

**COMMITTEE ON ORDINANCES, CHARTER AND RULES
MONDAY, JUNE 28, 2021, AT 6:00 P.M.
CITY COUNCIL CHAMBERS
WOBURN CITY HALL**

Voting members present: Chairman Michael Concannon, Alderman Michael Lannan, Alderman Joseph Demers, and Alderman Jeffrey Dillon. Absent: Alderman Darlene Mercer-Bruen

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

Also present: City Solicitor Ellen Callahan Doucette, and License Commission Chairman Thomas Skeffington

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Reading of previous meeting minutes: Motion made by Alderman Demers and seconded by Alderman Dillon to approve the minutes of the meeting of February 22, 2021; in favor, 4-0.

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Outside seating associated with restaurant use in S-1 zoning district: Chairman Concannon said the proposed zoning change has been addressed previously and with the subsequent items on the agenda he thought it appropriate to include it tonight. He said the committee has received an opinion from the City Solicitor who wrote the Building Commissioner is charged with interpreting the zoning ordinance. He said the issue is moot, in his opinion. Chairman Concannon asked if anyone on the committee or the council wanted to speak about the issue. Hearing from no one, he said the matter would be left in committee.

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Order 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)”: Motion made by Alderman Demers and seconded by Alderman Dillon to take collectively the next two items on the agenda; in favor, 4-0. Motion made by Alderman Demers and seconded by Alderman Dillon to suspend the rules to allow President Tedesco to address the committee; in favor, 4-0. President Tedesco said there is a legal opinion from the City Solicitor. He said the City Solicitor said the only outstanding item is a definition of outdoor seating. He said he would work with the City Solicitor on that language. Motion made by Alderman Demers and seconded by Alderman Demers to suspend the rules to allow Chairman Skeffington and City Solicitor Callahan Doucette to address the committee. City Solicitor Callahan Doucette said she really thinks there should be a definition of outdoor dining, especially if alcohol is going to be served. She said an outdoor dining area has to be separated from the public way. She said the Brickyard has an agreement with the WRA for outdoor dining. She said the proposed order does not define separation between the outdoor dining areas and she thinks adding language to that effect would be a good suggestion. She said she does not agree with the Planning Board’s

concern that rooftops may turn into barrooms. She said the license holders have to serve food along with alcohol. She said she also has an issue with outdoor dining as it pertains to 304 Cambridge Road. She said outdoor dining in the S-1 zoning district is addressed in Note 26 of Section 5.1 of the zoning ordinance. She said dining has to be inside. She said she agrees with Building Commissioner Thomas Quinn’s interpretation that the dining area has to be inside the building. She said if the council modifies that, it also has to amend Note 26. She said Attorney Joseph Tarby has submitted a rough draft to that effect in respect to 304 Cambridge Road. She said she would prefer the council to consult her before legislation like the outdoor dining ordinance is submitted. She said that is her job. She said she is available to help draft ordinances like this. President Tedesco said he met with the Planning Board and the Building Commissioner. He said he will give City Solicitor Callahan Doucette a call about outdoor dining. City Solicitor Callahan Doucette said she looked at a definition for outdoor seating. License Commission Chairman Skeffington said a lot of the questions that are being asked could have been answered if the council had consulted with the License Commission and the Building Dept. when the legislation was first proposed. He said the License Commission has been working with outdoor dining since the early stages of the pandemic. He said the commission has also been involved in rooftop dining. He said the commission is trying to ensure parity for outdoor dining. He said the outdoor dining area has to be attached the premises. He said there are other considerations in areas like Woburn Center, like handicapped access. He asked if a special permit is going to be required for rooftop dining. President Tedesco said the council would have authority over rooftop dining. He asked who is going to police rooftop dining. City Solicitor Callahan Doucette said the License Commission would have to authorize outdoor dining. Chairman Skeffington asked about the process and if applicants would have to come to the License Commission first. City Solicitor Callahan Doucette an applicant could petition both the City Council and the License Commission simultaneously. Chairman Concannon agreed the application process could be simultaneous. Chairman Skeffington said he would have preferred some contact from the council the License Commission about this legislation. He said the commissioners had to read about it in the paper. Chairman Concannon said it is good that Chairman Skeffington reached out to the committee. Alderman Dillon said he agrees it is important to consult the License Commission on matters that involved alcohol service. He said the License Commission gets regular reports from Woburn Police Capt. John Murphy. Alderman Dillon said Capt. Murphy knows what’s going on. He said he is not necessarily opposed to allowing rooftop dining, but it could be disastrous if permission is given to the wrong entity. He said he would not be opposed to consultation with the License Commission. Chairman Concannon asked what the will of the committee is. President Tedesco said he would like for the matter to remain in committee so he can consult with the city solicitor.

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Order 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: See preceding item.

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MOTION made by Alderman Demers and seconded by Alderman Dillon to adjourn; in favor, 4-0. Chairman Concannon adjourned the meeting at 6:29 p.m.