

**CITY OF WOBURN
SEPTEMBER 1, 2021 – 6:00 P.M.
SPECIAL MEETING OF THE CITY COUNCIL
COUNCIL CHAMBER, WOBURN CITY HALL**

Roll Call

Campbell	Ferullo
Concannon	Gately
Demers	Lannan
Dillon	Mercer-Bruen
Tedesco	

Pursuant to Title III, Section 12 of the Charter of the City of Woburn, His Honor the Mayor has called a SPECIAL MEETING of the City Council to be held in the City Council Chambers.

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

MAYOR'S COMMUNICATIONS:

A communication was received from His Honor Mayor Galvin dated August 24, 2021 as follows:

Dear President Tedesco and Council members:

In accordance with section 12 of the City of Woburn Charter, enacted by virtue of special legislation approved as Chapter 374 of the Acts of 1888, and revised by the legislature by Chapter 172 of the Acts of 1897, I am calling for a special meeting of the Woburn City Council to be held on Wednesday, September 1, 2021 at 6:00 pm.

The purpose for the special meeting is to approve an Order of Taking pursuant to M.G.L. c. 40, §14 and c. 79, §6 and c. 82, to take on the City's behalf, various permanent and temporary easements and one permanent fee interest, that are necessary for the relocation and replacement of the New Boston Street Bridge and adjacent portions of New Boston Street. The City Council approved the funding for the damages to be awarded pursuant to the Order of Taking at its August 10, 2021 meeting.

Sincerely, s/Scott D. Galvin, Mayor

Motion made and 2nd that any and all communication be received and made part of the permanent record and to take from the table the Order of Taking from unfinished business of preceding meeting, all in favor, 9-0. Motion made and 2nd to further suspend the rules to allow His Honor Mayor Galvin or designee to speak, all in favor, 9-0. Motion made and 2nd to adopt the amended Order of Taking as the working document, all in favor, 9-0. The amended Order of Taking reads as follows:

**THE CITY OF WOBURN
COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

Order of Taking

WHEREAS, the City Council of the City of Woburn in the Commonwealth of Massachusetts, on behalf of the City of Woburn and in accordance with M.G.L. c.82, and acts in amendment thereof and in addition thereto, has determined that it is necessary and essential as a matter of public necessity and public welfare to acquire temporary and permanent easements in certain properties abutting New Boston Street in said City of Woburn, for the purpose of the relocation and reconstruction of New Boston Street and the New Boston Street Bridge, and to relocate utilities, install sidewalks, driveways and traffic signals, with associated rights of access therein, and one fee interest to provide access to New Boston Street (the “Project”); and

WHEREAS all other conditions precedent have been complied with;

NOW, THEREFORE, it is Ordered that the City Council of the City of Woburn, duly elected and qualified, acting in compliance with M.G.L. c.79, does hereby take on behalf of the City of Woburn, and for public way purposes, for the benefit of the public to cross and re-cross, pass and repass, as necessary, specifically for the relocation and replacement of the New Boston Street Bridge, the following interests in land, all as shown on a plan entitled “PLAN OF ROAD IN THE CITY OF WOBURN, MASS MIDDLESEX COUNTY SHOWING LOCATION OF TAKING AND EASEMENTS FOR THE PURPOSE OF RECONSTRUCTING NEW BOSTON STREET FOR THE CITY OF WOBURN” dated 9/1/2021 drawn by Hancock Associates, (the “Plan”) to be recorded herewith and made a part of this taking, with a copy to be filed in the City of Woburn Engineering Department.

Temporary Easements are hereby taken in the parcels of land identified as Parcels TE-1 through TE-26 inclusive as identified on the Plan, consisting of the non-exclusive right to enter upon said land at any time during the effective period of said easements to accomplish the necessary work within said parcels including constructing or reconstructing roadways, sidewalks, walls, driveways and walkways, removal of utility poles, sloping and grading, erosion control and tree protection; and to perform any incidental work necessary or convenient to the Project. Said easements are temporary in nature and shall terminate automatically five (5) years from the date of the recording of this instrument.

Permanent Easements are hereby taken in the parcels of land identified on the Plan as Parcels E-1 through E-10 inclusive, for the construction of the bridge, the construction of roadways, sidewalks and walls,

access from the public way, the installation of a headwall and drainpipes, the construction of guardrails, sloping and grading, tree removal, the reconstruction of driveways, and the perpetual right to pass and repass over the Easement premises, by foot and by motor vehicle, including heavy equipment, from time to time and at all times, in order to repair and maintain such bridge, roadways and sidewalks and for all uses incidental thereto; in D-PUE--1 for drainage pipe and guy wire installation; in D-1 through D-7 inclusive, for drainage, clearing and grubbing and lining of gravel wetland B; in W-1, and W-4 through W-8 for the construction of walls and sloping and grading; in AT-3 and A-4 for access to conduct activities associated with the work; in GR-1 for guardrail installation; and in AT-PUE-1 for relocation of overhead wires and utilities. The Permanent Easements are perpetual unless and until abandoned by the City. One Permanent Easement (E-1) will result in the loss of parking spaces but will also result in the creation of access to and from New Boston Street for the property at 317 New Boston Street. One property interest (T-1) is taken in fee for roadway construction and at the conclusion of the Project, the unused area will be conveyed either in fee or by permanent easement to the owner of 315 New Boston Street, without payment or other consideration, to provide frontage on the newly constructed roadway. Whether the aforementioned fee interest is conveyed in fee or by permanent easement to the Owner of 315 New Boston Street, the City will notify the Owner in writing that it will have obligations under a Grant of Environmental Restriction and Easement which shall also be referenced in the deed in accordance with the Massachusetts Contingency Plan. TE-4 is being taken for various purposes including the provision of temporary access to the property at 315 New Boston Street during construction. The Owners of the aforementioned parcels of land affected by the Permanent Easements shall retain the right to use the land for any and all purposes, provided that such use does not interfere with or impair the City's rights in said Permanent Easements.

Included in this taking are all trees located upon the Permanent and Temporary Easement premises. Excepted from this Order of Taking are all easements for wires, pipes, conduits, poles and appurtenances for the conveyance of water, sewage, gas and electricity and for telecommunications including cable and internet, now lawfully in or upon the Permanent and Temporary Easement premises and the lawful rights of the public to use those parts of the public streets and ways which may be included in the foregoing description. Also excluded from this taking are signs, light poles and flagpoles located on the property at 317 New Boston Street, which shall remain the personal property of the owner of 317 New Boston Street.

In addition to the Permanent and Temporary Easements taken herein, this Order of Taking shall also operate to take on behalf of the City, its employees, designees and assignees, any and all rights, duties, authorities and obligations (the "Rights") of those Owners whose properties are located, in whole or in part, in environmentally restricted areas and which are subject to recorded Notices of Authority and Use Limitations ("NAUL") and/or a Grant of Environmental Restriction and Easement ("GERE"), which are necessary to maintaining the remedy by prohibiting or governing activities to be performed thereon. The Rights required by the NAULs or the GERE and taken hereunder by the City are limited to the areas of the Permanent and Temporary Easements taken and for the duration of said Permanent or Temporary Easement, respectively, and to the area taken in fee for roadway construction (T-1). The individual Owners shall retain responsibility for

ensuring compliance with the NAULs and GERE for the remaining portion of their property not subject to or affected by this Order. The City shall have the authority to take any actions and to do all things required by such GERE and NAULs within the Permanent and Temporary Easement areas including, but not limited to, ensuring compliance with the applicable Work Protocols established therein together with the filing of Work Plans, financial assurance, health and safety plans and completion plans, maintenance, inspection and inspection reports that are necessary both during the performance of the Project, and after the Project is completed, all as set forth in the relevant appendices of the applicable NAUL or GERE, all of which are on record with the Middlesex South Registry of Deeds (“MSRD”) as follows:

0 New Boston Street – the property identified as Lot IC-28 and the GERE recorded (both ways) with the MSRD in Book 67312, Page 430, and on Certificate No. 188268 in Land Registration Book 1071, Page 118. The Project will affect Class B and Class C land as defined by the GERE;

0 New Boston Street – the property identified as Lot IC-32 and the NAUL recorded with the MSRD on Certificate No. 270800 in Land Registration Book 1545, Page 150. The Project will affect Class B land as defined by the NAUL;

225-231 New Boston Street – the properties identified as Lots IC-01 and IC-02 and the NAUL recorded with the MSRD in Book 76211, Page 1. The Project will affect Class C land as defined by the NAUL.

216 New Boston Street – the property identified IC-13 and the NAUL recorded with the MSRD on Certificate No. 142129 in Land Registration Book 840, Page 179. The Project will affect Class B and Class C land as defined by the NAUL.

The City shall ensure that the aforementioned rights, duties, authorities and obligations are made part of any contracts or agreements with MassDOT and any general contractors and sub-contractors who are retained to perform the work required by the Project and shall provide notice thereof, including without limitation notice of when the City’s assumption of such aforementioned rights, duties, authorities and obligations commences and terminates, to the affected Owners, the Massachusetts Department of Environmental Protection and the U.S. Environmental Protection Agency.

Said parcels of land are owned or supposed to be owned and/or formerly owned by the persons, corporations and limited liability corporations identified in Exhibit A attached hereto, and are collectively referred to as the Owners.

For damages sustained by the Owners in their property by reason of the aforesaid takings, and in accordance with the provisions of M.G.L. c.79, §6, as amended, awards are made.

IN WITNESS WHEREOF, WE HAVE SET OUR HANDS AND SEALS THIS 1st DAY OF SEPTEMBER, 2021.

**CITY OF WOBURN
CITY COUNCIL**

Edward Tedesco
Alderman Ward 6, President

Joanne E. Campbell
Alderman Ward 1

Richard F. Gately, Jr.
Alderman Ward 2

Jeffrey P. Dillon
Alderman Ward 3

Joseph E. Demers
Alderman Ward 4

Darlene Mercer-Bruen
Alderman Ward 5

Michael Lannan
Alderman Ward 7

Michael P. Concannon
Alderman at Large

Robert J. Ferullo, Jr.,
Alderman at Large

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 1st day of September, 2021 before me, the undersigned notary public, personally appeared the Woburn City Council, proved to me through satisfactory evidence of identification, which were personally known to me to be the persons whose names are signed above, and acknowledged to me that they signed it voluntarily for its stated purpose.

Notary Public
My commission expires _____

APPROVED BY THE MAYOR:

Scott D. Galvin

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 1st day of September, 2021 before me, the undersigned notary public, personally appeared Scott D. Galvin, Mayor of the City of Woburn, proved to me through satisfactory evidence of identification, which were personally known to me to be the person whose name is signed above, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My commission expires _____

EXHIBIT A

Record Owner: Industriplex Woburn LLC
Property Address: 0 New Boston Street, Woburn, MA
Title Reference: MSRD Book 72060, Page 552

Interests Taken:			Damages:
Parcel 1	AT-4	2,547 s.f.	\$ 8,000.00
	D-6	16,423 s.f.	51,500.00
	TE-22	538 s.f.	700.00
	TE-23	300 s.f.	400.00
Parcel 2	T-1 (In fee)	4,936 s.f.	\$16,300.00
	E-4	17,745 s.f.	55,600.00
	AT-3	3,529 s.f.	11,100.00
	TE-6	3,624 s.f.	4,500.00
Total:		\$148,100.00	

*Grant of Environmental Restriction and Easement for Lot IC-28 and the GERE recorded (both ways) with the MSRD in Book 67312, Page 430, and on Certificate No. 188268 in Land Registration Book 1071, Page 118. Notice of Use and Activity Limitation for Lot IC-32 recorded with the MSRD in Land Registration Book 1545, Page 150 on Certificate No. 270800

Record Owner: CCF New Boston Property Company, LLC
Property Address: 216 New Boston Street, Woburn, MA
Title Reference: MSRD – Both Ways
Certificate No. 277043 – Land Registration Book 1577, Page 62

Interests Taken:			Damages:
	E-8	4,478 s.f.	\$21,700.00
	D-3	648 s.f.	3,100.00
	D-7	150 s.f.	700.00
	TE-10	6,097 s.f.	9,300.00
Total:			\$34,800.00

*Notice of Activity and Use Limitation for Lot IC-13 recorded on Certificate No. 142129 in Land Registration Book 840, Page 179.

Record Owners: 225-231 New Boston Street, LLC
Property Address: 225, 227 and 229 New Boston Street, Woburn, MA
Title References: L.C. Book 1364, Page 97 - Certificate No. 243456 deregistered
Book 52363, Page 444

Record Owners: New Boston Series Realty Trust (Unit 231)
Property Address: 231 New Boston Street
Title Reference: MSRD Book 54360, Page 50

Master Deed recorded in MSRD Book 53358, Page 307

Interests Taken:	Damages:
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	TE-13	6,540 s.f.	Units 225, 227 and 229 (75% interest)	\$26,400.00
			Unit 231 (25% interest)	8,800.00
Total:				\$35,200.00

*Notice of Activity and Use Limitation for Lots IC-01 and IC-02 recorded with the MSRD in Book 76211, Page 1.

Record Owner: DM Five, Inc. f/k/a New England Resins & Pigments Corporation
Property Address: 316 New Boston Street, Woburn, MA
Title Reference: MSRD Book 13367, Page 589

Interests Taken:			Damages:	
	E-7	26,843 s.f.		\$106,300.00
	GR-1	324 s.f.		1,300.00
	TE-9	55,347 s.f.		101,700.00
	TE-15	249 s.f.		300.00
	TE-26	10,200 s.f.	12,700.00	
Total:				\$222,300.00

Record Owner: 315 NB Vale, LLC
Property Address: 315 New Boston Street, Woburn, MA
Title Reference: MSRD Book 49410, Page 257

Interests Taken:			Damages:	
	E-3	6,085 s.f.		\$ 64,400.00
	TE-5	15,934 s.f.		93,600.00

Total: \$158,000.00
Record Owner: 317 NB Development LLC
Property Address: 317 New Boston Street, Woburn, MA
Title Reference: MSRD Book 67884, Page 219

Interests Taken:			Damages:	
	E-2	2,847 s.f.		\$ 69,700.00
	TE-4	21,332 s.f.		225,700.00

Total: \$295,400.00

Damages:
Record Owner: Tabby Associates, LLC
Property Address: 319 New Boston Street, Woburn, MA
Title Reference: MSRD Book 30838, Page 602

Interests Taken:			Damages:	
	E-1	8,440 s.f.		\$ 8,700.00
	TE-3	807 s.f.	51,200.00	

Total: \$59,000.00

Record Owner: New Boston Street Associates, LLC

Property Address: 323 New Boston Street, Woburn, MA
Title Reference: MSRD Book 30830, Page 598

Interests Taken:		Damages:
E-10	326 s.f.	\$ 47,000.00
TE-2	8,096 s.f.	149,100.00

Total: \$196,100.00

Record Owner: New Boston 324 Limited Partnership
Property Address: 324 New Boston Street, Woburn, MA
Title Reference: Certificate No. 213449 – Land Registration Book 1197, Page 99

Interests Taken:		Damages:
E-5	4,204 s.f.	\$ 37,100.00
D-PUE-1	50 s.f.	400.00
D-1	13,051 s.f.	115,300.00
TE-12	4,372 s.f.	15,400.00
TE-16	1,319 s.f.	4,600.00
TE-19	1,270 s.f.	4,500.00

Total: \$177,300.00

His Honor Mayor Galvin stated it was the culmination of a number of years of work from the department heads and city councils past and present to open the New Boston Street Bridge. The cost is \$25 million that the stated is paying, and the City is responsible for the land takings. Mayor Galvin thanked Jay Corey, City Engineer, and Ellen Callahan Doucette, City Solicitor for all the incredible work they have done, as well as Bob Penfield and Tracie Lenhardt from VHB. He further thanked the owners on New Boston Street. The City Solicitor explained the changes to the Order of Taking, that the original was sent on August 2, 2021, and on August 6, 2021 had to update as one of the properties changed ownership. Further, there had to be reappraisal closer to the time of signing in Exhibit A, but all the parcels were the same square footage. Further, the City Solicitor stated that the DEP and EPA were involved related to three of the parcels due to activity and use limitations on them, so there was special language added for the City to be able to do work on those properties. She further stated that the DEP and EPA approved the language of the City taking rights because of the restrictions. She concluded that the Aldermen would have to sign the documents, and filing would need to be done by Friday, September 3, 2021. Mayor Galvin then spoke and thanked Tina Cassidy, Planning Board Director, for doing such a great job representing Woburn and obtaining funding. Further, he stated that Woburn has had a seat on the MPO for the past 10 years, and that the City is relinquishing its seat to another member community. The City Engineer thanked Ellen for the past 10-11 months because of all the changes that happened. He further stated that the project has been going on since May 2002, and the original cost of the bridge was \$4.5 million and it is now \$26 million which is being funded by the MPO. The City Engineer further stated that the project goes out to bid on September 18, 2021 and construction will most likely start in the Spring of 2022. Alderman Gately stated that the City worked hard on this project, and that it is the key to opening up North Woburn with all the activity going on up there. Alderman Gately concluded that he

appreciated all the work in a difficult situation and thanked all involved. The City Engineer stated it was a collective effort.

Motion made and 2nd to adopt the order, all in favor, 9-0. President Tedesco stated without objection, the motion to reconsider is laid upon the table. Hearing no objection so ORDERED.

**Presented to the Mayor: September 1, 2021 s/Scott D. Galvin September 1, 2021
[Note – Aldermen and Mayor signed the original documents night of the meeting
September 1, 2021].**

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

Motion made and 2nd to take a recess in order to sign Order of Taking documents, all in favor, 9-0.

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

UNFINISHED BUSINESS OF PRECEDING MEETING:

Motion made and 2nd to take from the table the next five (5) matters, all in favor, 9-0.

Reappointment of Thomas Skeffington (Chair), David Gilgun, and William Pappalardo to the Woburn License Commission. Motion made and 2nd to approve the reappointments, all in favor, 9-0.

Reappointment of Thomas W. Lawton (Chair), Chris Irving, Michael McDonough, Michael P. Higgins, Jonathan W. Surette, and Peter V. Murphy to the Woburn Golf and Ski Authority. Motion made and 2nd to approve the reappointments, all in favor, 9-0.

Reappointment of Michael Ventresca, Carolyn Turner, Claudia Leis-Bolgen, David Edmunds, Kevin Donovan, Robert Doherty, and James Callahan to the Woburn Planning Board. Motion made and 2nd to approve the reappointments, all in favor, 9-0.

Appointment of Richard Clancy to move from an alternate member to full-time member of the Woburn Board of Appeals. Motion made and 2nd to approve the appointment, all in favor, 9-0.

Reappointment of Margaret M. Pinkham (Chair), John J. Ryan, III, and Daniel Parrish to the Woburn Board of Appeals. Motion made and 2nd to approve the reappointments, all in favor, 9-0.

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

Any other matter that may legally come before the City Council. - None

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 6:18 p.m.