

**CITY OF WOBURN
OCTOBER 6, 2009 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Denaro	Gonsalves
Drapeau	Mercer-Bruen
Galvin	Raymond
Gately	Wall
Doherty	

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

MAYOR'S COMMUNICATIONS:

A communication dated September 30, 2009 with attachments was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Dear President Doherty and Members of the City Council:

Enclosed you will find a copy of a letter from the State Ethics Commission regarding recent changes to G.L. c.268A and c. 268B, the state's Conflict of Interest law and the State Ethics Commission's Enabling Act. Section 84 of the Bill adds a new Section 29 to the conflict of interest law, which requires each municipality to designate a "senior level employee of the municipality" who will serve as its liaison to the Ethics Commission. The Bill requires each municipality to make this designation through its City Council.

I would like to put forward the name of our new Purchasing Agent, Sarah Stanton, for your consideration. I believe that Sarah is a conscientious individual who would do an outstanding job representing the City of Woburn in this newly created position. I have already spoken to Miss Stanton about my recommendation and she indicated to me that she would enthusiastically accept if so appointed.

Sincerely, s/Thomas L. McLaughlin, Mayor

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

PUBLIC HEARINGS:

Motion made and 2nd to hold the public hearing on the next two matters collectively, all in favor, 9-0.

On the petition by Cummings Properties, LLC, as managing agent for Sudbury Research Center, LLC, 200 West Cummings Park, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to extend and alter a pre-existing non-conforming structure to construct an elevated pedestrian walkway from the second floor of the subject building located at 34 Commerce Way to the second floor of the adjacent building at 8 Cabot Road. PUBLIC HEARING OPENED. A communication dated October 2, 2009 was received from Ernest N. Agresti, Jr., Vice President Administration, Cummings Properties, 200 West Cummings Park, Woburn, Massachusetts 01801-6396 as follows:

Re: Special Permit Application – Woburn Properties, LLP – 8 Cabot Road, Woburn, Massachusetts

Dear Board Members:

Please accept this letter as a request to continue the above referenced Special Permit Application hearing until the next available date, presumably October 20, 2009.

If there are any questions, or if any further information is required, please contact me at 781-935-8000.

Thank you for your assistance.

Sincerely yours,
Cummings Properties, LLC s/Ernest N. Agresti, Jr., Vice President Administration

IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 20, 2009, all in favor 9-0.

On the petition by Cummings Properties, LLC, as managing agent for Woburn Properties, LLP, 200 West Cummings Park, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.30b and 5.1.41 of the 1985 Woburn Zoning Ordinances, as amended, to amend a special permit granted on May 19, 2009 to construct an elevated pedestrian walkway from the second floor of subject building located at 8 Cabot Road to the second floor of existing adjacent building at 34 Commerce Way. PUBLIC HEARING OPENED. A communication dated October 2, 2009 was received from Ernest N. Agresti, Jr., Vice President Administration, Cummings Properties, 200 West Cummings Park, Woburn, Massachusetts 01801-6396 as follows:

Re: Special Permit Application – Sudbury Research Center, LLC – 34 Commerce Way,
Woburn, Massachusetts

Dear Board Members:

Please accept this letter as a request to continue the above referenced Special Permit Application hearing until the next available date, presumably October 20, 2009.

If there are any questions, or if any further information is required, please contact me at 781-935-8000.

Thank you for your assistance.

Sincerely yours,

Cummings Properties, LLC s/Ernest N. Agresti, Jr., Vice President Administration

IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 20, 2009, all in favor 9-0.

On the petition by Quincy Woburn LLC, 66 Long Wharf, Boston, Massachusetts 02110 for a special permit pursuant to Sections 7.3 and 9 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the alteration of the existing alignment of a portion of Normac Road and the reconstruction thereof to allow for additional flood storage and drainage improvements within the Floodway and Flood Plain District at 31 Olympia Avenue, 15, 20 and 23 Normac Road PUBLIC HEARING OPENED. A communication dated October 6, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Quincy Woburn LLC – 31 Olympia Ave, 15, 20, 23 Normac Rd. – To allow for alteration of the existing alignment of a portion of Normac Road and the reconstruction thereof and to allow for additional flood storage and drainage improvements within the Floodway and Flood Plain District pursuant to Section 7.3 and Section 9

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on October 6, 2009, the Board voted to forward a favorable recommendation to the City Council on the Special Permit application of Quincy Woburn LLC, regarding the properties at 31 Olympia Ave, 15, 20, 23 Normac Rd., subject to the following condition:

- 1, The Planning Board shall approve the landscaping plans and retain jurisdiction over the landscaping.

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 Joseph R. Tarby, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that on September 29, 2009 the Conservation Commission issued an Order of Conditions on the property, that the Planning Board has submitted a favorable recommendation, that the project provides for additional flood storage, and that there will be no new construction or development of the property except for the flood storage. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, 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 plan dated 7/10/09 shall be the plan of record, and 2. That the recommendations of the Planning Board and the Conservation Commission be adopted as conditions of the special permit, all in favor, 9-0.

On the petition by Robert Khouzami, 40 Overlook Road, Stoughton, Massachusetts for a special permit pursuant to Section 5.1.44 of the 1985 Woburn Zoning Ordinances, as amended, for auto repair in accordance with the previously approved special permit issued for the property on November 13, 2008 at 317 Montvale Avenue PUBLIC HEARING OPENED. A copy of a communication dated October 2, 2009 to Edmund Tarallo, Planning Director, was received from Brett F. Gonsalves, Senior Engineer as follows:

Subject: 317 Montvale Ave – Motor Vehicle Repair Special Permit – Special Permit Application Dated August 29, 2009

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

The applicant is seeking permission to allow and automobile repair facility at the above noted location. The location has a previously approved special permit for auto repair with conditions.

The attached plan shows the edge of pavement, parking space locations as well as the areas designated for a specific purpose (i.e. auto repair and employee parking).

The applicant should check with the plumbing inspector to determine if the building has sufficient interior drainage facilities for the intended. The applicant will also need to determine whether there is an MWRA oil/water separator on site? If so, what date was it last tested?

This information can be submitted prior to issuing any building permits and should not hold up the approval process.

This office takes no exception to the special permit application as submitted.

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

A communication dated October 6, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Robert Khouzami – 317 Montvale Ave – To allow automobile repair pursuant to Section 5.1.44

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on October 6, 2009, the Board voted to forward a favorable recommendation to the City Council on the Special Permit application of Robert Khouzami, regarding the property at 317 Montvale Ave., in accordance with all conditions imposed by the October 21, 2008 decision of the City Council except for condition #8 which shall be replaced by the following:

8. The special permit shall be issued to Robert Khouzami only and is not transferable.

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 petition was Attorney John D. McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 and he stated that the petitioner operates a gasoline station at the locus under a long-term lease with Getty, that in November 2008 a tenant began operating an auto repair business at the location, that the tenant has moved from the site, that the petitioner will put all operations under one management for the gasoline sales and auto repair service, that there will be a new special permit under the petitioner's name, that the conditions will remain the same except for Condition 8 which will be amended to reflect the petitioner's name, that all site conditions of the prior special permit were met before occupancy by the tenant, that any ongoing conditions such as location of parking and hours of operation are acceptable to the petitioner, and that the petitioner will hire a mechanic to work for him. The petitioner, Robert Khouzami, stated that the dumpster is located on a concrete pad and is enclosed by a fence. Alderman Mercer-Bruen stated that she has not had any issues with the operation. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the conditions as follows: 1. That all conditions of the Special Permit issued for the locus at 317 Montvale Avenue on November 13, 2008 to Fabio A. DeSouza, Petitioner, and Robert Khouzami, Getty Petroleum Market, Inc., Landowner, shall be adopted as the conditions of the special permit except for Condition

#8 which shall be amended to read “8. That the special permit shall be issued to Robert Khouzami only and is not transferable”, all in favor, 9-0.

On the petition by Alderman Michael Raymond, Alderman Darlene Mercer-Bruen and President Charles Doherty to amend the 1985 Woburn Zoning Ordinances, as amended, by establishing a new Section 24 entitled Wind Energy Facilities and changes to Section 2 Definitions as set forth in the petition [Note: A full recitation of the proposed zoning amendment can be found in the Journal for the City Council Regular Meeting of September 15, 2009 at Page 511. PUBLIC HEARING OPENED. Alderman Raymond stated that the proposed ordinance will be used as a building block to conduct feasibility studies which will determine which areas of the city would benefit from wind energy facilities, that applications for feasibility study grants will be commenced upon the adoption of this ordinance, that this work will not occur overnight but will be put in motion by the adoption of this proposed ordinance, that the ordinance is written for three types of wind energy devices, that in committee and along with the feasibility studies it will be determined where these devices should be located in the city, and that changes can be made for example the ordinance is written to limit two units to a building however based on the size and weight of the units more could be added to a building. Alderman Drapeau stated that this is a progressive piece of legislation, and that the proposal may produce revenue in the future. IN FAVOR: Attorney John D. McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 stated that he represents Chase Lynch of Barbizon Lighting, 3 Draper Street, Woburn, that the company has conducted a long process of investigation for wind energy use at their facility, that questions rose as to whether and where in the city wind energy facilities can be put in place, that units are low profile, that the units are omnidirectional as it catches wind from all directions, that the units operate quietly, that there will be low impact on abutting properties whether in residential or commercial areas, and that the ordinance will need some refinement as there appear to be some sections that are unclear. Attorney McElhiney offered photographs of wind energy facilities 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. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 17, 2009 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor 9-0.

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS: None.

NEW PETITIONS:

Petition by NSTAR Electric Company for a grant of right in a way to install conduit in Water Street northerly at pole 229/15 approximately 240 feet +/- west of Woburn Parkway a distance of about 36 feet +/- . Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Lowe's Companies, Inc., 15 Commerce Way, Woburn, Massachusetts 01801 for a special permit seeking an extension of the Landowner's Decision and Notice of Special Permits both dated September 4, 2008 allowing, in part, the storage of trailers for the collection of used appliances and pallets pursuant to Section 5.1, 57(a), Note 17 of the 1985 Woburn Zoning Ordinances, as amended, at 15 Commerce Way. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

A communication dated September 23, 2009 was received from Ralph Perelis, Project Executive, Campanelli Companies, One Campanelli Drive, Braintree, Massachusetts 02185 as follows:

Re: Special Permit for CFRI/CQ Woburn LLC, c/o Campanellit Companies Granted on December 4, 2007 – 8 Presidential Way, Woburn, MA

Dear President Doherty,

On December 4, 2007 the City Council granted a special permit for the redevelopment of our property located at 8 Presidential Way, Woburn, MA. I have attached a copy of this Special Permit for review. Certain improvements have been made and a marketing effort is underway; however, due to the current and challenging economic environment the project has not been completed. Therefore, we are requesting an extension of the above referenced Special Permit for an additional two year period.

We remain committed to this project and would appreciate your consideration in granting this extension. Please feel free to contact me if you have any questions. In addition, please notify me of any public meetings that we should attend related to this issue.

Respectfully, s/Ralph Perelis, Project Executive

Motion made and 2nd to suspend the rules to hear from the petitioner, all in favor, 9-0. Appearing for the petitioner was Ralph Perelis, Project Executive, Campanelli Companies and he stated that the petitioner was granted a special permit on December 4, 2007, that due to the decline in market conditions the petitioner has not achieved its objectives with the property, that the project is still viable and therefore requests an extension of the special permit, that the petitioner has added a new entry, signage, landscaping and a stone platform that marks the entrance to the property, that the exterior has been upgraded, and that curbside improvements have been made. Alderman Gately stated that this is a viable project located in a good area and that he supports the extension. Motion made and 2nd to return to the regular order of business, all in favor, 9-

0. Motion made and 2nd that the REQUEST FOR AN EXTENSION OF THE SPECIAL PERMIT GRANTED ON DECEMBER 4, 2007 TO CFRI/CQ WOBURN LLC FOR THE PROPERTY LOCATED AT 8 PRESIDENTIAL WAY FROM DECEMBER 4, 2009 UP TO AND INCLUDING DECEMBER 4, 2011 be APPROVED, 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 August 2009: number of parking violations issued 1,162, number of violations paid 609, number of violations outstanding 392, amount collected and submitted to the Office of the Collector \$39,372.40. There exists a backlog of 4,745 tickets for 1982 through 2008. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$7,205.00.

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 September 23, 2009 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the September meeting of the Council on Aging and the Director's report for the month of September. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of a communication dated October 2, 2009 to His Honor the Mayor Thomas L. McLaughlin was received from City Clerk William C. Campbell requesting an appropriation in the amount of \$54,000.00 for the purposes of funding the expenses of conducting a Special State Primary Election and a Special State Election to fill the vacancy in the office of United States Senator from Massachusetts. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated October 1, 2009 was received from Attorney John F. Dolan, Kopelman and Paige, P.C. relative to a review of civil service bypass standards and procedures in light of recent change in state Human Resources Division's approval process in appointments and promotions. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

- 2-1 Shamrock Elementary School Gymnasium,
60 Green Street
- 2-2 Shamrock Elementary School Gymnasium,
60 Green Street
- 3-1 Hurd Elementary School Gymnasium,
75 Bedford Road
- 3-2 Hurd Elementary School Gymnasium,
75 Bedford Road
- 4-1 Wyman Elementary School Auditorium, Main
Street and Eaton Avenue
- 4-2 White Elementary School, 36 Bow Street
- 5-1 Goodyear Elementary School Gymnasium
41 Orange Street
- 5-2 Goodyear Elementary School Gymnasium
41 Orange Street
- 6-1 Altavesta Elementary School Gymnasium,
990 Main Street
- 6-2 Altavesta Elementary School Gymnasium,
990 Main Street
- 7-1 Reeves Elementary School Gymnasium,
240 Lexington Street
- 7-2 Reeves Elementary School Gymnasium,
240 Lexington Street

s/President Doherty

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

Presented to the Mayor: October 9, 2009 s/Thomas L. McLaughlin Oct. 13, 2009

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

RESOLVED That His Honor the Mayor submit an appropriation in a sum sufficient to fund an appraisal to purchase land for intersection improvements at Burlington Street and South Bedford Street as requested by the Woburn Traffic Commission.

s/President Doherty

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

Presented to the Mayor: October 9, 2009 **s/Thomas L. McLaughlin Oct. 13, 2009**
with notation “subject to available
funds and applicable laws governing
such purchases”

ORDERED Be it Ordained by the City Council of the City of Woburn that the Zoning Map of the City of Woburn shall be further amended by establishing an overly district for a certain parcel of land as shown on a plan filed herewith to be known as the Commerce Way Corridor Overlay District as set forth in said plan; and

Be it further Ordained by the City Council of the City of Woburn that Section 23.2.2.1 of the 1985 Woburn Zoning Ordinances, as amended, be further amended be deleting the dashes between the words “CWCOD dated” and “and as may be amended” and inserting in its place the effective date of this ordinance.

s/President Doherty

Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING AND REFERRED TO COMMITTEE ON ORDINANCES, 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 8:12 p.m.

A TRUE RECORD ATTEST:

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