

Protection and License Committee

Chairman Infurna, McAteer-
Margolis, Brodeur, Forbes
Absent: Boisselle
Attending: Conn, Mortimer,
Seaboyer, Tramontozzi, Wright
In attendance: Building
Commissioner Paul Johnson

Protection and License called to order by Chairman Infurna at 7:06 p.m. Alderman Brodeur motions to open Public Participation, 2nd by Alderman McAteer-Margolis. All in favor. No one comes forward. Alderman Forbes motions to close Public Participation, 2nd by Alderman McAteer-Margolis. All in favor.

Order No. 08-082A, Requesting that the Board of Aldermen review the application for license renewal for RJM Motor Sales; license to expire on December 31, 2008

Chairman Infurna says this order was submitted in January and a public hearing was held on February 19. The order was remanded to committee after the public hearing.

Chairman Infurna defers to Ward 1 Alderman Tramontozzi.

Alderman Tramontozzi asks the committee to suspend the rules to have the Building Commissioner and the business owner come forward.

Alderman Brodeur motions to suspend the rules, 2nd by Alderman McAteer-Margolis. All in favor.

Chairman Infurna says the neighborhood was notified that this order would be on tonight's agenda.

Mr. Wu says after the public hearing, he knows he has to get a plot plan for Mr. Johnson. He says he has letters from surrounding businesses in support of him.

Alderman Tramontozzi says he wants to address the Ward 1 residents' concerns. He has spoken with Mr. Wu on several occasions expressing the concerns of the Board of Aldermen and the City with the number of cars parked on the property during daytime hours or overnight as well as the hours of operation. The license sets the number of cars allowed and the hours of operation. There is a concern that repairs are done after the hours of operation and that often times the lights are on in the garage until 9 or 10 p.m. Mr. Wu says he organizes his paperwork after hours; his business closes by 6 p.m. but he keeps the lights on to do his paperwork. Alderman Tramontozzi asks if he is telling the committee that 6 p.m. is the stop time of work being done on vehicles. Mr. Wu says yes. Alderman Tramontozzi asks if only paperwork is being done in the office after 6 p.m. Mr. Wu says yes. Alderman Tramontozzi asks the number of vehicles he has parked on the property. Mr. Wu says that some vehicles are dismantled and waiting for parts and can't be moved. Sometimes vehicles parked on the property do not belong to him. Neighbors ask to park on the property because the City has a parking ban. Alderman Tramontozzi tells Mr. Wu that he needs to speak with the Building Commissioner to set the allowed number of vehicles that may be parked on the property.

Mr. Wu says he will hire someone to do a survey of the property. Alderman Tramontozzi asks when he will do that. Mr. Wu says next week.

Building Commissioner Paul Johnson says a certified plot plan is the main issue. Alderman Tramontozzi asks how many cars the license currently allows. Mr. Johnson says eight cars total. Alderman Tramontozzi asks if that is contingent upon granting the license. Mr. Johnson says Mr. Wu needs to establish that he meets the zoning requirements. He needs parking spaces for Class II vehicles, cars being repaired and for employees; his father is there a lot. Alderman Tramontozzi asks if the license is for sales and repairs. Mr. Johnson says the license is for Class II only; he doesn't think the City issues licenses for repairs and the license was carried over from the previous owner. Alderman Tramontozzi asks Mr. Wu if he took the business over from the previous owner. Mr. Wu says yes, about 4½ years ago and he has never had a problem with the neighbors or blocking their vehicles. One neighbor has extra spaces and will let him park cars on his property. Alderman Tramontozzi says the concern is the number of vehicles on the lot and the hours of operation. He says he certainly appreciates his business but the City needs him to cooperate with the Building Commissioner.

Alderman Brodeur says it is his memory that the original concern was that too many cars on the lot posed a fire safety issue. The Board of Aldermen made the license conditional on the number of vehicles allowed. The best thing to do is to recodify that.

Alderman Forbes says summertime is coming and asks if he will continue to stop working at 6 p.m. Mr. Wu says yes. Alderman Forbes asks if he uses an air compressor for power tools. Mr. Wu says no. Alderman Forbes asks Mr. Johnson if no license has been issued for repairs. Mr. Johnson says the license is for Class II Motor Sales. Alderman Forbes says it has to be signed off by the Fire Department.

Alderman Seaboyer asks if the parking spaces are already marked. Mr. Wu says they are faded and the property owner will pave and repaint them. Alderman Seaboyer asks if an 8 car limit and an offsite location to park cars are adequate for his business. Mr. Johnson says using an offsite location to park cars falls outside the parameters of the zoning ordinances.

President Conn tells Mr. Wu that the license is not a guideline of what the City would like to happen; it is what he is allowed to do. He says if Mr. Wu is licensed for 8 vehicles and he has 11, he is not in compliance with the license. He has to comply with the terms of the license. He tells Mr. Wu that he seems like a nice man but if people complain the City has to respond. He asks Mr. Wu to please comply with the number of cars and the hours of operation allowed by his license.

Alderman Forbes asks if the license allows for 8 vehicles outside and 2 inside the garage or 6 outside and 2 inside. Mr. Johnson says the license allows a total of 8, and that is why he needs a plot plan. It's a mixed use with auto repair and auto sales and the property has to be plotted out.

Alderman McAteer-Margolis asks Mr. Johnson if the number of cars could change once he receives the plot plan. Mr. Johnson says yes. Alderman McAteer-Margolis asks if Mr. Wu's vehicle would be included in the total number allowed. Mr. Johnson says he will look only at the number of spaces on the lot once he gets the plot plan.

Alderman Brodeur motions to recommend pending the Building Commissioner's receipt of a plot plan, and limiting the number of cars to 8, 2nd by Alderman Forbes. All in favor.

Alderman McAteer-Margolis asks if the committee is approving to increase the hours of operation to 6 p.m.

Alderman Brodeur motions to amend the hours of operation to 8 a.m. to 6 p.m., 2nd by Alderman McAteer-Margolis. All in favor.

Alderman Brodeur moves to recommend as amended, 2nd by Alderman Forbes. All in favor.

Alderman Brodeur motions to adjourn, 2nd by Alderman Forbes. All in favor.

Protection and License adjourns at 7:28 p.m.

Health, Education and Welfare Committee

Chairman McAteer-Margolis,
Forbes, Brodeur, Infurna
Absent: Boisselle
Attending: Conn, Mortimer,
Seaboyer, Tramontozzi, Wright

Health, Education and Welfare called to order by Chairman McAteer-Margolis at 7:39 p.m. Order No. 08-194, REAPPOINTMENT Of: Dr. Joseph DiPietro, 1057 Main St #5, Wakefield, MA To: Board of Health Term to expire the first Monday of March 2011

Alderman Brodeur moves to recommend, 2nd by Alderman Infurna. All in favor.

Alderman Infurna says she would like to thank Dr. DePietro for all the work he has done on the Board of Health.

Alderman Brodeur motions to adjourn, 2nd by Alderman Infurna. All in favor.

Health, Education and Welfare adjourns at 7:31 p.m.

Public Works Committee

Chairman Forbes, Infurna, Brodeur,
McAteer-Margolis
Absent: Boisselle
Attending: Conn, Mortimer,
Seaboyer, Tramontozzi, Wright
In attendance: Building
Commissioner Paul Johnson

Public Works called to order by Chairman Forbes at 7:31 p.m. Order No. 08-199, Be it ordered that the Building Inspector investigate whether the storage of construction equipment on a vacant lot on 160 Green Street constitutes a violation of the Zoning Ordinances of the City of Melrose. Said storage is prohibited in all zoning districts other

than I and BB, BBI, see attached table of uses. In the event that the Building Inspector agrees that there is a violation, he should initiate an enforcement action forthwith. (AL-2)

Chairman Forbes says there is a letter of Final Notice dated 31 March 2008 from the Building Commissioner to the owner of the construction company.

As the maker of the order, President Conn says the members of the Board of Aldermen know that the existing building was razed to a vacant lot over two years ago. This matter was brought to the Board a couple of times in the past two years. The gentleman left a large backhoe on the lot for the past two years. The gentleman, through counsel, said he was grading the lot. In the words of former Alderman Henry Hooton, President Conn says "I was born at night but not last night." Zoning ordinances prohibit storing of heavy equipment in that area. The Board of Aldermen has nicely and not so nicely asked him to remove the equipment and he has not done so. President Conn thanks Mr. Johnson for issuing the final notice. He thinks it is appropriate to take legal recourse and collect on the fines. He says the Board tried to take this approach last year and suggests they go forward with Mr. Johnson's demand.

Alderman Brodeur motions to suspend the rules, 2nd by Alderman Infurna. All in favor.

Chairman Forbes reads the letter into the record.

Alderman Brodeur asks Mr. Johnson where things stand. Mr. Johnson says he did not attach the letter dated 25 April 2008, extending the deadline to Monday, 7 April 2008. At that time he will visit the site with the City Solicitor and if the equipment is not removed the City will take action at Malden District Court. Alderman Brodeur asks if the situation has not changed. Mr. Johnson says the contractor has not moved the equipment since November. Alderman Brodeur asks if the City has heard from him at all. Mr. Johnson says he received a response today. Alderman Brodeur asks what the contractor said. Mr. Johnson says it was not pleasant; he disagreed with the City's opinion and said he would have his attorney look at it. Alderman Brodeur says it is fair to say he will not remove the equipment by Monday – it's been two years. It's frustrating to the Board of Aldermen and the Planning Board and the Zoning Board of Appeals who have tried to take properties in Melrose and make them better. It would be nice if the contractor played by the rules. He tells Mr. Johnson that he appreciates his work on this.

Alderman McAteer-Margolis asks if it is Mr. Johnson's intent to seek damages for the past year if the equipment is removed by Monday. Mr. Johnson says he'll have to speak with Attorney Van Campen. Alderman McAteer-Margolis says her recollection of the initial concern with the Planning Board was that he would have to supply a screen for the fence surrounding the property and he has not complied with that. Mr. Johnson says it is well overdo and he would suspect the City will go after the fines. Alderman McAteer-Margolis says it was a good project and has been a big disappointment for the neighborhood. She appreciates Mr. Johnson taking action on this.

Alderman Brodeur asks if the fence is a courtesy to the neighbors or a building code requirement. Mr. Johnson says it is well within the City's rights to ask the contractor to put up a fence.

Alderman Brodeur motions to place the order on hold, 2nd by Alderman McAteer-Margolis. All in favor.

Alderman Brodeur motions to adjourn, 2nd by Alderman McAteer-Margolis. All in favor.

Public Works adjourns at 7:45 p.m.

Maribeth Harrington
Clerk of Committees