit issued by the City Clerk on April 7, 2005 (the “Special Permit”). As you now, Avalon’s plans were to concentrate its efforts initially on the build out of Lot 2 before beginning the development of Lot 1. On Lot 2 the first five (5) buildings as well as the community center have received occupancy permits. Within the next thirty (30) days an occupancy permit is expected to be issued for Building 6. In addition, Avalon has met its mitigation obligations to the City of Woburn for both Lot 1 and Lot 2. As a result of the continuing build out on Lot 2 as well as current market conditions for condominiums, the development of Lot 1 has not yet commenced.

Therefore, on behalf of the Petitioner, I respectfully request that the City Council extend the time period for the Petitioner to exercise its rights under the Special Permit for an additional two (2) year period to April 7, 2009.

Should you need any further information, please do not hesitate to contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

A communication dated December 8, 2006 was received from Attorney Brian S. Grossman, Prince, Lobel, Glovsky & Tye, LLP, 100 Cambridge Street, Suite 2200, Boston, Massachusetts 02114 as follows:

Re: Application for Special Permit

Property Address: 145 Lexington Street, Woburn, MA

Assessor's Map 57, Block 2, Lot 3 (the "Property")

Applicant: Omnipoint Communications, Inc., a wholly owned subsidiary of T-Mobile USA, Inc. (the "Applicant")

Dear Honorable Members of the City Council:

This office represents the Applicant in connection with the Application for Special Permit before the City of Woburn City Council (the "Council"). In connection with this matter, the Council is scheduled to hold a public hearing on January 2, 2007. The Applicant is working with the City of Woburn Planning Board (the "Planning Board"), in its advisory capacity to the Council, to address its questions concerning the Applicant's authority to utilize the proposed access to the Property. The Applicant is scheduled to meet with the Planning Board at its meeting on Tuesday, February 13, 2007. Accordingly, the Applicant respectfully requests that the Council's public hearing be continued to the Council's regularly scheduled meeting, which we understand will take place on February 20, 2007 at 7:30 p.m.

The Applicant respectfully requests that the Council vote on this request at its next regularly scheduled meeting on December 19, 2006, so that it can be determined whether the Applicant's representatives need to appear at the Council's January 2nd hearing.

Please do not hesitate to contact me if you have any questions or concerns.

Thank you for your cooperation in this matter.

Very truly yours, s/ Brian S. Grossman

A communication dated December 7, 2006 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 relative to the Appeal of Gibbs Oil Land Court Decision and requesting that City Council reconsider its decision to pursue appeal of a Land Court decision known as Gibbs Oil Company Limited Partnership v. Scott Galvin, et. al., Land Court Case No. 04-Misc-295602-KFS as the conditions of the Special Permit were added as conditions under the Judgment.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Be it Ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinances, as amended, be further amended as follows:

1. By amending Section 5.1 "Table of Use Regulations" by striking therefrom the "X" under line 5 "Dwelling units above first story in commercial structure" in the B-D zoning district and inserting a "P" in its place, meaning and intending to require a special permit for "Dwelling units above first story in commercial structure" in the B-D zoning district.
2. By adding under the "Notes; other sections" column under Section 5.1.5 the words and numbers "Section 11.6.11"
3. By adding a new Section 11.6.11 as follows:
 11. Dwelling Units above first story in commercial structures in the B-D District.
 1. A parking plan shall be approved by the City Council to ensure that adequate on-site and off-site parking, including parking in a municipal parking lot within 500 feet of the locus, is available to serve the unit and which would not create an undue burden on municipal parking facilities.
 2. That if at the time of application the locus has open space there shall be no reduction in excess of ten percent (10%) of the open space.

s/President Doherty

ORDERED That the President of the City Council appoint the following Aldermen to the committee established by Resolve of the City Council to determine the feasibility, planning and funding of a program of summer activities for special needs children of the city: Alderman Richard Gately as Chair, Alderman James Dwyer as Member and Alderman Darlene Mercer-Bruen as Member.

s/Alderman Gately

RESOLVED That the Traffic Commission study and determine the feasibility of installing a four-way stop restriction at the intersection of Van Norden Road and Fletcher Road.

s/Alderman Ciriello

RESOLVED That the Traffic Commission study and determine the feasibility of installing a three-way stop restriction at the intersection of Pearl Street and Ward Street

s/Alderman Ciriello

RESOLVED In order to protect the public safety of motorists and pedestrians in the area, that the Traffic Commission study and determine the feasibility of installing a stop restriction at the intersection of Highview Road and Parker Street, including a stop line placed on Highview Road at the appropriate distance from Parker Street.

s/Alderman Drapeau

RESOLVED In order to protect the public safety of motorists and pedestrians in the area, that His Honor the Mayor instruct the Superintendent of Public Works to install “no parking here to corner” signs on Highview Road twenty (20) feet back from the intersection of Parker Street in accordance with Section 7.1.9 of the 1935 Woburn Traffic Ordinances, as amended.

s/Alderman Drapeau

RESOLVED In order to protect the public safety of motorists and pedestrians in the area, that His Honor the Mayor instruct the Superintendent of Public Works to install street lights along Highview Road with particular attention paid to the intersection of Highview Road and Parker Street and the intersection of Highview Road and Morningside Circle and that the installation be accomplished with underground wiring and concrete poles.

s/Alderman Drapeau

RESOLVED Be It Resolved by the City Council of the City of Woburn that a designated area at the Veterans Municipal Building site of the Woburn Senior Center be named for Joanne Collins, Director of the Council on

Aging, in recognition of her compassion, commitment and dedication to the City of Woburn and all of its senior citizens.

s/Alderman Mercer-Bruen and
Alderman Dwyer

Motion made and 2nd to ADJOURN.