

**CITY OF WOBURN
MARCH 5, 2013 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Gaffney	Raymond
Denaro	

Motion made and 2nd to appoint Assistant City Clerk Joyce M. Gray as Clerk of the Council, Pro Tem, Anderson – Yes, DiTucci – Yes, Drapeau – Yes, Gaffney – Yes, Gately – Yes, Haggerty – Yes, Mercer-Bruen – Yes, Raymond – Yes, Denaro – Yes, Motion Passes.

I, Joyce M. Gray, accept the office of Clerk of the Council, Pro Tem, subject to the statutes and ordinances, and do solemnly swear to perform the duties of said office to the best of my ability and understanding. So help me, God.

Joyce M. Gray

I hereby certify that the oath of office was subscribed and sworn before me on this date.

Paul J. Denaro, President

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE, all in favor, 9-0.

MAYOR'S COMMUNICATIONS: None.

PUBLIC HEARINGS:

Aldermen Gately abstained from participating in the following matter and left the Council Chamber.

On the petition by College Street Partners, LLC, 900 Cummings Center, Suite 3010, Beverly, Massachusetts 01915 for special permits pursuant to Sections 7.3 and 57b of the 1985 Woburn Zoning Ordinances, as amended, and for modification of a special permit dated January 12, 2011 to allow for the alteration of a pre-existing non-conforming use (shopping center) and structure containing approximately 53,379 square feet of gross floor area to allow for: 1. A retail store in Unit 3 consisting of approximately 8,000 square feet of net floor area, 2. A reduction in the square footage of Unit 1 from approximately 26,400 square feet of net floor area to approximately 15,532 square feet of net floor area for a retail store, 3. A retail store in Unit 2 containing approximately 28,099 square feet of net floor area, 4. The overnight parking of commercial vehicles, and 5. To provide for 231 parking spaces, all at 335 Washington Street. PUBLIC HEARING OPENED. A communication dated February 26, 2013 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 335 Washington Street – Savers Special Permit – Special Permit Application Dated January 31, 2013 – Traffic Report Dated February 20, 2013 – Plans Dated February 20, 2013 & January 28, 2013

The applicant is seeking a special permit to allow for retail in unit 2 at the above referenced location.

There are two plans showing different scenarios with the existing occupants. One scenario shows the relocation of the auto parts store to an area where Staples is occupied and then Unit 2 being used for retail and the other scenario eliminated the auto parts store entirely and unit 2 being occupied by the retail and unit 1 by the existing occupant.

The special permit is also requesting the overnight parking of commercial vehicles.

The traffic report outlines the existing traffic volumes on Washington Street and the proposed trip generations for the two different scenarios.

The report states that there will be 34 new trips on the weekday and 121 new trips on the weekend for scenario 1 and 36 new trips during the weekday with the auto parts store and 75 new trips for the weekend for scenario 2 without the auto parts store. There is sufficient parking within the site for either of the proposed scenarios.

The subject property is located in O-P zoning district. According to Section 5.1, retail uses over 15,000 sf are not permitted within that zone. Zoning is within the jurisdiction of others.

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

Appearing for the petitioner was Attorney Joseph R. Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner is requesting to modify a Special Permit that was issued January 12, 2011 to allow the alteration of a pre-existing

non-conforming use (shopping center) and structure to allow for: 1. A retail store in Unit 3; 2. A reduction in the square footage on Unit 1; 3. A retail store in Unit 2; 4. The overnight parking of commercial vehicles and 5. To provide for 231 parking spaces all at 335 Washington Street, that the property is currently occupied by Staples and Consumer Auto Parts Store, and provided a brief history of the property. Michael Gerhardt, College Street Partners, 900 Cummings Center, Suite 301-U, Beverly, Massachusetts 01915 reviewed a Power point presentation showing the two proposed site plans, and stated that Plan #1 showed 11,000 square foot of the building that will be demolished to construct six extra parking spaces, the auto parts store would move to the front right corner of the building, and a new tenant would occupy the former CompUSA space and the Staples store would be downsized, that Plan #2 showed that Staples and the proposed new tenant Savers would occupy the two units. Robert Burr, College Street Partners, 900 Cummings Center, Suite 301-U, Beverly, Massachusetts 01915 stated that they have been notified by Staples Corporate office that Staples will be downsizing stores, and that they are waiting for final confirmation. Gary Zardas, District Manager, Northeast Savers Stores stated that all of the items to be sold in the proposed store are donated from community donation centers, that there are many different items including brand name items, that Savers supports approximately 150 charities, that there will be a donation center in the front portion of the store for people to drop off items, that the items are sorted, valued, tagged, folded and put out for sale, that the remaining items are either donated or recycled, that the operation saves landfills and customers get quality merchandise, that the Savers stores help locally such as joining the local Chamber of Commerce, donating books to libraries, school drama clubs, and the like. Aldermen Mercer-Bruen stated that there are many concerns with the proposal including truck traffic, vehicles entering and exiting on to Washington Street and trucks being used for storage. Rebecca Brown, TEC, Senior Engineer, 65 Glenn Street, Lawrence, Massachusetts 01843, stated that a preliminary traffic study of traffic during peak hours shows there is not a big difference, that Washington Street traffic would increase less than 1% weekday peak hours and less than 2% on weekend peak hours, that Cedar Street traffic would only increase about 1% to 1½% during peak hours, that the Planning Board requested a more in-depth traffic study, that the areas that will also be looked at are the intersection of Washington Street and Cedar Street and the intersection of Washington Street and Olympia Avenue. Aldermen Raymond stated that Washington Street during peak weekday hours is gridlock, and that adding a retail establishment at the beginning of the road will only generate more traffic. IN FAVOR: None OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MARCH 19, 2013 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

Aldermen Gately entered the Council Chambers

On the petition by KMP, Holdings, 45 Main Street #3, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended, to operate a café with no onsite kitchen at 494 Main Street. PUBLIC HEARING OPENED. A communication dated February 13, 2013 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: KMP, Holdings – 494 Main Street – To allow for a fast food restaurant pursuant to Section 5.2.29

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on February 12, 2013, the Planning Board voted to send an unfavorable recommendation to the City Council on the Special Permit application of KMP Holdings, regarding the property at 494 Main Street to allow for a fast food restaurant pursuant to Section 5.1.29 based on inadequate parking; safety and traffic concerns at the site; and the lack of a development impact statement.

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 communication dated February 12, 2013 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 494 Main Street – Fast Food Special Permit – Special Permit Application Dated January 2, 2013 – Traffic Analysis Dated January 2013

The applicant is seeking a special permit to allow for a café at the above referenced location. Upon review of the special permit application, this office finds that the applicant has submitted a site plan and traffic report. The site plan is vague and does not include property lines, dimensions, or a zoning summary table. A revised plan showing the requested items should be submitted for review. A site plan showing property lines, buildings, parking spaces, and physical site features should be submitted for review.

The applicant will need to check with the plumbing inspector to determine if a grease trap will be required for the proposed use.

A review of the traffic analysis summary does not seem to be consistent with the ITE trip generation (7th edition) for the intended use.

This special permit is subject to section 18 of the Woburn Zoning ordinance and the applicant will need to submit a development impact statement in accordance with the ordinance.

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

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

Appearing for the petitioner was Kenny Mah, KMP Holdings, 45 Main Street, #3, Woburn, Massachusetts 01801 stated that the plan is to open a cafe' that seats approximately twenty people, that all the food will be outsourced, that there will be no kitchen on site, and that the property has ten parking spaces behind the building. Aldermen Gately stated that a stop work order has been issued by the Inspectional Services Department for the renovations being made at the property without a permit, that a jewelry store manager stopped by the Inspectional Services Department to inquire why the construction was ordered to stop as a jewelry store was moving into the location, that the proposal is a great idea but this is not a good location, and that there is an issue of two tenants for the same unit. Mr. Mah stated that he has not talked to the owner in about a month and was not aware that another business was going in to the location. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the MATTER be GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE, all in favor 9-0.

On the Order to consider whether to lay out as public ways the following streets: Belford Circle, Bradford Road, Briarwood Road, Burlwood Lane, Chandler Street, Columbus Road, Commonwealth Avenue, Emeline Street, Henry Avenue, Heritage Drive, Industrial Parkway, Katie Lane, Lake Circle, Lake Terrace, Laurel Street, Lydon Court, Morningside Drive, McDevitt Drive, Morningside Circle, Nason Terrace, Oak Knoll Drive, Ridgewood Lane, Stephanie Circle, Stevin Drive, Sylvanus Wood Lane, Tedesco Drive f/n/a Temple Street, Tory Row, Westview Terrace, William Avenue, Windsor Circle, Windsor Drive. PUBLIC HEARING OPENED. A report was received from the Committee on Public Lands and Infrastructure as follows: "ought to pass, as amended, with the amendment as follows: 1. that the description for Windsor Drive be deleted and the following descriptions of Windsor Circle and Windsor Drive be inserted in its place:

WINDSOR CIRCLE DESCRIPTION

Beginning at a point on the northerly terminus of Stevin Drive; thence running N 24°53'51"E by the westerly terminus of Windsor Drive to a point on the northerly sideline of Windsor Drive thence running N 86°52'49" W to a point of curvature; thence running on a counterclockwise curve having a radius of 60.00' (sixty and 00/100) feet, 270.66' (two hundred seventy and 66/100) feet to a point of reverse curvature; thence running on a clockwise curve having a radius of 40.00' (forty and 00/100) feet, 54.78' (fifty four and 78/100) feet to a point; thence running S86°52'49"E, 102.17' (one hundred two and 17/100) feet to a point on the northerly terminus of Stevin Drive; thence running easterly by the northern terminus of said drive to the point of beginning.

Said right of way being shown on a plan recorded in the SMDRD as plan 1519 (b of 2) of 1980.

WINDSOR DRIVE DESCRIPTION

Beginning at a point on the northerly terminus of Stevin Drive; thence running S86°52'49"E, 179.23' (one hundred seventy nine and 23/100) feet to a point of curvature; thence running on a counterclockwise curve having a radius of 140.00' (one hundred forty and 00/100) feet, 54.68' (fifty four and 68/100) feet to a point of reverse curvature; thence running on a clockwise curve having a radius of 125.68' (one hundred twenty five and 68/100) feet, 49.09' (forty nine and 09/100) feet to a point; thence running N3°07'11"E, 40.00' (forty and 00/100) feet by the

westerly terminus of Bay Street; thence running N86°52'49" W to a point at the intersection of the prolongation of the westerly sideline of Stevin Drive and the northerly sideline of Windsor Drive; thence running S24°53' 51"W, to a point on the northerly terminus of Stevin Drive; thence running easterly by the northern terminus of said drive to the point of beginning.

Said right of way being shown on a plan recorded in the SMDRD as plan 1519 (b of 2) of 1980 and also on a modification of said right of way as shown on plan 132 of 1994."

IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the ORDER be ADOPTED, as AMENDED with the amendment as follows: That the amendment recommended by the Committee on Ordinances be adopted, all in favor 9-0.

Presented to the Mayor: March 8, 2013

s/Scott D. Galvin March 8, 2013

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

PERSONNEL:

On the re-appointment of Margaret Casey, John DeCata and Theresa Donovan and the appointment of Eleanor Collins to the Council on Aging, 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: March 8, 2013

s/Scott D. Galvin March 8, 2013

PUBLIC LANDS AND INFRASTRUCTURE:

On the request by the Veterans Agent to designate the intersection of Main Street and Clinton Street as a memorial square in memory of Daniel Thompson, Woburn's first casualty in the Revolutionary War, 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: March 8, 2013

s/Scott D. Galvin March 8, 2013

PUBLIC SAFETY AND LICENSES:

On the petition by Ali A. Saleh dba Metro Cab for renewal of a Taxi Cab License, 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 March 8, 2013 and ten days having elapsed without same being approved, said License became effective without his signature on March 19, 2013.

Motion made and 2nd that the next eight new petitions be taken collectively and sent to Committee on Public Safety and Licenses, 9 in favor, 0 opposed.

NEW PETITIONS:

Petition by Woburn Bowladrome Inc., 32 Montvale Avenue for renewal of Bowling Alley License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petition by M&L Transit Systems Inc., 60 Olympia Avenue for renewal of Common Carrier License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petition by Patricia Porrazzo dba Hollywood Limousine, 4 Skyview Road for renewal of Livery License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petitions for renewal of Taxi Cab Licenses by Ahmad Abba dba A.A. Transportation, 600 West Cummings Park #1175; Mourad Djiar dba ABCE Taxi of Woburn, 165-M New Boston Street; Bombay Taxi Inc., 165-U New Boston Street; Hashem Obaid dba Logan Taxi, 329 Washington Street; and Saeed Rajabi dba Ski Taxi of Woburn. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated February 26, 2013 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 January 2013: number of parking violations issued 122, number of violations paid 58, number of violations outstanding 59, amount collected and submitted to the Office of the Collector \$6,334.60. There exists a backlog of 6,145 tickets for 1982 through 2012. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$900.00.

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.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Pursuant to Chapter 53 of the Acts of 2007, the Preliminary Election for the Municipal Election shall be held on Tuesday, September 17, 2013.

s/President Denaro

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

Presented to the Mayor: March 8, 2013

s/Scott D. Galvin March 8, 2013

ORDERED Be It Ordained by the City Council of the City of Woburn that Title 2, Section 2-5, Paragraph C of the 1989 Woburn Municipal Code, as amended, be further amended by deleting line 2(d) and inserting it its place the following:

- d. Participants in the senior citizen tax abatement program, veteran's tax abatement program or similar tax abatement programs established by the city from time to time;

s/President Denaro

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES, all in favor, 9-0.

RESOLVED Whereas, Robert Morgan was first appointed as a Member of the Woburn Recreation Commission by the Woburn City Council on March 7, 1978; and

Whereas, prior to his appointment Robert Morgan served on the Board of Directors of the Woburn Pee Wee Football Association, served on the Board of Directors of Woburn Little League, coached basketball at the Woburn Boys' Club, served as a football official on the high school and college level, was a member of the New England Association of Football Officials, was a member of the Eastern Association of Intercollegiate Football Officials, and was a member of the Woburn High School football team; and

Whereas, for thirty-five years Robert Morgan faithfully served on the Woburn Recreation Commission and his efforts in bringing a variety of recreational activities to the community including sporting events, musical concerts and

festive gatherings have had a direct and positive impact on the community and its residents;

Now, Therefore, Be It Resolved that the Woburn City Council hereby recognizes Robert Morgan for his outstanding service and commitment to the Woburn Recreation Commission and the citizens of Woburn and extends the sincerest thanks of the community and appreciation for his many years of dedication.

s/Alderman DiTucci

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

Presented to the Mayor: March 8, 2013

s/Scott D. Galvin March 8, 2013

Motion made and 2nd to suspend the rules for the purposes of adding the following matter to the agenda as a late filed matter, all in favor, 9-0.

A communication dated February 28, 2013 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear President Denaro and Members of the Woburn City Council,

I am providing herewith a copy of the public safety reports for the Woburn Police and Fire Departments, completed by Municipal Resources Inc.

A meeting has been scheduled for Wednesday, March 13, 2013, at 6 p.m. with the City Council Liaison Committee of the Whole – for a presentation by Municipal Resources In. Please feel free to call with any questions.

Sincerely, s/Scott D. Galvin, Mayor

Motion made and 2nd that a communication be sent to Mayor Galvin requesting that copies of the Police and Fire reports be available to all the Aldermen before the close of work on Thursday, March 7, 2013 and the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, 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 8:30 p.m.

A TRUE RECORD ATTEST:

Joyce M. Gray
Assistant City Clerk and
Clerk of the City Council, Pro Tem