

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

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

Motion made and 2nd to suspend the rules and take the following two resolves out of order, all in favor, 9-0.

MOTIONS, ORDERS AND RESOLUTIONS:

Motion made and 2nd that the next two matters be taken collectively and be adopted, all in favor, 9-0.

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

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

Presented to the Mayor: July 15, 2021

s/Scott D. Galvin July 15, 2021

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

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

Presented to the Mayor: July 15, 2021

s/Scott D. Galvin July 15, 2021

Motion made and 2nd that the City Council returns to the regular order of business, all in favor, 9-0.

MAYOR'S COMMUNICATIONS:

A communication was received from His Honor Mayor Galvin dated July 13, 2021 as follows:

I am pleased to submit the 5 Year Capital Improvement Plan (FY 2022-FY2026) to the city council, which provides important measured investments in our buildings, equipment, infrastructure, sustainability and community. The total CIP cost is \$108,082,555 and includes a number of funding sources, including grants and state funds in excess of \$42,000,00. The plan includes a "pay as you go" request of \$3,738,435 for FY 2022 from the stabilization account.

The largest expenditures in the CIP are for the \$25,000,000 state funded New Boston Street Bridge project and the new Fire Station HQ for \$23,000,000. We recently issued a 20 year bond to finance the construction of the fire station and received nine bids with a low bid of 1.67%. There is also a \$1,200,000 "pay as you go" funding requests in the FY 2022 CIP for design and land acquisition costs to position the New Boston Street Bridge for an October 2021 bid date.

In addition to the new fire station, the CIP provides for substantial upgrades to the WFD substations totaling \$7,000,000, continued investments in the fleet, safety equipment and annual funding for turnout gear.

Public safety funding for the Police Department in FY 2022 will exceed \$400,000 with a continued commitment to energy efficient Hybrid cruisers, Tasers and advanced communication equipment.

The CIP provides \$435,000 in funding to The School Department for FY 2022 for security and energy efficiency upgrades. Thee 5 year CIP is likely to change significantly upon the completion of the \$600,000 district wide capital needs feasibility study funded with Elementary and Secondary School Emergency Relief Funds (ESSER).

There are a number of projects aimed at mitigating the impacts of climate change and improving our resiliency. These include the Shaker Glen Project, the Horn Pond Fish Ladder and The Hurd Site Park, which are grant funded. We have also funded \$75,000 for the first year of a 5 year \$275,000 city wide tree planning program and \$55,000 for additional climate change planning.

The 5 Year CIP continues our commitment to providing residents with increased passive and active recreational opportunities, with the aforementioned Shaker Glen and Hurd site initiatives, which combined represent 45 acres of open space for our residents to enjoy.

In addition, we have included funds to resurface the tennis and basketball courts at Gonsalves Field and funding to construct new pickle ball courts at the Woburn Senior Center. There is also funding to begin exploring and planning for a splash park at the Green Street pool site.

There is continued investment over the 5 Year CIP in public works infrastructure and the equipment needed to maintain city property and utilities. The CIP provides for water main relining, sewer repair and replacement, reducing inflow/infiltration, well rehabilitation and street paving. For FY2022 we will be asking the city council to approve funding for a new street sweeper, backhoe, water vac and two utility vehicles. We are also requesting funds to pave The Ferullo Field parking lot and funds for the continued design of the downtown safety project.

I look forward to discussing the 5 Year CIP and the FY 2022 appropriation request of \$3,738,435 for “pay as you go” capital in committee. Please feel free to contact me if you have any questions.

Sincerely, s/ Scott D. Galvin, Mayor.

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

Attached breakdown is as follows:

CAPITAL BUDGET FY22

Project Title	Department	FY2022
PFAS Study	Engineering	\$12,000.00
Replace copier/scanner machine	City Clerk	\$6,000.00
Pickleball Courts at Woburn Senior Center	Council on Aging	\$25,000.00
Downtown Safety Project	Engineering	\$350,000.00
ADA Transition Plan	Engineering	\$25,000.00
New Boston Street Land Acq	Engineering	\$1,200,000.00
Storm Water Utility	Engineering	\$40,000.00
Ferullo Field Parking Lot	Engineering	\$86,000.00
Engineering Department Wide-Format Scanner/Printer Replacement	Engineering	\$10,000.00
Engineering Department Copier Equipment Replacement	Engineering	\$9,000.00
Self-Contained Breathing Apparatus	Fire	\$24,000.00
Scott Air Bottles	Fire	\$25,000.00
Turnout Gear	Fire	\$30,000.00
Mechanic Vehicle	Fire	\$60,000.00
Code Books	Inspectional Services	\$6,000.00
City wide Tree planting	Mayor	\$75,000.00
City Climate Change	Mayor	\$55,000.00
F550 Dump Truck	Parks	\$70,000.00
Walker Rotary Motor	Parks	\$18,000.00
Phase II Downtown Wayfinding Signage	Planning	\$15,000.00
VW Grant - City Share	Planning	\$40,000.00
Radio Transmission System	Police	\$41,017.28
AXON Taser X-7 EElectronic Control Device Project	Police	\$36,140.00
Camera Upgrade -(Previous Submission w/updates)	Police	\$29,762.72
Zion Hill Communications Generator	Police	\$47,515.00
Cruiser Replacement	Police	\$250,000.00
Utility Pickup Truck Replacements	Public Works	\$110,000.00
Street Sweeper Replacement	Public Works	\$230,000.00
Backhoe Equipment Replacement ***	Water / Sewer	\$150,000.00
Water vac trailer ***	Water / Sewer	\$140,000.00
Gonsalves Tennis & Basketball Court Resurfacing	Recreation	\$28,000.00
Shamrock Pool	Recreation	\$50,000.00
Repair Power Transformer - Library Field	Recreation	\$10,000.00
Districtwide - Update Raptor System	Schools	\$50,000.00
Districtwide - Updated Security System Software	Schools	\$60,000.00
WMHS Camera Poles	Schools	\$30,000.00
Linscott Sprinkler Heads	Schools	\$40,000.00
Linscott & Reeves - Inspect Sprinkler Heads	Schools	\$15,000.00
WMHS Replace Water Heater	Schools	\$40,000.00
WMHS Repair/Replace 200 Windows	Schools	\$40,000.00
Reeves Replace Leaking Boiler	Schools	\$30,000.00
Reeves Replace 2 Hot Water Heaters	Schools	\$45,000.00
Districtwide - Gym Equipment	Schools	\$55,000.00
WMHS Pave Access Road behind Football Field	Schools	\$30,000.00
	TOTAL	\$3,738,435.00
*** Water / Sewer Enterprise Will reimburse Stabilization once certified FC		

Motion made and 2nd that any and all communication be received and made part of the permanent record, all in favor 9-0. Motion made and 2nd that the MATTER BE REFERRED TO COMMITTEE ON FINANCE, all in favor, 9-0. Motion made and 2nd to suspend the rules to allow His Honor Mayor Galvin to speak, all in favor, 9-0. Mayor Galvin stated this is

part of the 5 Year Capital Plan and also a pay-as-you go for \$3.5 million. He further stated that he looks forward to discuss this in Committee.

Motion made and 2nd to return to the regular order of business, all in favor, 9-0.

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

Motion made and 2nd to suspend the rules to allow His Honor Mayor Galvin to speak, all in favor, 9-0. Mayor Galvin stated that congress has allocated money to city and towns. Medford received \$50 million, Arlington received \$30 million, because they are big metro cities over 50,000 in population. Woburn is a nonentitlement community because it is not a metropolitan city. Woburn will be receiving \$12 million, \$4 million was allocated for the City, and \$8 million was allocated due to Woburn being part of the defunct Middlesex County, which was advocated for by the Mass. Municipal Association. As of today, Woburn has received \$2 million of its \$4 million share. Just like the CARES funding, the City Council has to accept the grant funding. Motion made and 2nd that the communication be received and made part of the permanent record, all in favor 9-0. Motion made and 2nd that the ORDER BE GRANTED, all in favor, 9-0.

Presented to the Mayor: July 15, 2021

s/Scott D. Galvin July 15, 2021

Motion made and 2nd to return to the regular order of business, all in favor, 9-0.

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

Motion made and 2nd to suspend the rules to allow His Honor Mayor Galvin to speak, all in favor, 9-0. Mayor Galvin stated he worked with department heads, Alderman Lannan, and the owner of a couple properties in the area, Mr. Musto on flooding mitigation measures in the area. Previously had removed a boulder from a pipe. The Mayor stated that the City originally approached the DeMoulas family to buy the property, now referred to Shaker Glen Extension off of Russell Street. However, the DeMoulas family decided to comeback and give the land to the City. The approximate 12-acre parcel will be used for active/passive recreation, but really for storm water/flood management to use with prior \$2 million grant. Motion made and 2nd to return to the regular order of business, all in favor, 9-0. Motion made and 2nd that the ORDER BE GRANTED, all in favor, 9-0.

Presented to the Mayor: July 15, 2021

s/Scott D. Galvin July 15, 2021

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

Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON INFRASTRUCTURE AND PUBLIC LANDS, all in favor, 9-0.

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 ~~strike~~through, 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

Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, CHARTERS AND RULES, all in favor, 7-0-2 (Alderman Ferullo and Concannon Abstained).

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. Motion made and 2nd that the SPECIAL EVENT PERMIT BE GRANTED, all in favor, 9-0.

Presented to the Mayor: July 15, 2021

s/Scott D. Galvin July 15, 2021

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. Motion made and 2nd that the SPECIAL EVENT PERMIT BE GRANTED, all in favor, 9-0.

Presented to the Mayor: July 15, 2021

s/Scott D. Galvin July 15, 2021

Blues for Veterans for special event permit to allow concert at Library Field September 18, 2021. Motion made and 2nd that the SPECIAL EVENT PERMIT BE GRANTED, all in favor, 9-0.

Presented to the Mayor: July 15, 2021

s/Scott D. Galvin July 15, 2021

Petition by Musto Jewelers, 186 Cambridge Road, No. 9, for renewal of Secondhand Dealers and Secondhand Collectors License. Motion made and 2nd that the MATTER BE REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petition by 120 Commerce Apartments, LLC for a new flammable license, Class 1 Liquid, at 120 Commerce Way. Motion made and 2nd that the MATTER BE REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Lightning Express, for a special permit to park eight (8) vehicles overnight at 215 Salem Street. Motion made and 2nd that the MATTER BE REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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. President Tedesco made note that the petitioner updated the original filing with a July 13, 2021 communication from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 to clarify which provisions of the 1985 Woburn Zoning Ordinance in which they are asking for special permit. Motion made and 2nd that the MATTER BE REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by AVFX LLC for a special permit to allow for overnight parking of four (4) commercial vehicles at 9 Micro Drive. Motion made and 2nd that the MATTER BE REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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

Motion made and 2nd that the communication be received and made part of the permanent record, all in favor 9-0. Motion made and 2nd that the MATTER BE REFERRED TO THE COMMERCE WAY OVERLAY DISTRICT CONCEPT PLAN REVIEW COMMITTEE, all in favor, 9-0.

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

Further, a communication dated July 12, 2021, was received from John E. Corey, Jr., City Engineer, as follows:

Subject: The Highland at the Vale Site Plan Modification

The write is in receipt of Site plan modifications for the above referenced project dated April 30th, 2021. The specific changes are related to comments received from Horsley Witten in conjunction with the Order of conditions issued by the Woburn Conservation Commission.

We have reviewed the specific changes and find that they are minor in nature and do not negatively impact the proposal.

I trust the foregoing suffices for your current needs. Should you have any questions or comments regarding this matter, please do not hesitate to contact this office.

Motion made and 2nd that any and all communication be received and made part of the permanent record, all in favor, 9-0. Motion made and 2nd to suspend the rules to allow Attorney Tarby to speak, all in favor, 9-0. Appearing for the petitioner, Attorney Joseph Tarby stated this was similar to the LCS request for minor modification. The changes are a result of the appeal process. Attorney Tarby referenced the City Engineer's memo stating that the City Engineer believes the modifications are minor. Motion made and 2nd to accept the communication from City Engineer dated July 12, 2021, all in favor, 9-0. Motion made and 2nd to return to the regular order of business, all in favor, 9-0. Motion made and 2nd that the MINOR MODIFICATION BE granted and that all previous conditions remain in full force and effect unless otherwise modified herein, all in favor, 9-0.

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 13th. 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.

Motion made and 2nd that any and all communication be received and made part of the permanent record, all in favor, 9-0. Motion made and 2nd to suspend the rules to allow the petitioner to speak, all in favor, 9-0. After no-one stepped forward, Alderman Campbell stated she spoke to the attorney and Mr. Duffy and she stated that the minor modification request with respect to the landscaping island, makes sense to have the granite stone in order for trucks to make the turn. With respect to the second request for minor modification related to signage, Alderman Campbell expressed concern because if the sign is fully illuminated, it does not fit in the residential area, especially for the house directly across from it. She further stated she would like to talk to the Building Department with respect to lighting. Motion made and 2nd that the matter be laid on the table, all in favor, 9-0.

Motion made and 2nd to suspend the rules to allow a late filing for first reading for petition by Theofan Qirjazi, for Nick's Pizza, Roast Beef & Subs, for a special permit to allow a fast food restaurant at 901 Main Street A-B, all in favor, 9-0. Motion made and 2nd that the MATTER BE REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Motion made and 2nd to return to the regular order of business, all in favor, 9-0.

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.

Motion made and 2nd that any and all communication be received and made part of the permanent record, all in favor 9-0. Motion made and 2nd that the public hearing be opened for public comments, all in favor 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON August 10, 2021, all in favor, 9-0.

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.

Motion made and 2nd that the communication be received and made part of the permanent record, all in favor 9-0. Motion made and 2nd that the public hearing be opened for public comments, all in favor 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON August 10, 2021, all in favor, 9-0.

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

Motion made and 2nd that any and all communication be received and made part of the permanent record, all in favor 9-0. Appearing for the petitioner was Sarah Lyn Sindoni Faris stating that since 2014 she moved to oncology and worked at Zen for five (5) years on the other side of the same building in Cummings Park. Upon inquiry from Alderman Gately, Ms. Faris stated it would be just her working and that the Zen customers will now come to her. Alderman Gately stated he had no issue with the special permit. Upon inquiry from Alderman Mercer-Bruen, Ms. Faris stated she is properly license and that Zen had been shut down for a full year because of COVID-19 pandemic, and now she is opening the business to fill need of customers. Motion made and 2nd that the public hearing be opened for public comments, all in favor 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the special permit be granted, all in favor, 9-0.

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 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

Motion made and 2nd that the communication be received and made part of the permanent record, all in favor 9-0. Appearing for the petitioner was Attorney Robert W. Tedesco, 88 Main Street, Woburn, Massachusetts 01801 stating that the petitioner is seeking special permit under Section 7 of the 1985 Woburn Zoning Code with respect to preexisting nonconforming use and Section 7.6 Reconstruction. Greater than 50% of the structures was damaged by flooding and water damage. In late November 2018 tenants were away and the top tenant shut off the heat, causing a burst pipe. Once the water was shut-off deemed the structure was deemed uninhabitable. The insurance company hired a demolition company. Attorney Tedesco stated there was a miscommunication between the insurance company adjusters and demolition company and the structure was completely gutted. The owner was not involved in this miscommunication. He continued to say that the only way now to fix is to raze the building and rebuild. The house would be constructed exactly the same, height wise, and on same footprint. He further stated the City Council must find that change, extension or alteration is not substantially more detrimental than the existing nonconforming use. He reiterated that it would be the same building, just new, since keeping what was there for approximately 100 years. Attorney Tedesco presented a plan dated January 25, 2021 and "A Petition in Support of the Rebuilding of 18 Hovey Street, Rear Left, Woburn – July, 2021". Motion made and 2nd to accept the two items and make part of the permanent record, all in favor, 9-0. Attorney Tedesco introduced the property manager Victor DiMare. Alderman Demers stated he did a site visit and that it is tragic total gut loss. He also stated that the Planning Department Comments needed to be addressed. Attorney Tedesco stated the petitioner is hamstrung with parking and other requirements. Mr. DiMare stated that the miscommunication is what caused the problem, because of this the Building Commissioner stated that structure had to come down. Mr. DiMare said the trash is put on the curb for pickup. Alderman Demers stated there is little to no parking on the street because of the new Walgreens, but it should be approved tonight. Alderman Demers continued to state that the petitioner should tell tenants about the parking restrictions. Alderman Gately stated he visited the property, and does not have an issue with putting the building back up in the same footprint. However, he stated parking was an issue. Alderman Mercer-Bruen suggested that when advertising the property, there perhaps should be a condition suggesting what tenants are getting for rent. Alderman Gately shouldn't be parking on Hovey Street. Alderman Demers stated there should be a condition that there is no parking on Hovey Street and no parking in Walgreens lot. Alderman Tedesco stated the plan of record is January 25, 2021. Alderman Dillon stated he hasn't approved such use with no parking in the past. However, he stated he would relax his stance in this situation because of the prior house and the situation that has occurred. He stated this was the exception to the rule. Upon inquiry from Alderman Concannon, Attorney Tedesco stated the nature of the nonconformity is really the entire project, except for the property is located in the R-4 Zoning district and that it is a three family being rebuilt. However, nothing was being expanded. Motion made and 2nd that the public hearing be opened for public comments, all in favor 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be closed, all in favor, 9-0. Motion made and 2nd that the special permit be granted with the following conditions 1. When listing to prospective tenants that the petitioner provides information that no onsite or on street

parking at Hovey Street; 2. The petitioner must advise tenants not to park in the Walgreens parking lot; 3. that the Plan of Record is dated January 25, 2021; and that the City Council make the finding that the change, extension or alteration is not substantially more detrimental than the existing nonconforming use, all in favor, 9-0.

Motion and 2nd to suspend the rules and take from the table 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, all in favor, 9-0

On the 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, motion made and 2nd to allow the petitioner to speak on the matter, all in favor, 9-0. Alderman Campbell explained to the petitioner that the City Council previously laid the matter on the table. She further stated that she was in favor of the landscaping minor modification but that she wanted more time with respect to the lighting. Appearing for the petitioner was Kevin Duffy, Developer and Owner, stating he apologized because he thought his portion would be further in the agenda. Motion and 2nd to approve the minor modification on the proposed island detailed on 1. “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 2. “Entrance Modification Sketch Details, 285 Locust Street, Woburn, MA” dated May 26, 2021, prepared by RJ O’Connell & Associates, Inc., all in favor, 9-0. Motion made and 2nd to lay on the table the request for minor modification with respect to the proposed signage illumination modifications, all in favor, 9-0.

Motion made and 2nd to return to the regular order of business, all in favor, 9-0.

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 follows:

Subject: Jackson Lumber Modification and Driveway Expansion.

Pursuant to the petition from Jackson Lumber for a Special Permit for their property at 36-40 Prospect Street, I offer the following **updated** comments. We have been working with the applicant as well as his engineer and counsel to address my prior concerns pursuant to the proposed expanded driveway and storage areas. Although the applicant has agreed to replace a section of sewer, I still have concerns to the plans as currently designed. In my professional engineering opinion, the proposed revisions **still** present potential major detrimental impacts to both the City of Woburn infrastructure and for the abutters to the project.

Sewer:

The existing eight-inch sewer main traverses across the subject property from Mount Pleasant Court in a sewer system network across the property and eventually into Jefferson Avenue. I had requested that the main be scoped and a camera video supplied for review. They attempted to do this and there was a block preventing this from occurring. The Woburn DPW repaired the pipe and my understanding was that the camera crew never came back to complete the video of the main to determine its condition. The applicant supplied me a video on Monday, June 21, 2021 which depicted additional defects in the sewer main from existing SMH-JL3 to SMH-JL4 which will undoubtedly be a problem in the future especially after milling and repaving over a relatively shallow line. Although this is predominantly a city sewer, the installation was presumably installed by the prior owner of the business to allow the construction of the adjacent building. Therefore, I recommend that this sewer main be either replaced or lined to remedy this issue. The main is actually outside of the easement area and the plans should be corrected by an Easement Plan properly recorded at the M.S.R.D. My prior concern has been generally satisfied pursuant to the sewer main from the property line to the SMH-JL2 as they have agreed to replace this section **on their property only** as noted above. They **did not agree** to replace the remaining 125 feet of sewer main on Mount Pleasant Court.

Drainage:

The proposed project is adding significant impervious pavement for their operation. Therefore, the volume of runoff will be increased. The engineer has proposed drainage mitigation to offset the increase in the rate of runoff changes which are consistent with today's storm water standards. This in fact is probably a legitimate design under normal circumstances. However, under high intensity rain events, I believe that the infiltration area(s) will already be either completely or partially flooded. In my professional engineering opinion, which coincidentally is also supported by a lifetime of living in the immediate vicinity, I **still** see 2 major problems. There will be major flooding issues for the 2 immediate abutters at both 7 and 8 Mount Pleasant Court and possibly extending further to other abutters on both Mount Pleasant Court and Prospect Street. I requested and received additional topo along the Mount Pleasant Court property lines. I had previously performed an inspection on Thursday April 22, 2021 and these properties were still saturated and the adjacent on site area was still flooded at that time. This was approximately 6 days or more after that recent storm event. Most importantly, I requested additional down-gradient drainage and topographic information in the Prospect Jefferson Avenue intersection. **They have apparently disregarded my request as no information and/or associated improvements are shown on the new plans.** As previously noted in my prior memo I still see a potential for imminent public health threat to the property at 35 Prospect Street. I have

witnessed flooding in the past into the lower units of this property. The area floods during high intensity rain events. The DPW tries to remedy the situation as quickly as possible on way too many occasions. The area is in need of drainage improvement at the bottle neck of Prospect Street and Jefferson Avenue into the adjacent sixty- inch RCP drain which is directed southerly to the old railroad bed. I believe that if this was reviewed by their engineer, a reasonable solution could be obtained to remedy this matter. Jefferson Avenue and Prospect Street have had to be closed to through traffic during these high precipitation events. This includes access to emergency vehicles in many situations. The storm water routinely has gone into these lower units and the increase in paved area will certainly will add to this problem and there is nothing that the Department of Public Works can do. Although the area is not shown on the more broadbased, non-localized Flood Insurance Maps, previous studies have clearly shown that the area depicted to be improved was a wetland area as well as isolated land subject to flooding. This had been submitted and approved by the Woburn Conservation Commission between 1996 and 2002. The elevation of the infiltration basins will therefore be flooded and will not function as theoretically designed. Given that there have been no improvements made in this area, the combination of these studies and real life emergency conditions far override a theoretical drainage report prepared by an engineer not familiar with this particular parcel and area.

Water:

There are no proposed modifications proposed at this time.

Traffic & Snow Storage:

The impacts of proposed traffic should also be thoroughly reviewed by the City Council at a minimum as it directly abuts a residential area. A snow management plan should also be provided to evaluate parking and storage during the winter months especially as the season transitions to summer as it relates to the aforementioned drainage issues.

Conclusion:

I recommend that the City Council deny this request for a Special Permit or have the applicant work with the City of Woburn and the DPW on an amicable solution for all parties which they only partially agreed to do after the last hearings. The detrimental impacts on the City of Woburn Infrastructure still far outweigh the addition of driveway and storage for the private Jackson Lumber Operation.

Please feel free to call with questions.

Motion made and 2nd that any and all communication be received and made part of the permanent record, all in favor 9-0. Appearing for the petitioner was Attorney Mark J. Salvati, Attorney at Law, 57 Arlington Road, Woburn, Massachusetts 01801 stating the petitioner has completed the test pits, which the City Engineer and that he wanted one condition. Attorney Salvati stated he wanted to file new plan and test pits. Motion made and 2nd to accept the updated plan, all in favor, 9-0. Also appearing for the petitioner was its engineer, Will Schkuta from the Morin-Cameron group, stating he performed drainage analysis and soil testing, Conservation wanted and confirmed by the City Engineer within basins. Alderman Gately stated the Superintendent of the Department of Public Works (“DPW”) asked the petitioner to upgrade items, and the City Council asked to upgrade drainage on Mount

Pleasant Court, change pipe because of street flooding. Mr. Schkuta stated that Mt. Pleasant Court will put heavy duty pipe, and grading to support it more. Upon inquiry from Alderman Gately, the Mr. Schkuta stated for the drainage system they are going to leave the existing pipe and everything else would be retrofitted or fixed. The petitioner has also put in 10 screening trees and hardscaping Mr. Schkuta also stated the majority is paved, and that the DPW Superintendent asked for downstream changes outside purview of project. Alderman Gately stated the sewer was addressed for trucks going over and the lighting is still good on site. Alderman Concannon stated there seemed to be a decent amount of work so far. He also stated he spoke with the DPW Superintendent and that the DPW Superintendent stands by his memo. Upon inquiry from Alderman Concannon about what has been updated since the Superintendent's memo, Attorney Salvati stated the petitioner completed the test pits and stated that it is his position that the City Engineer and Building Department have jurisdiction not DPW and that would like the Council to vote on the matter. Alderman Mercer-Bruen stated she appreciates any department providing guidance, and disagrees with petitioner about flooding. She stated she was concerned with damage that sometimes cannot be reversed, and that it is really rare for the DPW Superintendent for him to be very concerned. Attorney Salvati stated you cannot fix something that cannot be fixed and stated the City Engineer agrees. Attorney Salvati stated to put the matter to a vote, and the petitioner will not support a third party coming in. Alderman Dillon stated the Superintendent and his department are the ones that have to clean up if there is flooding and the bottom line he does not want to make the flooding worse. Alderman Dillon then stated he thought there should be a committee meeting on this matter. Attorney Salvati stated there are no changes unless the City Engineer or Building Inspector request them. Alderman Gately discussed the 5-ft drain that goes to Winchester, and that the manhole was put in wrong on Jefferson and the rain will lift if off. Attorney Salvati said there is no shut down with heavy rain. Alderman Gately then stated that it comes to a point you can only go so far, and that it is not the petitioner's job. He stated he would support the petition tonight. Alderman Campbell stated she usually doesn't see such a strong memo and that she would want a third opinion to determine. Upon inquiry, Clerk Higgins stated the petition was filed on February 11, 2021. Alderman Mercer-Bruen stated most of the time the matter was being continued. President Tedesco stated it was time for a vote on the matter. Alderman Gately stated the petitioner postponed. Alderman Mercer-Bruen said the matter was kicked down the road a lot. Attorney Salvati stated the petitioner worked with the Departments to get this done and that a peer review might put them over the edge. Alderman Campbell stated that she would like the matter to go to committee so that the City Engineer and Superintendent have an opportunity to speak because it is so rare for the Superintendent to speak this strongly. Alderman Gately stated Superintendent does a good job, but he did hold the Armory project up. Upon inquiry from Alderman Mercer-Bruen, Attorney Salvati stated that the Conservation Commission has not approved yet. Alderman Mercer-Bruen stated that the Conservation still not given opinion or comments yet, and that with the Armory the City did get it right. President Tedesco stated if council wants to continue to August 10, 2021 meeting that has to be the deadline, stormwater is under City Engineers purview, and if deny it based on the Superintendent would be against zoning and stormwater. Alderman Campbell stated she wanted to vote for it. Attorney Salvati stated again the petitioner does not want a peer review, and they are not doing offsite mitigation. Alderman Mercer-Bruen stated if Conservation is alright with it, she is more likely to support.

Motion made and 2nd that the public hearing be opened for public comments, all in favor 9-0. PUBLIC COMMENTS: Joseph Parisi, 74 Wheeler Street, Gloucester, MA, stated the is an employee of Jackson Lumber, the road narrows on the site, and out of safety wanted to change it. Mr. Parisi stated he hired the best engineering firm and thought this was going to be a simple project. The project is going to cost \$500,000 and the petitioner keeps agreeing to everything can do a lot more with that amount of money. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON August 10, 2021 and that the Conservation Committee send the report to the City Council. Before a vote was taken, motion made and 2nd to amend the motion to invite the City Superintendent of DPW and the City Engineer to meeting, all in favor, 8-1 (Gately Opposed)]. On the main motion, as amended, that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON August 10, 2021, that the Conservation Committee send the report to the City Council, and that the City Superintendent of DPW and the City Engineer be invited to the meeting, and all in favor, 7-2 (Gately and Tedesco Opposed).

Alderman Mercer-Bruen left the Council Chamber as she was recusing herself from the next matter.

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.” Appearing for the petitioner was Appearing for the petitioner was Attorney Glenn A. Wood, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 stating he met with the Special Permit Committee-as-a-whole on June 28, 2021 and the committee voted to send out ought-to-pass with conditions as accepted, and that he would like the Council to act on the committee report. Alderman Campbell stated shed would not vote for this petition. She stated there are many facets to this project, if the building is not fitting the footprint, maybe it should be reduced. Alderman Campbell stated that 12 large trees should be able to be added, and if you cannot add 12 mature trees, the building is too big. She concluded that many constituents, Winchester residents, and a Conservation member spoke were concerned. Attorney Wood stated that special permit being requested has nothing to do with the size of the structure; it is an issues of the temporary parking that is required before the parking garage for the Vale greater project is complete. Attorney Wood further stated that Condition 12 in committee address the concern on this. Motion made and 2nd that

the public hearing be opened for public comments, all in favor, 8-0-1 (Mercer-Bruen Recused). PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor, 8-0-1 (Mercer-Bruen Recused).

Motion made and 2nd that the special permit and site plan review be granted with the following conditions: 1. The Applicant shall construct and improve the site as substantially described in the plans submitted with the Special Permit Application entitled: “Mass General Brigham Integrated Care Facility, Technology and Business Mixed Use Overlay District (TBOD), The Vale, Hill Street, Woburn, Massachusetts consisting of Sheet C1.00 dated March 25, 2021; Sheet C2.00 dated March 25, 2021; Sheet C3.00 dated March 25, 2021; Sheet C4.00 dated March 25, 2021; Sheet C5.00 dated March 25, 2021; Sheet C6.01 dated March 25, 2021; Sheet C6.02 dated March 25, 2021; Sheet C6.03 dated March 25, 2021; Sheet L000 dated March 25, 2021; Sheet L100 dated March 25, 2021; Sheet L301-03 dated March 25, 2021; Sheet L302-03 dated March 25, 2021; Sheet L303-03 dated March 25, 2021; Sheet L500-03 dated March 25, 2021; Sheet EL1.01-03 dated March 25, 2021; Sheet EL1.02-03 dated March 25, 2021; Sheet V-101 dated April 13, 2020; and Sheet V-102 dated April 30, 2020; prepared by Gensler, One Beacon Street, Third Floor, Boston, MA 02108; VHB, 101 Walnut Street, Watertown, MA 02472; Mikyoung Kim Design, 19 Braintree Street, No. 103, Boston, MA 02134 and ARUP, 60 State Street, Boston, MA 02109 and Allen & Major Associates, Inc., 100 Commerce Way, Woburn, Massachusetts 01801 (hereinafter the “Site Plan”) although design adjustments and modifications generally associated with: (i) preparing so-called “working drawings” or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the Building Permit Application are not in substantial conformance with the Site Plan, the Applicant may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Applicant shall be required to file a Special Permit Petition seeking approval to modify the Site Plan; 2. Except in the event of an emergency, work on the exterior of the site shall be from 7:00 a.m. – 6:00 p.m. Monday through Friday, and 8:00 a.m. – 5:00 p.m. on Saturdays. No work on the exterior of the site shall be permitted on Sunday, or state and federal holidays recognized by the City of Woburn; 3. There shall be adequate rodent control in place prior to commencement of any site disturbance and maintained throughout all site development and construction phases. The Applicant shall provide monthly rodent control reports to both the Board of Health and the Department of Inspectional Services; 4. Prior to the issuance of a Building Permit, the Applicant shall file a snow storage and removal plan with the Department of Inspectional Services; 5. All dumpsters, if any, shall be enclosed, by means of a fence, wall or landscaping in compliance with the Woburn Zoning Ordinance and Title 8 Section VII 8-17 of the Woburn Municipal Code. In addition rodent control measures in connection with any dumpsters shall be in place and maintained; 6. As-built plans shall be provided at the conclusion of the project to the satisfaction of the Engineering Department and Department of Inspectional Services. In addition, the Applicant shall provide interim as-built plans as required during permitting coordination with the City Engineer and Building Commissioner; 7. Landscaping shall be installed substantially in conformance with the Landscaping Plan as

submitted by the Applicant to the City Council, except as otherwise provided for in these Conditions. Such landscaping shall be maintained, repaired or replaced by the Applicant and/or its successors and assigns, as needed to maintain compliance with such Landscape Plan and other applicable requirements; 8. In addition to those permanent signs approved in connection with the Project, the Applicant may display, on the Project property, temporary construction, marketing, or similar signs stating appropriate and applicable information advertising the Project. All signage plans shall be as shown on the plans submitted to the City Council and subject to Section 28.10 of the Woburn Zoning Ordinance; 9. The Project is contingent upon the issuance of an Order of Conditions by the Woburn Conservation Commission (and/or Superseding Order of Conditions issued by MassDEP) pursuant to the Massachusetts Wetlands Protection Act, and implementing regulations (310 CMR 10.00 et seq.), and shall comply with the Massachusetts Department of Environmental Protection Stormwater Policy. Any material changes required in the Project as a result of the issuance of an Order of Conditions, shall be reviewed by the City Council pursuant to Condition One; 10. The Applicant shall submit monthly construction reports to the City Council, Building Commissioner, City Engineer, Fire Department and Conservation Commission; 11. A Dust Management/Mitigation plan for dust control during all phases of sitework/ construction shall be filed with the Department of Inspectional Services; 12. The Special Permit granted to the Applicant pursuant to Section 8.6.3 of the Woburn Zoning Ordinance shall expire (unless extended by the City Council) upon the earlier of: (1) five (5) years from the date of the issuance of Applicant's final Occupancy Permit for its medical office building; or (2) Applicant relocating the parking allowed hereunder to a parking garage to be constructed by Montvale Land LLC elsewhere on the Vale property and occupancy of same. The Applicant shall be allowed to seek specific extension(s) from the City Council to said five (5) year period for good cause; as well as the City Council make the following findings pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 28.14.4: 1. The ways providing vehicular and pedestrian access have the capacity to provide safe ingress and egress to property and proposed structures thereon and uses thereof with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and emergency access in case of fire, emergency or catastrophe; 2. Adequate water, sewerage and drainage facilities exist or will exist to service the proposed use; 3. Adequate off-street parking and loading areas have been provided where required and will not result in undue noise, glare or odor effects on adjoining properties or on properties generally in the district; 4. Satisfactory provision has been made for snow storage/removal to ensure safety and for refuse collection, disposal and service areas to minimize negative impacts on adjacent uses; 5. Exterior lighting has been designed to minimize glare and any negative impacts on abutting roadways and properties and to be compatible and in harmony with other properties in the immediate area; 6. Appropriate yards and other open space and landscaping have been provided as required and reasonable steps have been taken to insure the privacy of adjacent existing uses; 7. The proposed use is generally compatible in scale and character with adjacent properties and other properties in the district; 8. The proposed use(s) or structure(s) will not detract from the general purposes of this ordinance and either comply in all respects with the provisions of the Woburn Zoning Ordinance or has obtained relief (i.e. waiver, special permit or variance) as may be required; 9. The proposal incorporates additional conditions and requirements as the City Council finds reasonably appropriate to safeguard the neighborhood or otherwise serve

the purposes of this Ordinance, all in favor, 7-1-1 (Campbell Opposed; Mercer-Bruen Recused).

Alderman Mercer-Bruen returned to the Council Chamber.

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. PUBLIC HEARING OPENED: A communication dated July 13, 2021 was received from Mark J. Salvati, Attorney at Law, 10 Cedar Street Suite 26, Woburn, Massachusetts 01801 as follows:

Dear President Tedesco and Council,

Request is made to continue this matter from July 13, 2021 until your next regular meeting in order to provide additional traffic impact information to the Woburn Engineering Department.

Thank you for your attention to this matter and please call with any questions.

Very Truly Yours, s/ Mark J Salvati

Motion made and 2nd that the communication be received and made part of the permanent record, all in favor 9-0. Motion made and 2nd that the public hearing be opened for public comments, all in favor 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON AUGUST 10, 2021, all in favor, 9-0.

Motion made and 2nd to take the next two matter collectively, all in favor, 9-0.

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

Motion made and 2nd that the communication be received and made part of the permanent record, all in favor, 9-0. President Tedesco state he was getting language from the City Solicitor and that hopefully by the August 10, 2021 the ordinances will be ready. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON August 10, 2021, all in favor, 9-0.

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

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

Motion made and 2nd that the communication be received and made part of the permanent record, all in favor, 9-0. President Tedesco state he was getting language from the City Solicitor and that hopefully by the August 10, 2021 the ordinances will be ready. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON August 10, 2021, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

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

Presented to the Mayor: July 15, 2021

s/Scott D. Galvin July 15, 2021

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

Presented to the Mayor: July 15, 2021

s/Scott D. Galvin July 15, 2021

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

Presented to the Mayor: July 15, 2021

s/Scott D. Galvin July 15, 2021

CITIZEN'S PARTICIPATION: None.

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

Motion made and 2nd that the MATTER BE RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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

Motion made and 2nd that the MATTER BE RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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

Alderman Mercer-Bruen stated that when first received the complaints, thought Spry was part of this. Alderman Mercer-Bruen continued to say that they quickly discovered from neighbor surveillance cameras, that Spry was not involved. She further stated that Piece-by-Piece has been notified and they are complying with the requests. Motion made and 2nd that the communication be accepted and that the City Clerk notify Spry Moving that the City Council voted to remove them from the resolution, all in favor, 9-0.

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.

Motion made and 2nd that the MATTER BE RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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.

Motion made and 2nd that the MATTER BE RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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.

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

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.

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

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 8:10 p.m.

A TRUE RECORD ATTEST:

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