

**CITY OF WOBURN**  
**July 13, 2021 – 6:30 P.M.**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**COUNCIL CHAMBER, WOBURN CITY HALL**

Roll Call

Campbell	Ferullo
Concannon	Gately
Demers	Lannan
Dillon	Mercer-Bruen
Tedesco	

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VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE.

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**MAYOR'S COMMUNICATIONS:**

Capital Budget FY 2022.

**ORDERED** That the sum of \$3,738,435.00 be and is hereby transferred as so stated from Stabilization Fund Acct# 704059-591600 to Various Capital Projects See Attached Breakdown \$3,738,435.00.

I hereby recommend the above: s/Scott D. Galvin, Mayor  
I have reviewed the above: s/Charles E. Doherty, City Auditor

s/President Tedesco

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A communication was received from His Honor Mayor Galvin dated July 8, 2021 as follows:

In accordance with the provisions of M.G.L. c. 44 §53A, I am requesting that the City Council vote to accept Woburn's eligible grant share of funds provided by The American Rescue Pan Act of 2021 (ARPA) through the new Coronavirus Local Fiscal Recovery Fund (CLFRF) to respond to acute pandemic response needs and fill revenue shortfalls.

The CLFRF allocates approximately \$3.4 billion to counties and municipalities in Massachusetts. Woburn's municipal allocation is \$4,210,607 and our Middlesex county Share is \$7,813,817. Payments will be distributed through the MA Department of Revenue Division of Local Services (DLS).

CLFRF funds may be used to:

- Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, and behavioral healthcare, and certain public health and safety staff;
- Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
- Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
- Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in crucial infrastructure sectors; and,
- Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and storm water infrastructure, and to expand access to broadband internet.

I will be available to discuss the matter at the Council’s Tuesday meeting.

Sincerely, s/Mayor Scott D. Galvin

**ORDERED**

Be it Ordained by the City Council of the City of Woburn that the Mayor be and is hereby authorized to accept on behalf of the City of Woburn, the City’s eligible grant share of all funds provided by The American Rescue Plan Act of 2021 (ARPA) through the new Coronavirus Local Fiscal Recovery Fund (CLFRF).

s/President Tedesco  
Per Request of the Mayor

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A communication was received from His Honor Mayor Galvin dated July 8, 2021 as follows:

I am pleased to announce that the city of Woburn will be acquiring 12 acres of land known as the “Shake Glen Extension” adjacent to the 20 acre Shake Glen conservation area from NNA Associates, managed by the DeMoulas family.

The city offered to purchase the land for the assessed value, which recently appraised at \$600,000. The DeMoulas family, who are well known for their charitable efforts, favored the city’s plan to obtain the parcel for conservation and storm water management purposes and instead offered to charitably donate the valuable property to the city. We have agreed that the donated land will be restricted to conservation and storm water purposes in perpetuity.

This generous donation will allow the city to move forward with the \$2 million grant funded Shaker Glen Extension and restoration project, which will increase the Shaker Glen conservation area to 31.6 acres, create 75,000 square feet of wetland habitat, 20,000 square

feet of treatment area for storm water runoff and help us become more resilient to climate change.

To that end I am requesting the City Council approve the attached order, and authorize me to accept the donation of the parcel of land located off Russell Street consisting of 12.05 ± acres of land from NNA / DeMoulas.

Sincerely, s/Scott D. Galvin, Mayor.

**ORDERED**

Be it Ordained by the City Council of the City of Woburn that the Mayor be and is hereby authorized to accept from NNA Associates, for conservation and stormwater management purposes, a parcel of land located off Russell Street consisting of 12.05 ± acres of land, identified by the Assessor's office as Parcel ID 65-13-10, and described in a deed recorded with the Middlesex South Registry of Deeds, Certificate of Title no. 20453, shown as Lots 217 and 218 on Land Court Plan no. 5711-15, consisting of 12.5 acres of land, more or less, and that the Mayor be authorized to execute any and all documents which are necessary to acknowledge such acceptance on behalf of the City of Woburn.

s/Alderman Lannan  
Per Request of the Mayor

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**ORDERED**

Be it Ordained by the City Council of the City of Woburn that the Mayor be and is hereby authorized on behalf of the City of Woburn to grant a Street Widening Easement over the former Stoneham Branch, now known as the Tri-Community Bikeway, to Montvale Land, LLC, as shown on a plan attached hereto and marked Exhibit B to said Street Widening Easement, such easement to be used for the sole purpose of widening and reconstructing Hill Street, and that the Mayor be authorized to execute any and all documents necessary to effectuate the grant of such easement.

s/President Tedesco  
Per Request of the Mayor

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**ORDERED**

Be it Ordained by the City Council of the City of Woburn, that the Woburn Municipal Code, as amended, be further amended by revising Title 2, Article XVIII, Compensation of Officers and Employees as follows (deletion in ~~strikethrough~~, revision in **bold**):

2-180 Base Salaries

Reserve police officers, per hour ..... \$ 18.00  
**\$24.04**

and that such increase be effective July 1, 2021.

s/President Tedesco  
Per Request of the Mayor

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**NEW PETITIONS:**

Petition by Woburn Host Lions Club for special event permit for a road race at Horn Pond and area streets on October 17, 2021.

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Woburn Host Lions Club and Festival on the Common for special event permit to allow festival on Woburn Common and surrounding streets on November 27, 2021.

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Blues for Veterans for special event permit to allow concert at Library Field September 18, 2021.

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Petition by Musto Jewelers, 186 Cambridge Road, No. 9, for renewal of Secondhand Dealers and Secondhand Collectors License.

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Petition by 120 Commerce Apartments, LLC for a new flammable license, Class 1 Liquid, at 120 Commerce Way.

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Petition by Lightning Express, for a special permit to park eight (8) vehicles overnight at 215 Salem Street.

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Petition by CONTINUUS Pharmaceuticals, Inc. to amend a special permit previously granted on March 6, 2018, to allow a pharmaceutical facility with over 15,000 square feet of light manufacturing at 32 Cabot Road.

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Petition by AVFX LLC for a special permit to allow for overnight parking of four (4) commercial vehicles at 9 Micro Drive.

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A communication dated July 8, 2021 was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Concept Plan Review Application of Cabot, Cabot & Forbes LLC, 0 New Boston Street, Woburn, Massachusetts

Dear Ms. Higgins:

Please be advised that this office represents Cabot, Cabot & Forbes LLC in connection with the above-referenced Concept Plan Review Application (the "Applicant"). Pursuant to Section 23.3.3.6 Concept Plan Submission Criteria of the 1985 City of Woburn Zoning Ordinance as amended, I hereby submit an Application for a CWCOD Concept Plan Review. Since it has been over one (1) year since the original Application was filed with the City Council, Section 23.4.4.4 requires the Application to be re-submitted.

Pursuant to Section 3.3.2, this matter is required to be reviewed by the Concept Plan Review Committee consisting of 3 members of the City Council and two members of the Planning Board. I am enclosing twenty copies of the Concept Plan Review Application (City Council -10 copies; Planning Board – 8 copies; City Engineer – 2 copies).

In addition I have enclosed a copy of the Treasurer's Certificate that has been filed with the City Treasurer's office. Please contact me at your earliest convenience to discuss the scheduling of a meeting of the Concept Plan Review Committee. If you need any further information please do not hesitate to contact me. Thank you.

Very truly yours, s/Joseph R. Tarby, III

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Petition by Pulte Homes of New England LLC request for minor modification for special permit at Hill Street. A communication dated June 24, 2021 was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Request for Minor Modification to Landowner's Decision and Notice of Special Permit/Pulte Homes of New England LLC, Hill Street, Woburn, Massachusetts (the "Decision")

Dear Lindsay:

Please be advised that I represent Pulte Homes of New England LLC in connection with the above-referenced matter. On behalf of my client I respectfully request that the Site Plan of recorded referenced in the Decision be replaced with the plan filed with this request entitled “Site Plan for Highland at Vale, Multifamily Community, Technology and Business Overlay District (TBOD), The Vale, Woburn, Massachusetts” consisting of Sheet No. 1 dated April 30, 2020, revised March 30, 2021; Sheet No. 2 dated April 30, 2020, revised March 30, 2021; Sheet No. 3 dated April 30, 2020, revised March 30, 2021; Sheet No. 4 dated April 30, 2020, revised March 30, 2021; Sheet No. 5 dated April 30, 2020, revised March 30, 2021; Sheet No. 6 dated April 30, 2020, revised March 30, 2021; Sheet No. 7 dated April 30, 2020, revised March 30, 2021; Sheet No. 8 dated April 30, 2020, revised March 30, 2021; Sheet No. 9 dated April 30, 2020, revised March 30, 2021; Sheet No. 10 dated April 30, 2020, revised March 30, 2021; Sheet Nos. 11-18 dated April 30, 2020, revised March 30, 2021; Sheet No. 19 dated April 30, 2020, revised March 30, 2021; Sheet No. 20-28 dated April 30, 2020, revised March 30, 2021; Sheet Nos. V-101-V104 dated April 13, 2020; Sheet No. L1.0 dated April 30, 2020, revised March 30, 2021; Sheet Nos. L1.1 – L1.2 dated April 30, 2020, revised March 30, 2021; Sheet No. L2.0 dated April 30, 2020, revised March 30, 2021; and Sheet Nos. A-1 – A-27 dated April 30, 2020; prepared by Civil Design Group, LLC, 21 High Street, Suite 207, North Andover, MA 01845 (the “Revised Plan”).

I have included herewith ten (10) half size copies and one (1) full size copy of the Revised Plan along with a Memorandum from Civil Design Group LLC dated June 10, 2021 outlining the list of minor revisions to the plan.

Section 11.12 of the 1985 City of Woburn Zoning Ordinance entitled Modification of Special Permits defines a “Minor Modification” as follows:

A Minor Modification is one which will result in insignificant changes to the project. The following changes are examples of revisions that may be deemed to be Minor Modifications by the SPGA for purposes of this section (this list is not intended to be inclusive):

1. Minor adjustments in the location of buildings.
2. Minor adjustments to parking, landscaping or other site details that do not affect the overall buildout of the site;
3. Reductions of less than five percent (5%) in the amount of landscaped usable open space.
4. Minor adjustments that do not affect the number of housing units;
5. Minor adjustments that do not materially affect any housing units set aside as affordable housing units.
6. Minor adjustments to interior building floor plans that do not increase the number of required parking spaces.
7. Minor adjustments to approved façade plans and building elevations.
8. Minor adjustments to underground utility infrastructure.

The revisions shown on the Revised Plan are minor adjustments to site details including minor grading and drainage adjustments that do not affect the overall buildout of the site. In addition the Revised Plan has incorporated 51 more trees and 90 more shrubs into three areas of the site behind Building 3 and along Sunset Road.

On behalf of my client I respectfully request that the City Council approve the revisions to the Revised Plan as a minor modification. If you need any additional information please contact me. Thank you.

Very truly yours, s/ Joseph R. Tarby, III

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Petition by 285 Locust Street LLC to request a minor modification of special permit with respect to modifications for proposed island and signage illumination at 25 Locust Street. A communication dated July 7, 2021 was received from Attorney Mark T. Vaughan, Reimer & Braunstein LLP, 700 District Avenue, Burlington, Massachusetts 01803 as follows:

Re: 285 Locust Street LLC/285 Locust Street, Woburn, Massachusetts

Dear President Tedesco and Members of the City Council:

This office and the undersigned represent 285 Locust LLC (“Property Owner”) concerning the captioned property as it relates to the forty-one (41) unit rental townhouse development (“Project”), referred to as “Townhomes at 285” and located at 285 Locust Street, Woburn, Massachusetts (“Premises”).

In connection with this Project and the associated Special Permit Decision issued by the City Council, the Property Owner is seeking City Council authorization pursuant to Section 11.12 Modification of Special Permits of the Zoning Ordinance to amend the associated site plans to address insignificant changes to the approved Project. Said changes include improvements to the internal site driveway and modifications to the method of illumination associated with the Project signage. These proposed modifications are minor in nature and will not impact the overall buildout of the site nor will they result in a material decrease in overall landscaping.

As approved, the Project driveway included a centralized landscaped island proximate to the main entrance which was edged with sloped granite curbing. Based on a further analysis of this design by the Project Engineer, RJ O’Connell, it has been determined that larger trucks (including those typically used for residential moving) would protrude into the landscaped island when circulating through the driveway resulting in damage to potentially both the vehicles and the island itself. As this condition would impact circulation on the Premises, the Property Owner has proposed to replace the landscaped island with flush granite stones to provide safer passage while providing visual and textural demarcation of the lanes. There will be no impact to the lane width as a result of this modification. In addition, the Property Owner has completed the design of the Project signage which is proposed to be internally illuminated versus the use of ground level spot-light fixtures previously proposed. The

Property Owner feels that this design modification is more aesthetically appropriate for the location and minimizes impacts to the illumination from landscaping activities and seasonal snow removal.

As both of the denoted plan modifications are modest in nature and do not impact the overall intent of the Project design, we would respectfully request that the City Council review and approve the proposed changes through the Insignificant Change provisions.

Enclosed for your consideration of this request please find ten (10) copies of the following materials:

1. Record Special Permit decision and associated Site Plan;
2. Proposed island modifications detailed on the following plans:
  - a. "Entrance Modification Sketch, 285 Locust Street, Woburn, MA" dated May 26, 2021, prepared by RJ O'Connell & Associates, Inc. consisting of two sheets identifying WB-40 and WB-50 Truck Turning Plans; and,
  - b. Entrance Modification Sketch Details, 285 Locust Street, Woburn, MA" dated May 26, 2021, prepared by RJ O'Connell & Associates, Inc.; and,
3. Proposed signage illumination modifications detailed on the following plans:
  - a. "Duffy Properties, 285 Locust Street – Woburn MA" dated November 19, 2020 consisting of two (2) sheets drawing numbers 20-2324-1.1 and 20-2324-1r3.
  - b. Signage rendering plan.

It would be appreciated if this request could be scheduled for the City Council meeting of July 13<sup>th</sup>. If any additional information is needed in relation to this matter, please do not hesitate to contact me.

Very truly yours, s/Mark T. Vaughan.

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## **PUBLIC HEARINGS:**

On the petition by FRH Realty LLC, An Affiliate of Fairfield Residential, 5 Burlington Woods, Suite 203, Burlington, Massachusetts 01803 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1, 5.3.2, 5.3.44, 8.4.2, 13.4.1, 23.5.5.2(a), 23.5.5.3(a) and (b), 6.1 and Section 12 to allow as follows: 1. Four hundred forty-five (445) residential dwelling units, 2. Accessory pool, 3. Accessory garages for use of residents on the premises, 4. Fence over 3 feet high within street setback, 5. Maximum height



of fence to exceed 6 feet, 6. Free-standing sign in front yard setback, 7. Maximum pavement width of driveway increased to dimensions shown on plan, 8. Private garage larger than 900 s.f. with doors exceeding 8 feet high, 9. Private accessory garage in front yard setback if applicable, 10. Private swimming pool larger than 900 s.f., and 11. Site Plan Approval for four hundred forty-five (445) residential dwelling units, at 316 New Boston Street. PUBLIC HEARING OPENED: A communication dated July 8, 2021 was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of FRH Realty LLC, 316 New Boston Street, Woburn, Massachusetts

Dear Lindsay:

On behalf of FRH Realty, LLC, I respectfully request that the public hearing on this matter scheduled for July 13, 2021 be continued to the City Council meeting scheduled for August 10, 2021. If you need any further information, please do not hesitate to contact me. Thank you.

Very truly yours, s/Joseph R. Tarby, III.

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On the petition by Woburn APNA Bazar Incorporated, 4 Held Circle, Medford, Massachusetts 02155 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.69 and 7.3 to amend a special permit dated January 12, 2011, modified June 9, 2016 to allow for alteration of pre-existing non-conforming use and structure containing approximately 53,326 square feet of gross floor area to allow for 1. Retail store in Unit 2 consisting of approximately 14,440 square feet of net floor area, and 2. Provide for 232 parking spaces as shown on plan on file, at 335 Washington Street. PUBLIC HEARING OPENED: A communication dated July 8, 2021 was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Woburn APNA Bazar Incorporated, 335 Washington Street, Woburn, Massachusetts

Dear Lindsay:

On behalf of APNA Bazar Incorporated, I respectfully request that the public hearing on this matter scheduled for July 13, 2021 be continued to the City Council meeting scheduled for August 10, 2021. As you know the City Council at the Special Permits Committee meeting on July 6, 2021 requested further information from the City Engineer on the Petitioner's proposed mitigation. In addition, further comment on the legal issues was requested from my office. The preparation of said comments will not be completed by July

13, 2021. If you need any further information, please do not hesitate to contact me. Thank you.

Very truly yours, s/Joseph R. Tarby, III.

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On the petition by Sarah Lyn Sindoni Faris, 17 Surrey Road, Woburn, Massachusetts 01801 for special permit to allow muscular therapy under Section 5.1(33b) of the 1985 Woburn Zoning Ordinances, as amended, at 100 Sylvan Road/100 Trade Center, Suite G700. PUBLIC HEARING OPENED: A communication dated June 15, 2021 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

RE: PLANNING DEPARTMENT COMMENTS ON SPECIAL PERMIT APPLICATION FOR 100 SYLVAN ROAD (100 TRADECENTER, SUITE G700) / SARAH LYN SINDONI FARIS

Dear Council:

The Planning Department has reviewed the above-referenced Special Permit application which requests permission to operate a muscular therapy business, pursuant to Section 5.1 (33b) of the Woburn Zoning Ordinances (WZO), at the above-referenced location. The property is zoned Office Park (O-P) and therefore such use is allowed by City Council Special Permit. The application entails re-tenanting of an existing individual office suite. As such, no construction activity is referenced by the Petitioner.

Planning staff reviewed this Petition (containing an undated and uncertified plan of one floor of the building) with the Building Commissioner. There are no fundamental concerns with the nature of the request, (to “re-tenant” an existing space within an existing office building for a muscular therapy business), but the following should be noted:

- The Petitioner has included several pictures of some spaces in the parking lot, presumably to demonstrate parking availability where the proposed muscular therapy business will be operating.
- Any new business signage in connection with this business will be subject to separate application(s) to the Inspection Services Department and compliance with Section 13 of the WZO entitled Sign Regulations.
- In addition to a Special Permit from the City Council for this use, the Petitioner must also obtain a separate occupancy permit from the Inspectional Services Department for use of this space. Prior to requesting an occupancy permit, the Petitioner must provide proof that any Special Permit Decision issued by the City Council has been recorded at the Middlesex South District Registry of Deeds.

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

Respectfully, s/Dan Orr, City Planner/Grant Writer

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On the petition by 18 Hovey Street Rear Left, LLC, Vittorio D'Amore, 84 N. Margin Street, Apt.#9, Boston, Massachusetts 02113 for a Special Permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 7.6 (1) and (2) the Reconstruction/Rebuild of property damage by flood/water damage and subsequent demolition of interior at 18 Hovey Street Rear Left. PUBLIC HEARING OPENED: A communication dated June 15, 2021 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

RE: PLANNING DEPARTMENT COMMENTS ON SPECIAL PERMIT  
APPLICATION FOR 18 HOVEY STREET / 18 HOVEY STREET REAR LEFT,  
LLC

Dear Council:

The Planning Department reviewed this Petition which seeks a Special Permit in accordance with Sections 7.3, 7.6.1 and 7.6.2 of the Woburn Zoning Ordinances (WZO) to allow the reconstruction of a three-family dwelling at the above-referenced address as a result of a flooding/water damage. Although not referenced in the Petition, the Petitioner's attorney separately indicated the property was damaged by "natural cause" in excess of 50% of assessed value (see attached email). The subject property is zoned Residential (R-4, "Apartment, other").

Planning staff reviewed this Petition and application materials (containing architect-certified layout/elevation drawings and land surveyor-certified plan, dated January 29, 2020 and January 25, 2021, respectively) with the Building Commissioner. The following joint comments and observations are provided for the Council's consideration:

- Staff presumes that the residential structure is non-conforming based on the zoning ordinance reference on the Petition. However, the nature of the non-conformity is not described in a narrative. The Council should ask the Petitioner to provide this information in writing for the record.
- No information has been provided relative to parking. The WZO would require two (2) parking spaces per unit (a total of six (6) spaces) to be provided on-site. Is any provided? Does the Petitioner believe the parking situation is "grandfathered" and if so, has proof been submitted?
- A notation should be added to the certified plot plan verifying the location of the existing foundation to ensure that that the home will be rebuilt on the same foundation pursuant to Section 7.6.1, unless documentation can be provided that the damaged structure was declared a nuisance and ordered to be demolished by the City Council. In addition, a zoning table should be added to the certified plot plan indicating existing and proposed

zoning calculations relative to building height, setbacks, and building ground coverage, in order to verify conformance with Section 7.6.1 with regard to the requirement to adhere to existing dimensions

- The layout/elevation drawings contain references to overall building dimensions (width and length) that are inconsistent in a comparison of individual floor units (as reflected on Sheets A-1 through A-3). The Petitioner should clarify why differences appear in these dimensions as a notation, or make correction(s) for consistency, on a modified version of this plan set.
- The limits of the existing access & utility easement are not fully legible on the plot plan and should be more clearly shown. In addition, the applicant should provide a notation on the plot plan clarifying the specific type of “utility” to which the easement refers (e.g., electric, etc.) and, for the record, provide documentation of the Petitioner’s right to pass and repass over the easement area for the purpose of driveway accessibility.
- The plot plan should be revised to show elements related to exterior lighting, a defined parking area, and areas on site formally dedicated to snow storage and refuse/recycling collection containers, as they are not noted.
- The Petitioner should confirm for the record the method of trash removal for the property: Are City services offered for residents individually, or is removal consolidated and/or private?
- Similar to the illegibility issue with the limits of the easement on the plot plan, Sheet A-5 of the proposed floor/elevation plan set is partially illegible due to the faint print quality. The Petitioner should submit a clearer (legible) version for ease of reference and for the record.

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

Respectfully, s/Dan Orr, City Planner/Grant Writer

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Petition by Jackson Lumber, 10 Jefferson Avenue, Woburn, Massachusetts 01801 for special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 7.5 and 15.6.C.i as follows: 1. To amend a special permit dated March 14, 2019 to supplement plan of record to allow additional drainage and pavement to expand parking lot; and 2. Alteration of existing use that does not conform to Groundwater Protection District to allow for drainage and pavement, at 36 Prospect Street. PUBLIC HEARING OPENED: A communication dated June 24, 2021 was received from Jay Duran, Superintendent, Department of Public Works as Subject: Jackson Lumber Modification and Driveway Expansion.

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On the petition by Mass General Brigham Integrated Care, Inc. for a special permit and site plan review to allow: 1. Section 28.6.1.10 to allow a medical office building for general outpatient and diagnosis containing approximately 60,206 gross floor area; 2. Section 8.3 to allow parking on separate lot within 500 feet of proposed use; 3. Section 8.6.3 to allow exceptions to landscaping requirements for parking facilities in temporary parking lot; 4. Section 28.3 to allow relief to allow height of retaining wall up to nine (9) feet more or less in height; 5. Section 8.7.1.6 to allow reduction in loading space requirements; 6. Section 28.3 to allow reduced setbacks for bike racks (if applicable), CHP, SG and Transformer; and 7. Approval of all signage as set forth on illustrative Site Plan, at 2 Hill Street. PUBLIC HEARING OPENED: A Committee report was received “ought to pass with 12 conditions, as attached.”

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On the petition by Popeye’s, 305 Mishawum Road, Woburn, Massachusetts 01801 for special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.29 to allow for a fast food restaurant at 305 Mishawum Road.

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On the petition by President Tedesco and Alderman Ferullo to amend the 1985 Woburn Zoning Ordinances, as amended, be further amended by amending the definition of “RESTAURANT, FULL- SERVICE” in Section 2 by inserting after “space” on the first line the following language: “(including outdoor seating and rooftop dining)” so that the revised definition will be as follow: “RESTAURANT, FULL-SERVICE: Any building, room space (including outdoor seating and rooftop dining) or portion thereof where food is sold for consumption on premises, customers are provided an individual menu, a restaurant employee serves the customer at the same table or counter at which items are consumed. A restaurant, full-service may provide “accessory” delivery service, takeout service (except drive-up customer service) and related retail sales items. PUBLIC HEARING OPENED: A communication dated June 25, 2021 was received from Ellen Callahan Doucette, City Solicitor as follows:

RE: Outdoor Seating and Rooftop Dining Amendments – WZO

As requested, I reviewed the Planning Board's June 22, 2021 recommendation, copy attached, regarding proposed amendments of the WZO. One amendment would revise Section 2, Definitions, by adding the parenthetical phrase "(including outdoor seating and rooftop dining)" to the definition of "Restaurant, Full-Service". The other amendment would revise three sections of Section 11, Special Permits and Variances, and Note 27 of Section 5.1. The result of the latter amendments would allow Rooftop Dining in all Full-Service Restaurants upon the grant of a special permit.

The Planning Board's first recommendation is that the WZO be amended to define "Outdoor Seating". Assuming that the Outdoor Seating is not a waiting area and is intended to be an extension of the Restaurant, Full Service itself, I agree with this recommendation. Permitting a restaurant to have "Outdoor Seating" can present a

unique set of circumstances, especially where alcohol is served. For instance, Outdoor Seating should be in an area where it can be secured as part of the restaurant, but also separated from public spaces by railings, planters, fencing, etc. A brief review of zoning bylaws and ordinances from other municipalities indicated that such a definition is rather common.

To the second recommendation, I do not share the same concern as the Planning Board that Rooftop Dining could become a bar area after the restaurant is closed. That is because restaurants with liquor licenses under G.L. c. 138, §12 may only serve alcohol when serving food and if the restaurant is closed, the Rooftop Dining area must be closed too. Serving alcohol with a limited snack menu would, in my opinion, violate the restaurant's Section 12 license.

I have one additional comment regarding the proposed amendment to add Outdoor Seating to the definition of a Restaurant, Full-Service. Note 26 of Section 5.1, Table of Use Regulations, provides that in the S-1 zoning district, a Restaurant Full-Service/Fast Food must be located "in an office building". The Council may recall that the Building Commissioner opined, and I agreed, that Outside Seating is not allowed for Restaurants, Full-Service in the S-1 zoning district because it would not be "in the office building". Even if the Council adopts this zoning amendment, Note 26 would still apply to prohibit Outside Seating in the S-1 zoning district. If the Council intends to allow Outside Seating by special permit wherever a Restaurant, Full-Service is located, including the S1 zoning district, Note 26 must be amended.

In closing, please be advised that I am available to discuss and assist with the formatting and drafting of proposed ordinances and amendments. Addressing issues such as those discussed above in advance of the filing of an Order(s) is strongly recommended.

I am available to discuss at the Council's convenience.

Sincerely, s/Ellen Callahan Doucette

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On the petition by President Tedesco, Alderman Ferullo, and Alderman Demers to amend Section 11.6.12 entitled "Rooftop Dining in the B-D District" and Section 5.1 entitled "Table of Use Regulations", Note 27 of the 1985 Zoning Ordinance of the City of Woburn. PUBLIC HEARING OPENED: A communication dated June 25, 2021 was received from Ellen Callahan Doucette, City Solicitor as follows:

RE: Outdoor Seating and Rooftop Dining Amendments – WZO

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and rooftop dining)" to the definition of "Restaurant, Full-Service". The other amendment would revise three sections of Section 11, Special Permits and Variances, and Note 27 of Section 5.1. The result of the latter amendments would allow Rooftop Dining in all Full-Service Restaurants upon the grant of a special permit.

The Planning Board's first recommendation is that the WZO be amended to define "Outdoor Seating". Assuming that the Outdoor Seating is not a waiting area and is intended to be an extension of the Restaurant, Full Service itself, I agree with this recommendation. Permitting a restaurant to have "Outdoor Seating" can present a unique set of circumstances, especially where alcohol is served. For instance, Outdoor Seating should be in an area where it can be secured as part of the restaurant, but also separated from public spaces by railings, planters, fencing, etc. A brief review of zoning bylaws and ordinances from other municipalities indicated that such a definition is rather common.

To the second recommendation, I do not share the same concern as the Planning Board that Rooftop Dining could become a bar area after the restaurant is closed. That is because restaurants with liquor licenses under G.L. c. 138, §12 may only serve alcohol when serving food and if the restaurant is closed, the Rooftop Dining area must be closed too. Serving alcohol with a limited snack menu would, in my opinion, violate the restaurant's Section 12 license.

I have one additional comment regarding the proposed amendment to add Outdoor Seating to the definition of a Restaurant, Full-Service. Note 26 of Section 5.1, Table of Use Regulations, provides that in the S-1 zoning district, a Restaurant Full-Service/Fast Food must be located "in an office building". The Council may recall that the Building Commissioner opined, and I agreed, that Outside Seating is not allowed for Restaurants, Full-Service in the S-1 zoning district because it would not be "in the office building". Even if the Council adopts this zoning amendment, Note 26 would still apply to prohibit Outside Seating in the S-1 zoning district. If the Council intends to allow Outside Seating by special permit wherever a Restaurant, Full-Service is located, including the S1 zoning district, Note 26 must be amended.

In closing, please be advised that I am available to discuss and assist with the formatting and drafting of proposed ordinances and amendments. Addressing issues such as those discussed above in advance of the filing of an Order(s) is strongly recommended.

I am available to discuss at the Council's convenience.

Sincerely, s/Ellen Callahan Doucette

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

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**COMMITTEE REPORTS:**

**PUBLIC SAFETY AND LICENSES:**

On the petition by Woburn Bowladrome, Inc. for renewal of a Bowling Alley license at 32 Montvale Avenue, committee report was received “ought to pass with existing conditions or restrictions”.

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On the petition by Woburn Cab Co. for renewal of Taxi Cab Licenses for five (5) vehicles at 100 Ashburton Avenue, committee report was received “ought to pass with any existing conditions or restrictions”.

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On the petition by M&L Transit Systems Inc. for renewal of Common Carrier Licenses for two (2) vehicles at 60 Olympia Avenue, Suite 1, committee report was received “ought to pass with any existing conditions or restrictions”.

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**CITIZEN’S PARTICIPATION:** None.

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**COMMUNICATIONS AND REPORTS:**

Communication from the City Solicitor dated June 17, 2021 regarding Chapter 20 of the Acts of 2021 – Remote Participation/Outdoor Dining/Take Out Alcohol was received and reads as follows:

Yesterday afternoon, Governor Baker signed Chapter 20 of the Acts of 2021, copy attached, an act that extended certain provisions of Chapter 53 of the Acts of 2020 most notably, remote participation, outdoor dining and take out alcohol.

Remote participation

In a provision that could have been better organized and drafted, the legislature extended the remote participation exception to the Open Meeting Law ("OML"). First, Section 20(a) of Chapter 20 states that "[f]or the purposes of this section ... adequate, alternative means of public access" shall mean "measures that provide transparency and permit timely and effective public access to the deliberations of the public body, including, but not limited to, providing public access through telephone, internet, satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring."

Section 20(b) then provides that notwithstanding the OML, if a public body chooses to hold its meetings remotely, "the public body shall ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means of public access. Where real-time participation by members of the public is a specific requirement of a general or special law (public hearings), "any adequate,



alternative means of public access shall provide for such participation and shall be sufficient to meet such participation requirement."

The actual extension for remote participation is set out in Section 20(c) which provides that, "a public body may allow remote participation by all members in any meeting of the public body and a quorum of the body and the chair shall not be required to be physically present at a specified meeting location".

To the drafting of Section 20, an unfortunate error appears in the penultimate sentence of (b) where it states that "[t]his paragraph shall not apply to proceedings that are conducted pursuant to a general or special law, regulation or a local ordinance or by-law that requires allowance for active participation by members of the public". This sentence obviously conflicts with prior language of (b) specifically authorizing remote participation when a public hearing is required as long as there is adequate, alternative means of public access. It is my understanding that this sentence will be removed/revised by way of a technical amendment. In the meantime, the Attorney General's Division of Open Government offered guidance by issuing an update stating that "[b]ased on the legislative history of the new law and the Legislature's clearly demonstrated intent, the Attorney General interprets the sentence "[t]his paragraph shall not apply to proceedings that are conducted pursuant to a general or special law, regulation or a local ordinance or by-law that requires allowance for active participation by members of the public" as only applying to the economic hardship exception in the prior sentence, not to the entire paragraph of subsection (b)."

All other requirements of the OML remain in effect.

In the event that a remote meeting was held after the state of emergency was ended and Section 20 became effective, Section 20(f) ratifies, validates and confirms actions taken at those meetings.

### Outdoor Table Service

Section 10 of Chapter 20 revises Chapter 18 of the Acts of 2020 by expanding take out/delivery options until May 1, 2022, and requires that mixed drinks sold for off premises consumption to be sold at the same price as those sold for on premises consumption (Section 11).

Section 19 defines Outdoor Table Service and provides that from the effective date of Chapter 20 (June 16) until April 1, 2022, a city or town may approve outdoor table service or extend prior approvals, without complying with the notice requirements of c.40A, § 11. Such approvals need not be recorded; and changes in the description of the licenses premises to allow outdoor table service are permitted without ABCC approval, though notice of any such changes must be filed with the ABCC. Also, before approving or extending a prior approval of outdoor table service, the licensing authority may modify the terms of prior approval to address potential issues of snow removal and pedestrian traffic.

Thank you for your attention to this matter, and please call if you have specific questions.

Sincerely, s/ Ellen Callahan Doucette

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A communication dated July 6, 2021 was received from Thomas C. Quinn, Jr., Building Commissioner as follows:

Re: Woburn Municipal Code Title 15 Article VIII 15-42

Dear Members of the Council:

Regarding the above referenced section of the Woburn Municipal Code, I submit the following quarterly nuisance report for the period of April 1, 2021 thru June 30, 2021.

8 Russell Court matter with City Council.  
14 Hilltop Parkway property was relisted for sale in June due to an issue with title.  
31 Elm Street demolition permit issued; structure removed.

As always if you have any questions do not hesitate to contact me.

s/Thomas C. Quinn, Jr., Building Commissioner

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A communication dated July 8, 2021 was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Spry Moving/Resolution Adopted by the Woburn City Council on June 1, 2021

Dear Clerk Higgins:

Please be advised that we represent Spry Moving (“Spry”) of 54 Holton Street, Woburn, Massachusetts in connection with the above-referenced matter. The purpose of this correspondence is to address the allegation that Spry and its employees are parking on Nashua Street for business purposes. After reviewing this matter with our client it appears that this Resolution has been wrongfully adopted as to Spry.

According to Mr. James Spry, President of Spry, it has never had an employee park on Nashua Street other than the temporary parking for five minutes by one of its employees who lives on Nashua Street which seems to be the basis of the complaint against Spry.

Spry’s position on this issue is as follows:

- 1) Spry employees never park on Blueberry Hill Road in the residential section or on Nashua Street. As a reminder, Spry offered to pay for a number of

improvements to Blueberry Hill Road including a sign stating no business parking was allowed after a certain point on Blueberry Hill Road.

- 2) During Spry's busy time it puts a manager on Blueberry Hill Road to monitor its parking. If the street gets full, Spry parks employees at its second building on Holton Street, and the manager shuttles the employees between the buildings. As an aside, the first year of the no parking on one side of Blueberry Hill Road Spry had a lot of cars parked down the street. Three trailers from one of its accounts showed up unannounced and Spry could not get them to the dock. As a result Spry lost the account because of its vigilance in enforcing parking by its employees.
- 3) Spry's dispatchers physically see each employee each morning before the employees are dispatched. Spry knows that it does not randomly have employees sitting someplace waiting to be picked up by trucks.
- 4) Spry's full time employee who resides on Nashua Street and his next door neighbor do not get along. The employee informed Mr. Spry that he took a day off a few weeks/months ago, and watched a car park in front of his neighbor's house and a truck owned by another business pulled up to get the driver. The neighbor took pictures of the car. Occasionally when Spry's employee is the lead crew member he stops at his house in the Spry truck to get his tools out of his house and is in and out in less than five minutes. That has been spun to Spry using the street for satellite parking by its neighbor.
- 5) Spry stands on its head to be a good neighbor, way beyond anything any other business would do to be a good neighbor.

It is respectfully requested that the Resolution as to Spry be modified to expressly note that it is not intended to suggest that Spry or its employees did anything improper. Thank you.

Very truly yours, s/ Joseph R. Tarby, III

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#### **APPOINTMENTS AND ELECTIONS:**

A communication was received from His Honor Mayor Galvin dated July 8, 2021 as follows:

Dear Clerk Higgins:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Anthony Langone, 26 Brentwood Road, Woburn, Massachusetts, to the Woburn Conservation Commission, with a term to expire on November 10, 2023.

Respectfully, s/ Scott D. Galvin, Mayor.

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A communication was received from His Honor Mayor Galvin dated July 8, 2021 as follows:

Dear City Clerk Higgins:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Duane P. Cleak, 13 Lawrence Street, Woburn, Massachusetts to the Woburn Conservation Commission, with a term to expire on May 31, 2023.

Respectfully, s/ Scott D. Galvin, Mayor.

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A communication was received from His Honor Mayor Galvin dated July 8, 2021 as follows:

Dear Clerk Higgins:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Michelle Eovine, 12 Parliament Lane, Woburn, Massachusetts, to the Woburn Golf and Ski Authority, subject to confirmation by the Woburn City Council, to complete the unexpired term of Michael Bonish. Said term scheduled to expire on December 31, 2023.

Respectfully, s/ Scott D. Galvin, Mayor.

\*\*\*\*\*

A communication was received from His Honor Mayor Galvin dated July 8, 2021 as follows:

Dear President Tedesco and Members of the City Council:

I am submitting the following candidates for your approval to serve on the Human Rights Commission:

Robert F. Rufo, Jr.	Chief of Police, Woburn	[Address Redacted]
Sandra L. Lawton	Patrolman Woburn P.D.	[Address Redacted]
Elaine Pruyne	Human Resources Director	[Address Redacted]
Marie L. Lingblom	Council of Aging Director	[Address Redacted]
Dr. Mohanan Unni	Sr. Pastor-The Sheperd's House	[Address Redacted]

All of the above are being appointed for a **three-year term** upon City Council confirmation.

Thomas J. Maher	Executive Director of Hosing	[Address Redacted]
Matthew T. Crowley	Supt. Of Woburn Public Schools	[Address Redacted]
Amanda Harvey	Director of P.R. and Develop.	[Address Redacted]
	Woburn Council of Social Concern	

All of the above are being appointed for a **two-year term** upon City Council confirmation.

Timothy J. Donovan. Treasurer, City of Woburn [Address Redacted]  
Chairman of Commission on Disability

The above are being appointed for a **one-year term** upon City Council confirmation.

Respectfully, s/ Scott D. Galvin, Mayor.

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**MOTIONS, ORDERS AND RESOLUTIONS:**

**RESOLVED**

Whereas, in 2011 the Briere family created the Joseph Briere Foundation to continue the compassion, integrity, and sincerity that Joseph Briere displayed on a daily basis by raising funds to support those who are in need; and

Whereas, the Joseph Briere Foundation has been incorporated for a decade this year and in that time has donated hundreds of thousands of dollars to the benefit of many Woburn organizations such as Best Buddies and the Woburn High School Scholarship fund, as well as benefitting many Woburn families during the holidays and throughout the year when families run in to tough times; and

Whereas, the City Council of the City of Woburn seeks to publicly recognize the Joseph Briere Foundation and the Briere family for their commitment, dedication, and many contributions to the City of Woburn;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that the Woburn City Council recognizes the many achievements, accomplishments, and contributions of the Joseph Briere Foundation to the citizens of the City of Woburn, and extends the best wishes in hopes for continued future success.

s/President Tedesco, Alderman Concannon, Alderman Ferullo,  
Alderman Campbell, Alderman Gately, Alderman Dillon,  
Alderman Demers, Alderman Mercer-Bruen, and Alderman  
Lannan

\*\*\*\*\*

**RESOLVED**

Whereas, in 2018 Boys Scouts of America expanded its programs to females; and

Whereas, Woburn residents, Jenna Casey and Teresa Mae James, became members of Troop 103 in Burlington, Massachusetts; and

Whereas, Jenna Casey's Eagle Project restored the dog park, Bark Place, at Breakheart Reservation with wooden benches, agility ramp, and tunnel; and

Whereas Teresa Mae James's Eagle Project restored the John F. Kennedy Middle School courtyard by rebuilding benches, and replanting flower beds and trees; and

Whereas, in 2021, over 1,000 females made history as the inaugural class of Eagle Scouts, earning the Boy Scouts of America's highest rank; and

Whereas, on June 19, 2021, Jenna Casey and Teresa Mae James were among the historical inaugural class of female Eagle Scouts to be honored;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that the Woburn City Council recognizes the achievements and accomplishments of Jenna Casey and Teresa Mae James, and extends the best wishes in hopes for continued future success.

s/President Tedesco, Alderman Concannon, Alderman Ferullo, Alderman Campbell, Alderman Gately, Alderman Dillon, Alderman Demers, Alderman Mercer-Bruen, and Alderman Lannan

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Motion made and 2<sup>nd</sup> to ADJOURN.

A TRUE RECORD ATTEST:

Lindsay E. Higgins  
City Clerk and Clerk of the City Council