

**COMMITTEE ON ORDINANCES, CHARTER AND RULES  
MONDAY, FEBRUARY 22, 2021 AT 6:34 P.M.  
VIRTUAL MEETING**

Voting members participating remotely: Chairman Michael Concannon, Alderman Darlene Mercer-Bruen, Alderman Edward Tedesco, Alderman Joseph Demers, and Alderman Jeffrey Dillon

Non-voting members present: Alderman Robert Ferullo, Alderman Richard Gately, Alderman Joanne Campbell, and President Lindsay Higgins

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**Reading of previous meeting minutes:** Motion made by Alderman Tedesco and seconded by Alderman Demers to approve the minutes of the meeting of February 8, 2021: Roll call – Alderman Demers, aye; Alderman Dillon, aye; Alderman Mercer-Bruen; aye; Alderman Tedesco, aye; Chairman Concannon, aye; all in favor, 5-0.

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**Petition by Alderman Tedesco to amend the 1985 Woburn Zoning Ordinances, as amended, by adding a new Section 2 Definitions “Pet Recreation and Pet Day Care Facility”, new line 5.1.35b Pet Recreation and Pet Day Care Facility less than or equal to 5,000 sq. ft. by right use in I-P, IP-2, I-G and B-I, new line 5.1.35c Pet Recreation and Pet Day Care Facility greater than 5,000 sq. ft. special permit use in I-P, IP-2, I-G and B-I, and new note 28 in Section 5.1:** Chairman Concannon said Alderman Tedesco has implemented some changes to the draft of the ordinance. Motion made by Alderman Tedesco and seconded by Alderman Demers to accept and make part of the permanent record a “red line” copy of the proposed ordinance; Roll call – Alderman Demers, aye; Alderman Dillon, aye; Alderman Mercer-Bruen; aye; Alderman Tedesco, aye; Chairman Concannon, aye; all in favor, 5-0. Alderman Tedesco said the red line version contains additional revisions. He said City Solicitor Ellen Callahan Doucette adjusted some of the bullet points. He said the City Council should be making the determination about whether a special permit is required rather than the use being allowed by ordinance. He said he spoke to Alderman Mercer-Bruen and that led to same changes to the by-right language. He said he has also spoken to the Building Commissioner and the City Solicitor about the 500-foot buffer requirement. He said the distance would be measured from the zoning district line. He said, for instance, if the dog day care facility had an outdoor area, it would have to be 500 feet from the property line rather than from building to building. Alderman Mercer-Bruen said she and Alderman Tedesco spoke at length. She suggested sending the matter back for action so the Planning Board can review it again. She said there are still a few things that concern her and she is worried the council may be opening a can of worms by passing this. She said she does not think dog day care facilities are terrible. She said this ordinance does not allow overnight facilities. She said she wants to make sure the council is protecting residents. She said she will suggest sending the matter back for action with the changes made by Alderman Tedesco. Alderman Tedesco said the council can act on Tuesday because the Planning Board has already made a recommendation. Chairman Concannon asked if anyone else on the committee wished address the committee about the ordinance. There were no respondents. Chairman

Concannon said the committee can open the discussion to any member of the council not on the committee. Motion made by Alderman Tedesco and seconded by Alderman Demers to allow any member of the council not on the committee to speak; Roll call – Alderman Demers, aye; Alderman Dillon, aye; Alderman Mercer-Bruen; aye; Alderman Tedesco, aye; Chairman Concannon, aye; all in favor, 5-0. Alderman Gately said he wants to know how many dogs will be in each facility. Alderman Tedesco explained the 500-foot buffer zone with a graphic. He used School Street in an R-1 zoning district as an example. He said the dog day care facility has to be at least 500 feet not from a residential structure but rather from the property line. Alderman Mercer-Bruen asked if the Building Commissioner concurs with that rationale. Alderman Tedesco said he does. Alderman Campbell said she did not get a red line version of the ordinance. She asked if one of the changes was allowing dog day care facilities by special permit in different zoning areas. Alderman Tedesco said the council has to allow the use by right in some zoning districts. He said there will be a maximum number of 15 dogs in a by right facility. Alderman Campbell said she reviewed the Table of Use regulations in the zoning ordinance and said there are a number of uses that are allowed by special permit only, including gas stations and helicopters pads. She said she is not sure why the City Solicitor recommended there must be by right and special permit options. Alderman Tedesco said that is the law. Alderman Campbell asked if the council will have to go through the Table of Use regulations and amend every use that is allowed by special permit only. Alderman Tedesco said he cannot speak to that. Chairman Concannon said the committee can send a communication to the City Solicitor asking about the issue that has been raised by Alderman Campbell, but that issue is not before the committee tonight. Alderman Campbell said the idea that there must be a by right use as well as a special permit requirement affects everything in the zoning code. Alderman Tedesco said the committee has to stay on topic with what was posed on the agenda. Alderman Campbell said this discussion is within the confines of the topic that was posted. Chairman Concannon said the only item that was posted on the agenda was the dog day care facility ordinance. He said it is appropriate to ask the City Solicitor for future guidance since a broader discussion of by right and special permit uses was not posted on the agenda. Alderman Campbell said she would like her colleagues to take a look at the Table of Use regulations. She said the committee has received an opinion from the City Solicitor indicating that a use allow by special permit has to be offset by a by right use. She said at least one-third of the uses in the city are allowed by special permit only. She said either the law changed or the council has to do a lot of work. Chairman Concannon said the committee can take a look at what Alderman Campbell is suggesting and ask the City Solicitor for some guidance, but that has to be a separate discussion. Alderman Campbell said she has a couple of issues with the dog day care ordinance. She said she is not against it, but the definition sounds exactly what is in the zoning ordinance for a kennel. Alderman Tedesco said the proposed ordinance does not allow overnight boarding. Alderman Campbell said if you read the ordinance for kennels, it is very similar. Chairman Concannon said pets will be picked up from day care facilities at the end of the day. Alderman Campbell also referenced the section of the proposed ordinance that allows a maximum of 15 dogs in a facility less than 5,000-square-feet. She said 15 dogs can be loud, and the sound is going to travel. She said if the council is going to allow dog day care facilities, it should reduce the number of dogs that are allowed on-site. Motion made by Alderman Tedesco and seconded by Alderman Demers to return to the regular order of business; Roll call – Alderman Demers, aye; Alderman Dillon, aye; Alderman Mercer-Bruen; aye; Alderman Tedesco, aye; Chairman Concannon, aye; all in favor, 5-0. Motion made by Alderman Tedesco to amend the proposed zoning ordinance to allow a maximum of 12 dogs

in a dog day care facility less than 5,000-square-feet; and that there shall be no dogs on site before 7 a.m. or after 7 p.m. Alderman Mercer-Bruen asked if the committee would consider limiting the number of dogs to 10 in a facility less than 5,000-square-feet. Alderman Tedesco said he will amend his motion to allow a maximum of 10 dogs in a facility less than 5,000-square-feet. Motion made by Alderman Tedesco and seconded by Alderman Demers that the matter be sent “back for action” with the following amendments: That the maximum number of dogs allowed in a pet day care or pet recreation facility less than 5,000-square-feet be 10; that no animals be allowed on the premises of a pet day care or pet recreation facility before 7 a.m. nor after 7 p.m.; and that the amended draft of the proposed ordinance be sent to the City Solicitor for review. Alderman Mercer-Bruen suggested also sending the amended draft to the Planning Board for review and comment. Motion made by Alderman Tedesco and seconded by Alderman Demers to amend the motion to read: Motion made by Alderman Tedesco and seconded by Alderman Demers that the matter be sent “back for action” with the following amendments: That the maximum number of dogs allowed in a pet day care or pet recreation facility less than 5,000-square-feet shall be 10; that no animals shall be allowed on the premises of a pet day care or pet recreation facility before 7 a.m. nor after 7 p.m.; and that the amended draft of the proposed ordinance be sent to the City Solicitor and Planning Board for review and comment; Roll call - Alderman Demers, aye; Alderman Dillon, aye; Alderman Mercer-Bruen; aye; Alderman Tedesco, aye; Chairman Concannon, aye; all in favor, 5-0. Alderman Mercer-Bruen said she still wants to do some research. She said in particular she wants to know if any other uses under 5,000-square-feet are allowed by right. Chairman Concannon said the council can offer amendments when the public hearing resumes on March 2.

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**MOTION** made by Alderman Tedesco and seconded by Alderman Mercer-Bruen to adjourn: Roll call – Alderman Demers, aye; Alderman Dillon, aye; Alderman Mercer-Bruen; aye; Alderman Tedesco, aye; Chairman Concannon, aye; all in favor, 5-0. Chairman Concannon adjourned the meeting at 6:57 p.m.