

**CITY OF WOBURN
JUNE 16, 2009 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Denaro	Gonsalves
Drapeau	Mercer-Bruen
Galvin - late	Raymond
Gately	Wall
Doherty	

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE, all in favor, 8-0-1 (Galvin absent).

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$2,840,340.63 be and is hereby appropriated as so stated from Debt Reserve Fund Acct #648059-596100 \$2,840,340.63 to Debt Principle Acct #0171059-591000 \$1,645,000.00, Debt Long Term Interest Acct #0171059-591500 \$1,195,340.63, Total \$2,840,340.63

I hereby approve the above: s/Thomas L. McLaughlin, Mayor
I have reviewed the above: s/Gerald W. Surette

s/President Doherty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 8-0-1 (Galvin absent).

PUBLIC HEARINGS:

On the petition by J. Sallese & Sons, Inc., 7 Hart Street, Wakefield, Massachusetts 01880 for s special permit pursuant to Section 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to allow for the parking of petitioner's vehicles at 5 Crescent Avenue. PUBLIC HEARING OPENED. A communication dated June 15, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: J. Sallese & Sons, Inc. – 5 Crescent Avenue, Unit 12 – To allow for the overnight parking of commercial vehicles pursuant to Section 5.1.57b

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on June 9, 2009, the Board voted to forward a favorable recommendation to the City Council on the Special Permit request to allow for the overnight parking of three commercial vehicles at 5 Crescent Avenue Unit 12 provided that all three vehicles shall be registered in the City of Woburn.

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 June 8, 2009 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 5 Crescent Avenue – Commercial Vehicle Parking Special Permit – Special Permit Application Dated May 4, 2009 – Parking Space Plan Dated January 3, 2008

The applicant is seeking permission to allow for the parking of commercial vehicles at the above referenced location.

This office takes no exception to the special permit as submitted, however, it will be the discretion of the board and City Council whether to grant the applicants request.

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

Appearing for the petitioner was Attorney Kate Connolly, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and she stated that the property is located in the I-G zoning district, that this is a specialty business the produces items such as shelving, lockers and restroom dividers, that the business was founded in 1971 and originally operated on Cambridge Road, that in 1986 the petitioner purchased property in Wakefield and operated at that location for 23 years, that the business was purchased in 2005 by the owner's son, that the petitioner wants to move the operation back to Woburn, and that the petitioner will have three trucks bring a 24 foot box delivery truck, a 14 foot box delivery truck and a service van. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park stated that he is in favor of the petition. Alderman Galvin arrived in the Council Chamber. David Dellarocco, 5 Crescent Avenue, Unit 4 stated that he is in favor of the petition. OPPOSED: None. Motion made and 2nd that the public hearing be closed, 8 in favor, 0 opposed, 1 absent (Drapeau abstained). Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the conditions as follows: 1. That the recommendations of the Planning Board be adopted as conditions of the special permit, and 2. That the special permit shall be for J. Sallese & Sons, Inc. only and is not transferable, 8 in favor, 0 opposed, 1 abstained (Drapeau abstained).

On the petition by Anthony K. Paone, Trustee of Harrison Avenue Realty Trust, 141 Sylvester Avenue, Winchester, Massachusetts 01890 for a special permit pursuant to Sections 5.1.71 and/or 5.1.72, 5.5 and 8.3.2 to finish grading and filing of lot and to utilize same for parking purposes, for rental to other businesses, on a commercial basis at 7 Harrison Avenue. PUBLIC HEARING OPENED. A copy of a communication dated June 8, 2009 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 7 Harrison Avenue – Commercial Parking & Earth Removal & Filling Special Permit – Special Permit Application Dated May 4, 2009 – Proposed Grading Plan Dated August 21, 2008

The applicant is seeking permission to allow for the parking of commercial vehicles at the above referenced location as well as earth removal and filling.

There is no supporting documentation accompanying the special permit application to review. An engineered site plan showing the proposed work will need to be submitted for review. Additionally, the subject property is located in a groundwater protection district and will need to comply with section 15 of the Woburn Zoning Ordinance.

This office will complete its review when the above referenced information is submitted for review.

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

A communication dated June 10, 2009 was received from Attorney John D. McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition: Anthony K. Paone, Trustee
Premises: 7 Harrison Ave., Woburn, MA

Dear Members of the Council:

Please consider this as a request that the public hearing scheduled for June 16, 2009 be continued to July 14, 2009, as revisions to the plans are desired by the Planning Board and Engineering department before they can complete their review. For your courtesy in this matter.

Sincerely, s/John D. McElhiney

IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JULY

14, 2009 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

On the petition by Alderman Scott Galvin concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 17-19 Franklin 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. A copy of a communication entitled "Board of Health Order" dated June 10, 2009 relative to the property located at 17 Franklin Street to Armelle Felius was received from Kerri C. Oun, Health Inspector, Woburn Board of Health. A communication dated June 15, 2009 was received from Building Inspector Thomas Quinn, Woburn Inspectional Service Department relative to 17-19 Franklin Street. Alderman Galvin stated that he met at the site with Building Inspector Thomas Quinn, Police Officer Ralph Coakley, Kerri Oun from the Board of Health, and inspectors from the Fire Department, that Inspector Quinn was in contact with the insurance adjuster and with a structural engineer to determine whether repairs could be made to the property, that a check did issue in the name of the landowner and the bank holding a mortgage on the property, and that progress is being made with the property. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON AUGUST 11, 2009 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON LIAISON, all in favor 9-0.

On the petition by Anne M. Beauchamp, 7 Marietta Street, Woburn, Massachusetts 01801 and John J. Beauchamp, 2 Ryan Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to alter and change a pre-existing non-conforming structure by razing the same and constructing a new, two-family structure which will also be non-conforming with respect to some dimensional requirements and changing the use from single family to two-family at 222 School Street. PUBLIC HEARING OPENED. A communication dated June 15, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Anne M. Beauchamp and John J. Beauchamp – 222 School Street – To allow the alteration and change of a pre-existing non-conforming single family house to a new non-conforming two family house pursuant to Section 7.3

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on June 9, 2009, the Board voted to forward a favorable recommendation to the City Council on the Special Permit request to allow for

the removal of the existing single family house and the construction of a new two family house at 222 School Street with conditions that limit the potential impact on the abutting lot on the west side of the property.

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

Appearing for the petitioner was Attorney John D. McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 and he stated that there is an older single family dwelling at the locus, that the petitioner will raze the building and construct a new two story colonial style two family dwelling with a garage at the front, that the garage will be 25 feet wide by 25 feet long to accommodate an interior stairway, that the present structure is an existing single family which is nonconforming in several respects, that the lot is 10,000 square feet, that there is 73 feet of frontage and there are side setback nonconformities, that the structure is about 110 years old, that there are some asbestos issues, that the structure is not conducive to renovating and converting to a two family dwelling because of its condition, that the petitioners propose to construct a new building that will be more suitable, that the new two family will also be nonconforming as to the frontage, lot size and side setbacks, that there is presently a common driveway with an easement on an abutting property, that there is some advantage to taking the vehicles from this common driveway and moving them to a new driveway that will serve the locus, that the Planning Board suggested screening of some sort between the abutting property to the west of the locus, that the common property line is 140 feet from the street to the rear of the lot, that a fence or other screening would be acceptable to the petitioner, that an instrument survey was recently completed of the locus, that the border between the locus and the westerly lot is at an angle, and that the property is located in the R-2 zoning district. Attorney McElhiney offered a letter from Sujata Patil, 217 School Street and a letter from Mike Nguyen, 223 School Street in favor of the petition for the City Council to review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Alderman Raymond stated that he looked at the plans and the current condition of the property, that this project will be an improvement, and that moving the driveway will be beneficial. Alderman Drapeau stated that he visited the site, that bringing the driveway back along School Street away from the intersection with Mishawum Road will be beneficial, that a good line of sight is needed on School Street so a shorter screening of three feet is needed near the street and then rising to six feet further back, that the current structure is nonconforming, that with an appropriate buffer this is a good project for the neighborhood, and that he is in favor of the petition. Alderman Denaro stated that he wants to see the boundary screening issue resolved. Alderman Gately stated that the petitioner has done a good job cleaning the area, that there is an overgrown and wooded area between the locus and the property to the west, and that a fence would serve as a screen for both neighbors. IN FAVOR: Kaitlin stated that a more handicapped accessible building for her grandmother would be beneficial. Paul Meaney, 1 Brandt Drive stated that he is in favor of the petition, and that the petitioners keep their property in good condition. Tracy Casey stated that she owns 215

School Street and that the petitioners are a good asset to the neighborhood. Sean Daly stated that he is a tenant of the petitioner and that the petitioner keeps the property in good condition. Augustine Kabal stated that he takes care of Anne Beauchamp, that it is difficult for her to use the stairs, and that it will be ideal having living space for her on one floor. Anna Evangelista stated that she is a home health aide for Anne Beauchamp and that living on one floor would help her. OPPOSED: Joanne Lux, 218 School Street stated that she owns the property adjacent to the petitioner, that the petitioner has infringed on her property for some time with heavy equipment, that the property stake has been pulled up and it is not clear where the property line is now, that the petitioner needs four special permits for this proposal, that she does not want a new driveway located closer to her property, and that the petitioner has been dumping leaves and trash on the city property near the locus. Ms. Lux offered a document relative to the zoning ordinances to the City Council for review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Jane Linn, 204 School Street stated that she is not really in opposition to the petitioner, and that if a fence was erected along the Lux property line this may address the concerns. Norman Lux stated that his mother will be looking at a wall when the new house is constructed, that it will be tougher at the intersection as more vehicles will be added to the locus, that moving the driveway fifteen feet away from the intersection will not help this, and that this will be a worse traffic situation. Motion made and 2nd to LAY ON TABLE, all in favor, 9-0.

On the petition by Parmjit Singh Bhatti, 470 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.29 of the 1989 Woburn Zoning Ordinances, as amended, to allow fast food at 470 Main Street. PUBLIC HEARING OPENED. A communication dated June 15, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Parmjit Signh Bhatti – 470 Main Street – To allow fast food restaurant pursuant to Section 5.1.29

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on June 9, 2009, the Board voted to forward an unfavorable recommendation to the City Council to allow for a fast food restaurant pursuant to Section 5.1.29 at 470 Main Street because of the traffic issues and lack of parking that exist along Main Street for the creation of a take out restaurant and for the fire safety concerns relating to this site cited by the Fire Chief.

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 June 8, 2009 to Edmund Tarallo, Planning Director was received from John E. Corey, Jr., PE as follows:

Subject: 470 Main Street – Fast Food Restaurant – Special Permit Applications Dated May 11, 2009

This office has reviewed the special permit applications for the above referenced project and offers the following comments.

The applicant is seeking permission to operate a fast food restaurant at the above referenced address.

There is a hand sketch showing the proposed interior layout of the restaurant. There are no statistics indicating the number of patrons. In order to properly assess the impacts of the proposal, the applicant should submit a development impact statement and traffic study pursuant to sections 18 and 19 of the Woburn Zoning Ordinance or reasons why these would not be applicable. It would appear from the special permit application that all parking for the facility would be within existing municipal lots.

Should you have any questions or comments concerning this information, please do not hesitate to contact this office.

Appearing was the petitioner and he stated that he is leasing the property, that the business will be Indian fast food, that he owns the business, and that this will not be a franchise. Mr. Bhatti offered a copy of his professional resume to the City Council for review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Alderman Galvin stated that this is the type of business diversity that the city wants in the downtown area, and that requiring a traffic study would be cost prohibitive to this business. Alderman Mercer-Bruen stated that she is concerned about issues that the Fire Chief may have with this business. Alderman Gonsalves stated that petitioner should provide detail of the expected size of the operation in terms of customers and traffic. President Doherty stated that the petitioner should provide a hand sketch of the interior of the business, a description of the fast food use and the number of customers expected. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JULY 14, 2009, THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS and that a communication be sent to the Fire Chief requesting his comments on this petition, all in favor 9-0.

On the petition to discontinue as a public way the portion of Central Street shown as “Area of Proposed Discontinuance of Central Street” as shown on a plan entitled “Portion of Central Street, Montvale Ave – Orange Street, Woburn, Massachusetts” prepared by the City of Woburn Engineering Department dated 03/30/03 and to convey the land to the jurisdiction of the School Department. PUBLIC HEARING OPENED. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed and the matter be referred to the Committee on Municipal Lands for further review, all in favor 9-0.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

ORDINANCE:

On the petition by June G. Ross to amend the Zoning Map of the City of Woburn by changing the zoning district for the property found identified in the Assessors records on Map 38, Block 8, Parcel 1 and known and numbered as Lot 1B 35 Pine Street as shown on the plan filed with the petition from partially in the R-2 zoning district and partially in the I-G zoning district to the R-2 zoning district, committee report was received as follows: "Ought to pass, with a deed restriction of one duplex house." A communication dated June 16, 2009 was received from Attorney Malcolm H. Houck, 7 Winn Street, Woburn, Massachusetts 01801 as follows:

In re: Lot 1B – 35 Pine Street – Sean P. Coakley, Manager – Hammond Square Realty LLC

Dear Mr. Campbell:

Last evening, June 15, 2009, the Ordinance Committee met to consider the Petition to rezone a portion of the above-captioned Lot 1B at 35 Pine Street. A report on the action taken by the Committee upon a 3-2 vote was to be sent to you for placement on the City Council agenda for future action.

Specific among concerns of the Councilors is a deed restriction for so much of this lot as it might be rezoned by appending to the adjacent Zoning District R-2. That restriction would be implemented by a recorded covenant running with the land limiting the use and development of this lot to construction of a single two-family style residential dwelling house.

In advance of any action by the City Council a restrictive covenant would have to be made and executed by the present owner of Lot 1B, Mrs. Ross. I have met with the owner's attorney, James J. Mawn, Jr., Esquire, regarding his preparation of a draft covenant and restriction in gross for recording at the Middlesex South District Registry of Deeds. He informs me that a draft will be prepared promptly for completion and signature by Mrs. Ross.

In placing this restriction upon this lot however there remain two matters of timing which must be resolved. First, and upon receipt of the draft covenant, that should be approved by counsel for the City. I am more than willing to engage with Attorney Jonathan Silverstein in this regard; -- having enjoyed a professional relationship with him in the past on other matters.

Secondly, to have a covenant with a restriction in gross completed by Mrs. Ross in advance of approval by Attorney Silverstein, would be premature. Upon final approval of the covenant, and its language of restriction, then arrangements can be made with Attorney Mawn for him to meet with the elderly Mrs. Ross to complete this deed restriction.

Accordingly, and until the covenant and deed restriction is completed in a suitable and satisfactory form, I am requesting that this matter be left with the Committee. I shall advise when the restrictive covenant has been completed so that this matter may be scheduled for final action.

If you have any questions, please feel free to contact me.

Very truly yours, s/Malcolm H. Houck

Alderman Mercer-Bruen stated that she is concerned that the city would do any work on the deed restriction, that the abutters do not see this as advantageous, that this is not advantageous to the city, and that this matter has been under review for some time. Alderman Gonsalves stated that she is not certain further discussion will be beneficial, and that every accommodation on this proposal tends to cause an issue for another abutter. Alderman Denaro stated that the City Council regularly extends the courtesy of a further extension of time when requested by a petitioner. Alderman Galvin stated that one of the concerns of the Committee members was that their neighbors wanted to be protected from further development of the locus, that the proposed deed restriction will not be prepared by the city but will be reviewed by the City Solicitor to protect the city's interests, and that there is no reason for incurring the expense of a review of the deed restriction if the matter will not in the end be granted. Alderman Drapeau stated that if the matter moves forward without granting the extension of time and Order passes at this meeting there will not be a deed restriction in place. Alderman Gonsalves stated that she will move to deny the special permit. Motion made and 2nd that the COMMITTEE REPORT be DENIED, ROLL CALL: Denaro – No, Drapeau – No, Galvin – No, Gately – No, Gonsalves – Yes, Mercer-Bruen – Yes, Raymond – Yes, Wall – No, Doherty – Yes, MOTION FAILS. Alderman Galvin stated that this is effectively a denial of the zoning amendment. President Doherty stated that the motion was not to pass the Order. Alderman Mercer-Bruen stated that there would have to be a motion to deny the rezoning. Alderman Denaro stated that if the motion is to deny the committee report then that has been done and that if the motion was to approve the ordinance six votes would be required to pass. Alderman Drapeau stated that the previous vote was to see if there were sufficient votes to adopt the ordinance, and that if there are not sufficient votes to pass the ordinance then the matter should be concluded. Motion made and 2nd to approve the committee report was withdrawn without a vote. President Doherty stated that there is no covenant in place. Alderman Galvin stated that there would be a covenant if the matter was sent to committee for further review. Alderman Mercer-Bruen stated that it is not fair to the abutters to delay this matter, and that the matter should be moved forward. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES

TO WHICH THE PETITIONER WILL PRESENT A PROPOSED FORM OF RESTRICTIVE COVENANT AND THE MATTER be PLACED ON THE AGENDA OF THE CITY COUNCIL REGULAR MEETING ON JULY 14, 2009, 5 in favor, 4 opposed (Gonsalves, Mercer-Bruen, Raymond, Doherty opposed).

On the Order to amend Title 2, Article V, Section 3-25(H)(1) relative to income limitations for the Senior Citizen Property Work-Off Program, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be RECEIVED AND ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 19, 2009 s/Thomas L. McLaughlin June 22, 2009

Motion made and 2nd for a five minute recess, all in favor, 9-0.

President Doherty called the meeting back to order.

FINANCE:

On the Order to transfer the sum of \$535,220.00 from Unreserved Fund Balance Account to School Department Special Education Section 15 – Out of District Account, committee report was received “ought to pass.” Alderman Denaro stated that he cannot support this Order, that there were not enough funds budgeted this fiscal year or the next fiscal year for this purpose, and that there has to be a way to control unfunded mandates. Alderman Drapeau stated that there must be a way to control these costs, that last year a \$400,000.00 transfer was needed and this year a \$500,000.00 transfer is needed, that the School Department just approved the School Committee cutting money from the special education budget, that the city will be in the same position at the end of the next fiscal year, that this is not a good way to handle these issues, that he will vote in favor of the Order as there is little choice and the money would be taken from local receipts in any event, and that the School Committee has not made the right special education judgments. Alderman Gonsalves stated that the Mayor is responsible for adding items needed to the budget, that the city will not be able to fund an additional \$500,000.00 at the end of the next year, that the city cannot keep going to free cash, and that the School Department must establish efficiencies during the year to make up these funds. Alderman Gately stated that these mandates are hurting local governments, that the cuts are being made in the schools, that the city is paying the costs for some students of up to \$200,000.00 per year, that the city cannot afford this, that the State and Federal governments must assist, and that this is affecting the school system. Alderman Wall stated that the Federal and State legislatures are harming the local communities by their actions, and that communities must begin the process of trying to control this expense. Alderman Raymond stated that the Mayor, City Council and the city’s State delegation can meet and formulate a plan, and that the Mayor can then meet with the leaders of other

communities concerning the issue. Alderman Mercer-Bruen stated that the city could create a coalition with other towns concerning this issue. Alderman Gonsalves stated that city officials can meet with the State and Federal delegation to lobby concerning these issues. Alderman Raymond stated that no government agency should dictate how money should be spent without consulting the communities, that the Mayor could not add this money to the budget without exceeding Proposition 2½ limits, that the School Committee chose to not properly fund for this purpose within the parameters set by the Mayor, and that this is irresponsible. President Doherty stepped down from the chair and Alderman Galvin assumed the chair. President Doherty stated that the account was overspent by \$810,000.00, that the school stopped some spending to bring the amount down to \$535,000.00, that the amount of money in the budget for special education was not realistic, that if the Mayor knew that the budget was not funded to a proper level then he should have acted, that something must be done to control unfunded mandates, and that the Mayor should be asked why he chose to submit the budget without sufficient funding for special education. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 1 opposed (Denaro opposed). Alderman Galvin stepped down from the chair and President Doherty resumed the chair.

Presented to the Mayor: June 19, 2009 s/Thomas L. McLaughlin June 22, 2009

Motion made and 2nd to TAKE FROM TABLE the petition by Anne M. Beauchamp and John J. Beauchamp for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to alter and change a pre-existing non-conforming structure by razing the same and constructing a new, two-family structure which will also be non-conforming with respect to some dimensional requirements and changing the use from single family to two-family at 222 School Street, all in favor, 9-0. Attorney McElhiney stated that the petitioner offers to erect a fence along the westerly property line that will be acceptable to the abutter. Attorney McElhiney offered a document containing proposed language for a condition relative to the fence. Motion made and 2nd to close the public hearing, all in favor, 9-0. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the conditions of the Planning Board be accepted as conditions of the special permit, and 2. That a chain link fence with solid white slats screen shall be installed along the westerly property line for the entire length, at a height no greater than allowed by zoning ordinance, and generally five (5) feet high if allowed, all in favor, 9-0.

On the Order to transfer the sum of \$732.00 from Fire Sick Leave Buy Back Account to Fire – Holiday Pay Account, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 19, 2009 s/Thomas L. McLaughlin June 22, 2009

On the Order to appropriate the sum of \$57,802.00 from Insurance Reimbursement Account to Police Building Maintenance Account, committee report was received “ought

to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 19, 2009 s/Thomas L. McLaughlin June 22, 2009

On the Order to appropriate the sum of \$38,000.00 from Cemetery Interest Fund Account to various Cemetery Accounts, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 19, 2009 s/Thomas L. McLaughlin June 22, 2009

POLICE AND LICENSES:

On the petition by Mohamad S. Moharam dba First Cab of Woburn to increase the number of vehicles allowed under a Taxi Cab License to two (2), committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 7 in favor, 2 opposed (Galvin, Gately opposed).

Presented to the Mayor: June 19, 2009 s/Thomas L. McLaughlin June 22, 2009

NEW PETITIONS:

A communication dated June 4, 2009 was received from David Dellarocco, 18 Heritage Drive, Woburn, Massachusetts 01801 requesting that name on his Second Class Motor Vehicle Sales License be changed from “David Dellarocco” to “David Dellarocco dba Woburn Auto Sales” located at 5 Crescent Avenue, Unit 4. Motion made and 2nd that change of name to “David Dellarocco dba Woburn Auto Sales” be approved, all in favor, 9-0.

Presented to the Mayor: June 19, 2009 s/Thomas L. McLaughlin June 22, 2009

Petition by The Cieri Group, LLC, 329 Washington Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.42 and 5.1.57b so as to utilize approximately 5,513 square feet of space for a MAPA auto parts business, as a wholesale establishment, with associated overnight parking of commercial vehicles, and such accessory retail use as permitted by right (per line 61, Note 4) at 275 Salem Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by M&L Transit Systems, Inc., 60 Olympia Avenue, Woburn, Massachusetts 01801 for a special permit to amend a special permit dated April 27, 2000, as amended by a special permit dated October 17, 2002, pursuant to 1985 Woburn Zoning Ordinances, as amended Sections 5.1.44, 5.1.69 and 7.3 to allow for the alteration and extension of the existing nonconforming use to allow for a commercial vehicle inspection bay and

commercial vehicle wash bay at 60 Olympia Avenue. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated 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 May, 2009: number of parking violations issued 777, number of violations paid 448, number of violations outstanding 301, amount collected and submitted to the Office of the Collector \$27,468.60. There exists a backlog of 4,798 tickets for 1982 through 2008. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission \$4,750.00.

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

Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated June 3, 2009 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the May meeting of the Council on Aging and the Director's report for the month of May. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED That prior to the submission of any funding request for the construction of a new Goodyear School by His Honor the Mayor and the School Committee, the School Committee shall be required to submit to the City Council the record of its vote in the affirmative to close the Clapp School no more than six (6) months from the first day the new Goodyear School is used for educational purposes; and

Be It Further Resolved that prior to it approving any Goodyear School construction funding authorization, the City Council vote in the

affirmative to close the Clapp School no more than six (6) months from the first day the new Goodyear School is used for educational purposes.

s/Alderman Denaro

Alderman Gonsalves stated that it is premature to make these decision, and that the decisions have to be left in the hands of the School Committee. Alderman Denaro stated that the School Committee has to do their duty and that is an act to close the old school which they indicated they will do, and that the School Committee is going to seek funding for a new building and may not be fully committed to closing the Clapp School. Alderman Drapeau stated that the School Committee is on record to close the Clapp School, that it is not a problem to make a motion to close the Clapp School because that is part of the deal, that the State is allowing funding for the new Goodyear School because a school is closing, and that no one should be opposed to this because it is linked to building the new Goodyear School. Alderman Gonsalves stated that the Clapp School could be used for swing space, that it is not the role of the City Council to decide this, and that the building should be kept for swing space or other municipal purpose. Alderman Denaro stated that this does not say that the building should be torn down just that the building will no longer be used as an elementary school. Alderman Galvin stated that the reason for moving ahead with the Goodyear School project is consolidation. Alderman Mercer-Bruen stated that there was discussion that there was talk about using this as a tuition based pre-school, that developers are looking to obtain the Clapp School property, that there should be an opportunity to use the Clapp School as a school building, and that this property should be used for some type of school but not for condominiums, low income housing or single family houses. Alderman Denaro stated that the locus will always be used for public space in his view, that a tuition based school makes the city a landlord, and that he will not support funding for the Goodyear School project without this vote. Alderman Galvin stated that the Plympton School could be used as a tuition based school but has not been so utilized, and that the locus should be sued for open space. President Doherty stated that if the Clapp School is not used as a school the site will have to be open space. Alderman Wall stated that the resolution could be amended from “educational purposes” to “municipal control”. Alderman Galvin stated that a zoning amendment could be filed to make the locus open space. Alderman Mercer-Bruen stated that the City Council is required to vote to close the Clapp School under the terms of this resolution as well. Motion made and 2nd that the RESOLVE be ADOPTED, AS AMENDED, with the amendment as follows: “That the words ‘for elementary school purposes’ be added after the words ‘Clapp School’ and before the words ‘no more than’ wherever they may appear in the resolution, all in favor, 9-0.

Presented to the Mayor: June 19, 2009 Returned Unsigned June 24, 2009

Motion made and 2nd to suspend the rules for the purposes of taking matters from committees and for adding the following late filed matters to the Order of the Day, all in favor, 9-0.

Motion made and 2nd to take from the Committee on Ordinances the Order to relative to Title 2, Article IV, Section 2-21 of the 1989 Woburn Municipal Code, as amended, concerning the Clerk of Committees and to ADOPT, all in favor, 9-0.

Presented to the Mayor: June 19, 2009 s/Thomas L. McLaughlin June 22, 2009

RESOLVED That the Conservation Administrator determine the cause of lost vegetation and dead trees along the walkway from Sturgis Street and the Causeway.

s/President Doherty

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 19, 2009 s/Thomas L. McLaughlin June 22, 2009

Motion made and 2nd to take from Committee on Special Permits Review the request from Cummings Properties, LLC to clarify Condition 8 of a special permit granted on April 28, 2009 for real property located at 8 Cabot Road and allow the request leave to withdraw without prejudice, all in favor, 9-0.

Petition by City of Woburn, Woburn City Hall, 10 Common Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 15.6.C.vi of the 1985 Woburn Zoning Ordinances, as amended, to allow an increase in the impervious surface onsite through the installation of a new parking area in the groundwater protection district at 40 Hudson Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Motion made and 2nd to return to the regular order of business, all in favor, 9-0.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:23 p.m.

A TRUE RECORD ATTEST:

William C. Campbell
City Clerk and Clerk of the City Council