

**CITY OF WOBURN  
SEPTEMBER 4, 2012 - 7:30 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Gaffney	Raymond
Denaro	

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

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**MAYOR'S COMMUNICATIONS:**

ORDERED That the sum of \$2,640,221.88 be and is hereby appropriated as so stated from Debt Reserve Acct #648059-596100 \$2,640,221.88 to Debt Principal Acct #0171059-591000 \$1,645,000.00, Debt Interest Acct #0171059-591500 \$995,221.88.

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

s/President Denaro

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 9-0.

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**PUBLIC HEARINGS:**

On the petition by National Grid for a grant of right in a way to extend gas main 185 feet from Burlington Street on Thistle Road to serve 27 Thistle Road and 30 Thistle Road. Motion made and 2<sup>nd</sup> that the public hearing be opened, 8 in favor, 0 opposed, 1 abstained (Haggerty abstained). PUBLIC HEARING OPENED. A communication dated August 29, 2012 was received from Superintendent of Public Works John Duran as follows:

Subject: National Grid – Thistle Road

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

Motion made and 2<sup>nd</sup> that the communication from the Superintendent of Public Works be accepted and made part of the record, 8 in favor, 0 opposed, 1 abstained (Haggerty abstained). No one appeared for the petitioner. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, 8 in favor, 0 opposed, 1 abstained (Haggerty abstained). Motion made and 2<sup>nd</sup> that the GRANT OF RIGHT IN A WAY be APPROVED, AS AMENDED with the amendment as follows: 1. That the recommendations of the Superintendent of Public Works be made conditions of the grant of right in a way, 8 in favor, 0 opposed, 1 abstained (Haggerty abstained).

**Presented to the Mayor: September 7, 2012 s/Scott D. Galvin September 7, 2012**

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

Subject: National Grid- 857 Main Street

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

Appearing for the petitioner was Stephen DiLorenzo, Construction Supervisor and he stated that he has in-house crews who will do the work, that the petitioner will put a gas main into Main Street but the location has not been determined yet, and that there is a water main close to the curb as well as ductwork. Alderman Gately stated that the petitioner must be aware of other water main work in the area associated with another

project. Alderman Anderson stated that there should be a condition that the road be paved from curb to curb. Alderman Gately stated that the roadway is under the jurisdiction of the MassDOT, that requiring this petitioner to restore curb to curb paving with additional work that has to be performed for other projects also taking place in the area is unfair, and that the city will have no jurisdiction on Main Street but MassDOT will review the work. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, 8 in favor, 1 opposed (Anderson opposed). Motion made and 2<sup>nd</sup> that the GRANT OF RIGHT IN A WAY be APPROVED, AS AMENDED with the amendment as follows: 1. That the recommendations of the Superintendent of Public Works be made conditions of the grant of right in a way, all in favor, 9-0.

**Presented to the Mayor: September 7, 2012 s/Scott D. Galvin September 7, 2012**

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On the petition by Festival on Common, c/o Gary Fuller, 80 Arlington Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.75 of the 1985 Woburn Zoning Ordinances, as amended, to allow a festival on November 24, 2012 on Woburn Common. PUBLIC HEARING OPENED. Appearing for the petitioner was Kerri Murphy, Caulfield Road and she stated that the special permit is intended to determine the area under the control of the group, that it will allow the prohibition of outside vendors in the festival area, and that this is the sixteenth year of the festival. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor 9-0. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, all in favor, 9-0.

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On the petition by Alderman Darlene Mercer-Bruen concerning the structure or structures located at 34 Orange Street a/k/a 29 Hawthorne Street, Woburn, Massachusetts, for the purposes of determining whether said structure or structures are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. PUBLIC HEARING OPENED. A communication dated September 4, 2012 was received from Thomas C. Quinn, Jr., Building Commissioner as follows:

Re; 34 Orange Street a/k/a 29 Hawthorne Street

With regard to the above reference address which has been the subject of a nuisance hearing over the last few months, I have attached pictures dated today September 4, 2012 to show existing conditions. I have also included pictures dated May 3, 2012 as a comparison.

As of this time it appears viewing from the public ways the exterior grounds are more presentable than in previous site inspections. This dwelling to the best of my knowledge is not owner occupied and I have not had any communications with the owners to discuss

my previous concerns that were discussed at the last City Council meeting on August 14, 2012.

Motion made and 2<sup>nd</sup> that accept the communication and make it part of the record, all in favor, 9-0. Alderman Mercer-Bruen stated that she drove by the property and the property looks better than at the previous meeting. Appearing was Nicole Russo, 10 West Chardon Road, Winchester, Massachusetts and she stated that she is an owner of the property, that they have been taking steps to clean the property, that they have had issues with the tenants, and that notices sent to the tenants were returned by the U.S. Postal Service as unclaimed. Motion made and 2<sup>nd</sup> to receive and make part of the record two envelopes containing unclaimed mail addressed to Dan Oliveria, 27 Hawthorne Street, Woburn, Massachusetts 01801, all in favor, 9-0. Ms. Russo stated that they want the property cleaned and it is difficult to do so until the tenant is no longer residing at the property. Alderman Gately stated that nothing draws down a property than vehicles parked on the lawn, and that vehicles cannot continue to be parked on the lawn at the property. Ms. Russo stated that a lawyer has started an eviction proceeding, and that she does not know the hearing date. Alderman Mercer-Bruen stated that there is a question as to whether there can even be three units allowed at this property which is located in the R-2 zoning district, that she understands that health concerns keep Mr. Russo from attending this hearing, that it is time for the owner to become more aggressive with cleaning up this property as well as proceeding with the eviction proceeding, and that as owner Ms. Russo has some rights to clean the property. Ms. Russo stated that the tenant has been difficult to deal with, that people going onto the property have been threatened by the tenant, and that they want the property cleaned as well. Alderman Mercer-Bruen stated that she is concerned with fire issues, and that she will ask whether the Fire Department and Board of Health can inspect the property. Ms. Russo stated that she believes that the Board of Health has been to the property, and that she does not see why the Fire Department could not inspect the property. Alderman Gately stated that if the tenant is threatening the owners then a report should be made to the Police Department as that would assist with the eviction. President Denaro stated that the city's public safety officials can help if there are threats for the benefit of the neighborhood. Alderman Haggerty stated that the dumpster can be removed from the property now if it is full. Alderman Mercer-Bruen stated that the dumpster should then be returned to the property and be filled again, that Ms. Russo should appear at the next meeting, and that the landowners should contact the Police Department and Fire Department concerning the issues. Ms. Russo stated that she will attend the next meeting, and that she was not certain whether the eviction notice was served. Alderman DiTucci stated that there must be a significant effort on the site by the next meeting. PUBLIC COMMENTS: Mary Sinder, 4 Carter Road stated that her property abuts the subject property, that she has been concerned about the property but was also concerned about complaining, that the property may have been cleaned recently but it is still a mess, that she has stepped forward because others have, that the tenant has a burning pit and burns varied materials in it, and that the property owner had someone clean the property and took down a chicken coop from the property. Charles Coe, 3 Carter Road stated that the house was originally used as a chicken coop in the 1950s, that the property has been cleaned but there is still a lot of trash, that there is a construction trailer, that there are dozens of chairs on the property, that there is a stone burning pit,

and that the house does not look habitable. Susan Doherty, 33 Orange Street stated that coming forward to speak at these meetings makes it difficult with the tenant, that the dumpster has been on the property for a month, that the dumpster was filled in two days and never emptied, that there are unregistered vehicles on the property, that there is still a lot of trash on the property, that the tenant does burn and does strip metal at the property, that the property has been quieter in the past month, that there has been a history of bad tenants in the property, and that the owners do not live at the property but are ultimately responsible for the property. Erin Wilburne, 27A Orange Street stated that she lives across the street from the property, that the property is a mess, that there are a lot of people living in the building, that the tenant's commercial truck is parked all over the neighborhood, and that the property is an eyesore. Thomas Quinn, Woburn Building Commissioner stated that the property is in better condition than it was in May 2012, that the use of the property is primarily residential, that the property is located in the R-2 zoning district, that the current property owners were initially unresponsive to the city's efforts to remedy the property, that he asks that the matter remain open to see if the conditions improve if the tenant is evicted, that the building is located near the Goodyear School, that his office has issued zoning violation fines through the zoning code for unregistered vehicles, that the zoning fines were resolved through the court, that there are currently no outstanding signs, and that there are no unregistered vehicles on the property as viewed from the street. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR CITY COUNCIL MEETING ON SEPTEMBER 18, 2012, all in favor, 9-0.

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

Re: SECO Properties LLC – 57 Russell Street – To allow for two dwelling units above the first floor of an office building pursuant to Sections 5.1.5, 7.3, and 9

Dear Mr. Campbell and members of the City Council:

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

1. That the requirements of the Fire Department shall be complied with as part of this Special Permit;

2. That the parking shall be as shown on the Plot Plan dated July 24, 2012 by Keenan Survey; and
3. That a landscaping plan shall be provided to and approved by the Planning Board.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

Appearing for the petitioner was Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petition is to allow two dwelling units above a commercial first floor, that the property is located in the B-H zoning district, that a special permit is required, that the Planning Board forwarded a favorable recommendation with three conditions, that the units have to maintain carbon monoxide detectors as required by the Fire Department, that the property is currently a three-story commercial building with a commercial unit on the first floor, that two dwelling units would be established on the top two floors, that the property could be converted to condominium, that a restriction on transferability of the property would require a special permit before the property could be sold and the extensive special permit proceeding would have to be followed, and that a non-transferability condition will cause many problems from a conveyance point of view. Scott Seaver stated that the units will be 1,600 to 1,650 square feet in area, that these will be three-bedroom, two bath units, that the units appear larger than they are, that he intends to keep the property long-term, and that he owns other property in the city and he makes sure that the tenants premises can be inspected. President Denaro stepped down from the chair and Alderman Drapeau assumed the chair. President Denaro stated that these units appear to be the largest residential units in the city, that this is not an issue but there should be language that the landlord can inspect the property when necessary, and that it is not necessary to restrict the transferability of the property as the matter can be brought in under special permit review. Alderman Mercer-Bruen stated that a condition could be added that the special permit not be transferable. Alderman Gately stated that the sprinkler system should be metered from the commercial unit and not the residential units, that there should be meters installed in the residential units, and that a snowplow plan should be on file with the Department of Public Works. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the three recommendations of the Planning Board be adopted as conditions of the special permit, and 2. That a snowplow plan shall be filed with the Department of Public Works, 8 in favor, 1 opposed (Mercer-Bruen opposed).

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Alderman Drapeau stepped down from the chair and President Denaro assumed the chair.

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Alderman Haggerty recused himself from participating in the following matter and left the Council Chamber.

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

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

Dear Mr. Campbell and Members of the City Council:

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

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

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

Appearing for the petitioner was Attorney Shaun W. Briere, Mawn and Mawn, P.C., 275 Mishawum Road, Woburn, Massachusetts 01801 and he stated that this is an amendment of the Zoning Map relative to property located at 859 Main Street, that the overlay district only included a six-acre parcel, that the approved permit from January 2012 included a Parcel A containing 18,181 square feet and a Parcel C containing 29,973 square feet, that these were not included in the overlay district but were included in the approved plan, that the petitioner requests that the petition be approved to add these parcels to the project, that three will be four acres remaining, and that approval of this rezoning does not impeded the proposed parish center project. Alderman Mercer-Bruen stated that she would like information as to the status of the parish center project.

Alderman Raymond stated that at the time of the last conversation he had with the pastor of St. Anthony's Church there was no plan available for the parish center, that he wanted to show how the parish center fit the concept of the North Woburn improvements, and that the pastor did not state that the parish center would not be built just that there was no plan available. Alderman Gately stated that the City Council has not heard from the people who were pushing this process, and that this rezoning will not make or break the parish center. IN FAVOR: None. OPPOSED: Gerald Scalley, 18 Dartmouth Street stated that December will be the sixth anniversary of the first meeting of St. Anthony's Church regarding this project, that there is no word about the parish center, that the agent has had this property for six years and nothing has been done about the parish center, that the money from the sale of the property was to be given to the parish, that the land belongs to the parish center, that nine acres of land will be sold with three being reserved for the parish center, that only six acres were to be sold with six acres reserved for the parish center, that parishes are being consolidated, that the Archdiocese will not give the money to the parish, and that the land should be saved for the parish center. Motion made and 2<sup>nd</sup> that the public hearing be closed, 7 in favor, 1 opposed (Anderson opposed), 1 absent (Haggerty absent). Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, AS AMENDED with the amendment as follows: 1. That the recommendations of the Planning Board be adopted, 6 in favor, 2 opposed (Anderson, Mercer-Bruen opposed), 1 absent (Haggerty absent).

**Presented to Mayor on September 7, 2012 and ten days having elapsed without same being approved, said License became effective without his signature on September 18, 2012.**

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Alderman Haggerty entered the Council Chamber.

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Alderman Raymond recused himself from participating in the following matter and left the Council Chamber.

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On the petition by Scott Seaver, landowner affected by the change, to amend Section 25 Upper Main Street Overlay (UMS) District of the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Section B.1 Scope of Authority be amended by deleting the "250" and replacing with "200" so that said Section shall read as follows: "The Upper Main Street Overlay (UMS) District is hereby established as an overlay district. The UMS shall only be applied to properties zoned R-3 that have frontage along Route 38 (Main Street) of at least 200 feet and are at least 500 feet from the Wilmington Town line. Inclusion of any property into the UMS shall also require a zoning map change consistent with the rules and regulations of the Woburn Zoning Ordinance."; 2. Section F. Dimensional and Density Regulations, Paragraph 1, Lot area, frontage and yards, Minimum Lot Frontage be amended by replacing "250 feet" with "200 feet" so that said Section shall read as follows: "Lot area, frontage and yards. Minimum Lot Area: 4 acres, Minimum Lot Frontage: 200 feet, Minimum Front Yard Setback: 25 feet Minimum Side Yard Setback: 25 feet, Minimum Rear Yard Setback: 30 feet. PUBLIC HEARING



OPENED. A report was received from the Committee on Public Lands and Infrastructure as follows: "To accept Planning Board's recommendations." A communication dated August 9, 2012 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

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

Dear Mr. Campbell and Members of the City Council:

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

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

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

Appearing for the petitioner was Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that this is a minor change reducing the 250 foot reference to 200 feet ,and that there was no drainage to Main Street. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, 8 in favor, 0 opposed, 1 abstained (Raymond abstained). Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, AS AMENDED with the amendments as follows: 1. That the recommendations of the Committee on Public Lands and Infrastructure, the Committee on Ordinances and the Planning Board be adopted, 8 in favor, 0 opposed, 1 absent (Raymond absent).

**Presented to Mayor on September 7, 2012 and ten days having elapsed without same being approved, said License became effective without his signature on September 18, 2012.**

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Alderman Haggerty entered the Council Chamber.

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Motion made and 2<sup>nd</sup> for a one minute recess, all in favor, 9-0.

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President Denaro called the meeting back to order.

**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**FINANCE:**

On the communication from the City of Medford relative to Minuteman District School vocational costs, committee report was received "That the matter be received and placed on file." Alderman Drapeau stated that the committee tried to obtain information from the School Department concerning this matter but was informed that this is a much more complicated process than it appears, and that it is not that the committee does not support the effort but that it is complicated. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

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Motion made and 2<sup>nd</sup> to take the Order to appropriate the sum of \$15,999.50 from Traffic Safety & Infrastructure to Montvale-Washington Streets – Lights Account from the Committee on Finance, all in favor, 9-0. Alderman Drapeau stated that he did not have sufficient information in committee to make a decision on this matter, that the city received invoices for the money before the funds were approved, that the vendor did the work in good faith, that the work was completed property, that departments should always obtain the funding before incurring the obligation, and that he is not certain if the contractor is on the State contract list. Alderman Gately stated that a communication should be forwarded to the Purchasing Agent to clarify the difference in the process if this is under the State contract as opposed to the three bid process. Alderman Drapeau stated that he is certified in this area of procurement, that the prevailing wage has to be paid, that if another vendor protested then this vendor would have to prove prevailing wages were paid, and that three bids should have been obtained in this situation. Alderman Mercer-Bruen stated that the work needed to be done, that the money came from the appropriate mitigation account, that there was pressure to get the work completed because of congestion at the intersection, that the process for mitigation money has to be approved by the City Council, and that she understands emergencies but this should not regularly occur. Alderman Drapeau stated that the work was completed without the appropriation being approved by the city. Alderman Raymond stated that if the work was completed without an appropriation then the vendor does not get paid, and that he wants to know who authorized the work without an appropriation. Alderman Drapeau stated that it appears that the City Engineer approved the work. President Denaro stated that the City Engineer does not approve these expenditures. Alderman Drapeau stated that the correspondence is under the name of the City Engineer. Alderman Haggerty stated that the Superintendent of the Department of Public Works came before the City Council months ago about the work that would be done but an appropriation should have been approved then. Alderman Anderson stated that the job is done when the city appropriates the funds. President Denaro stated that this was an existing project and the work was add-ons. Alderman Drapeau stated that this is correct that it was an existing project and the work was add-ons. Alderman Mercer-Bruen stated that it is correct that

this was an existing project and the work was add-ons, that by way of special permit much of the work that would occur had been approved, that there was no malice or intent to skirt the process, that using the mitigation money was not done the proper way, and that if this was not the mitigation account she would not approve this appropriation nor would she approve further expenditures from mitigation in this manner. Alderman Gately stated that he agrees that this should have been done properly, and that he will not hold up the people who were asked to do the work however this cannot happen again. Alderman DiTucci stated that she wants to know how to avoid this situation in the future and who should be notified so that this does not occur in the future. President Denaro stated that a contingency is generally added to a contract for these type of projects. Alderman Drapeau stated that the main work was being done by the petitioner so there was no contingency for this work as the work was performed by the city at the culmination of the project, and that the invoice has not been paid yet because there was no appropriation. Alderman Anderson stated that without the appropriation the vendor receives nothing and has no cause of action against the city but there was no fault of the vendor here. Motion made and 2<sup>nd</sup> that the ORDER be APPROVED, all in favor, 9-0.  
**Presented to the Mayor: September 7, 2012 s/Scott D. Galvin September 7, 2012**

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**PUBLIC SAFETY AND LICENSE:**

On the petition by Stephen Allen dba Allen’s Antiques for a License to Purchase and Sell Second-Hand and Personal Articles of Value and Collectibles at 256 Salem Street, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.  
**Presented to Mayor on September 7, 2012 and ten days having elapsed without same being approved, said License became effective without his signature on September 18, 2012.**

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On the petition to transfer from CRP-2 Holdings Wildwood, LLC to Fairlane Wildwood, LLC of Inflammable License at 275 Wildwood Avenue, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.  
**Presented to Mayor on September 7, 2012 and ten days having elapsed without same being approved, said License became effective without his signature on September 18, 2012.**

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On the petition by Woburn Cab Co. Inc. for renewal of Livery License for three (3) vehicles at 100 Ashburton Avenue, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.  
**Presented to Mayor on September 7, 2012 and ten days having elapsed without same being approved, said License became effective without his signature on September 18, 2012.**

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On the petition by Woburn Cab Company Inc. for renewal of Taxi Cab License for twelve (12) vehicles at 100 Ashburton Avenue, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to Mayor on September 7, 2012 and ten days having elapsed without same being approved, said License became effective without his signature on September 18, 2012.**

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**NEW PETITIONS:**

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

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

Dear Mr. Campbell:

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

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

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

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

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

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

Alderman Mercer-Bruen stated that this is a change in plans and not a minor modification, and that she will not support this proposal as a minor modification under the ordinances. Alderman Anderson stated that this is not a minor modification under the ordinances, and that this is a good project but this matter had to go through the special permit modification process. Alderman Gately stated that the plan of record has the parking and sign noted, that the changes are not a big problem but this is not a minor modification, and that the petitioner should file a special permit petition to request the changes. Alderman Raymond stated that he supports the project but cannot support this as a minor modification. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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Petition by Metro PCS Massachusetts, LLC, 285 Billerica Road, Chelmsford, Massachusetts 01824 for a special permit pursuant to Section 5.1.80b of the 1985 Woburn Zoning Ordinances, as amended, to install one microwave dish and associated cabling at an existing wireless facility and seeks relief from Sections 5.6 and 11.5 of the 1985 Woburn Zoning Ordinances, as amended, at 44 Montvale Avenue. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING AT THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 2, 2012 and be referred to Committee on Special Permits, all in favor, 9-0.

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Petition by Salvatore Turco, 749 Boston Road, Billerica, Massachusetts 01866 for a special permit pursuant to Section 5.5 of the 1985 Woburn Zoning Ordinances, as amended, to fill greater than 100 cubic yard limit to allow for the construction of a single-family dwelling with associated driveway and utilities at property Off Silvermine Road identified on Woburn Assessors Map as Map 72, Block 2, Lot 59 and Map 72, Block 7, Lot 1. Alderman Gately stated that this may be a longer process as there are serious issues with fill at the location, that trees have already been removed, that the Conservation Commission issued a cease and desist order, and that additional information will be needed to review this matter. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING AT THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 16, 2012 and be referred to Committee on Special Permits, all in favor, 9-0.

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Petition by Robert C. McSheffrey, 878 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.23, 5.1.29, 7.3 and 13 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the alteration of the existing nonconforming use and structure to relocate the existing Mr. Charlie's from 891 Main Street to 880 Main Street, to allow for 47 parking spaces and for the alteration of the existing nonconforming pylon sign, all at 880 Main Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING AT THE REGULAR MEETING OF THE CITY

COUNCIL ON OCTOBER 16, 2012 and be referred to Committee on Special Permits, all in favor, 9-0.

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Petition by Robert C. McSheffrey, 878 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.45 and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the sale or rental of automobiles, trucks, truck trailers and motorcycles at 880 Main Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING AT THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 16, 2012 and be referred to Committee on Special Permits, all in favor, 9-0.

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Petition by SHP III Country Club, LLC d/b/a Brightview Country Club Heights, 3 Rehabilitation Way, Woburn, Massachusetts 01801 for a special permit to modify a special permit dated May 23, 1977 by altering the existing non-conforming use and structure as follows: 1. To allow for the conversion of sixteen (16) existing assisted living units to twenty-one (21) memory care units with 24 beds; 2. An increase of total units from 101 approved units to 104 units (83 assisted living units and 21 memory units); 3. The alteration of the existing structure to allow for a second floor deck; and 4. To allow for 49 parking spaces, at 3 Rehabilitation Way. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING AT THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 2, 2012 and be referred to Committee on Special Permits, all in favor, 9-0.

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Petition by Main Street Woburn RX, LLC, 300 Trade Center, Suite 7700, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.22c and 63a of the 1985 Woburn Zoning Ordinances, as amended, to allow for: 1. A retail establishment greater than 15,000 square feet of gross floor area, and 2. A Drive-up Customer Service Facility, at 1 School Street, 3 School Street, 13 School Street, 891 Main Street, 893 Main Street and 895 Main Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING AT THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 16, 2012, all in favor, 9-0.

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**COMMUNICATIONS AND REPORTS:**

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

When the Board of Assessor's completed the research, established procedures and determined policies for the exemption for National Guard members and Military reservists serving on active duty outside the United States, as a courtesy, I wanted to inform the Council of our decisions and answer any questions. The forum for that

presentation is certainly your prerogative and I welcome the opportunity to address the appropriate committee. We will make ourselves available for whatever date in September is convenient.

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO THE COMMITTEE ON LIAISON, all in favor, 9-0.

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

Re: Status Report

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

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

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

Thank you for your consideration of this request.

s/William C. Campbell, City Clerk and Chair

President Denaro stated that the Committee will only make a recommendation to the City Council and Mayor, that any further action will have to be made by the City Council and Mayor, and that there will be no changes in polling locations for this year's election.

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record the time by which the Ad Hoc Polling Place Review Committee shall file a final report with the City Council and Mayor and thereafter dissolve without further action is hereby extended up to and including October 2, 2012, all in favor, 9-0.

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A report dated August 17, 2012 entitled “Walnut Hill Parking Deck, Woburn, Massachusetts, Environmental Notification Form” was received from Allen & Major Associates, Inc., 100 Commerce Way, Woburn, Massachusetts 01888. Alderman Haggerty stated that the City Council should receive a further update on this project. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE and that a communication be sent to the Mayor and Planning Board request for an update of this project and information as to the project status, all in favor, 9-0.

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**UNFINISHED BUSINESS OF PRECEDING MEETING:** None.

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**APPOINTMENTS AND ELECTIONS:**

A communication dated August 23, 2012 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Peter V. Murphy, 3 Akeson Road, to the Woburn Golf and Ski Authority, subject to confirmation by the City Council with a term to expire Dec. 31, 2016.

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PERSONNEL, all in favor, 9-0.

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A communication dated August 14, 2012 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Thomas M. Skeffington, 9 Bamberg Drive, to the Woburn License Commission, with a term to expire on June 30, 2016; subject to approval by the City Council.

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



Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PERSONNEL, all in favor, 9-0.

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

Dear City Clerk Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Kevin Feeney, 161 Bedford Road, to serve on the Housing Authority Board, with term to expire on March 31, 2017; subject to confirmation by the City Council.

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PERSONNEL, all in favor, 9-0.

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

Dear City Clerk Campbell:

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

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PERSONNEL, all in favor, 9-0.

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

s/President Denaro

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PERSONNEL, all in favor, 9-0.

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**MOTIONS, ORDERS AND RESOLUTIONS:**

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

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

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

s/President Denaro

Alderman Gately stated that he made arrangements for the 26 Jefferson Avenue matter to be resolved and nothing was ever done by the licenseholder. Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, AS AMENDED, with the amendment as follows: 1. That the following be stricken from the Order “3. Global Companies LLC at 23 Pleasant Street aka 29 Pleasant Street -Failure to register”, all in favor, 9-0.

**Presented to the Mayor: September 7, 2012 s/Scott D. Galvin September 7, 2012**

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

s/President Denaro

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

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

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

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

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

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

Attached thereto was the following Order:

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

s/Alderman Raymond

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PUBLIC LANDS AND INFRASTRUCTURE, all in favor, 9-0.

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

s/Alderman Mercer-Bruen

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

**Presented to the Mayor: September 7, 2012 s/Scott D. Galvin September 7, 2012**

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Motion made and 2<sup>nd</sup> to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:09 p.m.

A TRUE RECORD ATTEST:

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