

**CITY OF WOBURN  
OCTOBER 5, 2021 – 7:00 P.M.  
REGULAR MEETING OF THE CITY COUNCIL  
COUNCIL CHAMBER, WOBURN CITY HALL**

Roll Call

Campbell	Ferullo
Concannon	Gately – Absent
Demers	Lannan
Dillon	Mercer-Bruen
Tedesco	

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VOTED to dispense with the reading of the previous meeting’s Journal and to APPROVE, all in favor, 8-0-1 (Gately Absent).

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Motion made and 2<sup>nd</sup> to suspend the rules to take from Unfinished Business from Previous Meetings the Presentation by Powers and Sullivan regarding the end of year audit results, all in favor, 8-0-1 (Gately Absent).

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**UNFINISHED BUSINESS OF PRECEDING MEETING:**

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

Powers and Sullivan will be attending the October 5, 2021 city council meeting to discuss the completed audited financial statements for the city of Woburn for the fiscal year ending 6/30/2020 and preliminary information for the fiscal year ending 6/30/2021.

I have included a copy of the Report of Financial Statements, Management letter and Report on Federal Awards dated June 30, 2021 for your review prior to the meeting. If you have any questions please feel free to call.

Sincerely, s/Scott D. Galvin, Mayor

Motion made and 2<sup>nd</sup> to accept the following documents from Powers & Sullivan, LLC, 1. Management Letter dated June 30, 2020; 2. Report on Examination of Basic Financial Statements dated Year Ended June 30, 2020; and 3. Reports on Federal Award Programs dated Year Ended June 30, 2020, all in favor, 8-0-1 (Gately Absent). Motion made and 2<sup>nd</sup> to further suspend the rules to allow His Honor Mayor Galvin to speak, as well as representatives from Powers and Sullivan, all in favor, 8-0-1 (Gately Absent).

His Honor the Mayor Scott Galvin thanked the City Council for allowing for the presentation. He also recognized City Auditor Charles Doherty. The Mayor then introduced the Frank Serreti and Ben Anset from Powers and Sullivan. The Mayor asked that the Council hold their questions until the end of the presentation. Mr. Frank Serreti, Partner of Powers and Sullivan, stated he has worked for 26 years with Powers and Sullivan. Mr. Serreti thanked the department heads and the school officials to working together to get the audit done. He further stated that he has packets put together for the Council. The audit started in July with preliminary work, in which much was done to lighten the year-end work which takes places in mid-December. Completed the year-end audit procedures. Mr. Serreti continued to give the highlights. The City's credit rating increased in 2020, in which Mr. Serreti congratulated the City because the City will have better rates in the future. Woburn is 1 of 74 communities (out of 341) with AAA Bond Rating. There is \$35.6 million in free cash, which is \$7.3 million increase from the year prior; with 99% collections rate, which is strong; the General Fund balance was \$57.5 million, of which \$8.1 million is committed; of committed amount, \$3.7 relates to affordable housing stabilization trust fund, \$4.4 relates to continuing appropriations; \$279,000 encumbered; left with \$49.1 million unassigned fund balance, which is about 32% the general fund budget; unfunded \$19.8 million, 18% back then, now positive trend over time and reserve balances. Regarding the Operating Results, there was \$7.3 million surplus for FY2020, actual revenues exceeded budget by \$4.7 million, most of which are from departments and other revenues, \$4 million over budget, which were mostly from building permits, solar farm receipts, and smart growth revenues; \$342,000 from tax liens; \$626,000 from motor vehicle liens over budget.

Under Budget, education turned \$1.4 million, public safety under budget mainly because of salaries and overtime. Others under budget but were offset by use of free cash for capital expenditures and some OPEB Trust. Regarding water and sewer enterprise fund, \$4 million fund balance; \$403,000 increase in water and sewer operating form previous year; Net pension liabilities was \$87 million, which is a \$6.4 million decrease, decrease because of better investment returns. Regarding OPEB Trust Fund, 64% funded, which as wan increase of 6% of the prior year, and that was using a 7.5% discount rate. Regarding OPEB, \$750,000 in FY2020 contribution. \$7.5 million at year end, \$1.1 million increase, net OPEB liability \$254 million, which changed the discount rate from 3.8% to 2.61%. This is a blended rate because the liability is not fully funded. Impact of a 1% change in discount rate is explained on page 5, where the chart shows middle column. The more you fund the sooner you can use a higher discount rate. For long term debt, water and sewer is \$2.3, and unfunded debt is \$4.9 million. The audit results showed a clean, unmodified opinion, which means the City is in conformity. The City was accurate, and timely to responses to inquiries. Regarding Federal Award Programs, \$2.7 million were federal funds and the single audit was child nutrition, which was a clean report. Regarding the management letter, there are no current year comments, however, there are some remaining from prior years. Mr. Serreti then discussed CARES Act and ARPA grant funds, as well as in the process of doing those newer awards related to COVID and Schools. Regarding transactional testing, they are not finding any issues with and department and the processes they are supposed to follow. Mr. Serreti stated the reviewed City Council minutes as well to confirm such transactions are being followed. Finally, Mr. Serreti concluded his presentation by stating Powers and Sullivan will be back out in December to do the year-end audit reports, which will be submitted to the Auditor.

Motion made and 2<sup>nd</sup> to PLACE THE MATTER ON FILE, all in favor, 8-0-1 (Gately Absent).

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Motion made and 2<sup>nd</sup> to return to the regular order of business, all in favor, 8-0-1 (Gately Absent).

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**MAYOR'S COMMUNICATIONS:**

**ORDERED** That the sum of \$129,000.00 be and is hereby transferred as so stated from Stabilization Fund Acct# 704059-591600 to Settlement Payment Applejack Realty Trust.

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

s/President Tedesco

Motion made and 2<sup>nd</sup> that the MATTER BE REFERRED TO THE COMMITTEE ON FINANCE, all in favor, 8-0-1 (Gately Absent).

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**NEW PETITIONS:**

Petition by Comcast for grant of right in a way to install a new conduit at 275 Main Street. Starting at Utility Pole No. 38/37 excavating across Main Street and into the sidewalk to place (1) 3" PVC Conduit 130' +/- to a proposed 24" x 36" vault located in front of 269 Main Street. Continuing in the sidewalk to place (1) 3" PVC Conduit 96' +/- to number 275 Main Street. Motion made and 2<sup>nd</sup> that the MATTER BE REFERRED TO PUBLIC HEARING, all in favor, 8-0-1 (Gately Absent).

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Petitions for renewal of Second Class Motor Vehicles Sales Licenses by ACT Leasing, Inc., 215 Salem Street, and McSheffrey Auto Sales, Inc., 878 Main Street. Motion made and 2<sup>nd</sup> that the MATTER BE REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 8-0-1 (Gately Absent).

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Petition by Mass General Brigham for special permit pursuant to Section 13.7 of the 1985 City of Woburn Zoning Ordinance, as amended, to amend a special permit granted July 18, 2017 to replace 5 signs due to name change from "Partners Urgent Care" to "Mass General

Brigham” at 425 Washington Street. Motion made and 2<sup>nd</sup> that the MATTER BE REFERRED TO PUBLIC HEARING, all in favor, 7-0-1-1 (Gately Absent, Mercer-Bruen Abstained).

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Petition by TDC Development Group, LLC, 125 High Street, Boston, Massachusetts, for proposed amendment to the 1985 City of Woburn Zoning Ordinance, as amended, to add new Section 32 Life Sciences and Business Mixed Use Overlay District (LBOD). Motion made and 2<sup>nd</sup> that the MATTER BE REFERRED TO PUBLIC HEARING, all in favor, 8-0-1 (Gately Absent).

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Petition by Lawless Inc. for a special permit request that the Landowner’s Decision and Notice of Special Permit dated May 11, 2017 (the “Decision”) be amended as follows: 1. Condition 3 shall be amended to allow for vehicle repairs (mechanical and/or body work) in Building C on the Property. The prepping and equipping of new motor vehicles shall continue in Building B pursuant to the Decision; 2. Condition 4 which states that: “The use of the Property shall be limited to the prepping of new motor vehicles and the parking of some” shall be deleted; 3. That the Plan of Record shall be amended by adopting a revised Plan of Record entitled “Parking Layout Plan”, 8 Draper Street, Woburn, MA dated September 27, 2021 prepared by Allen & Major Associates, 100 Commerce Way, Woburn, MA 01801 (the “Plan”). Please note that the revised Plan has incorporated changes shown on the Plan of Record to the Landowner’s Decision and Notice of Special Permit dated December 28, 2017 to Lord Hobo Brewing Company and Draper Management LLC, at 8 Draper Street. Motion made and 2<sup>nd</sup> that the MATTER BE REFERRED TO PUBLIC HEARING, all in favor, 8-0-1 (Gately Absent).

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Petition by Lawless Inc. for a special permit pursuant to Section 7.3 and Site Plan Review under Section 12 of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for: 1. A modification of the Landowner’s Decision and Notice of Special Permit dated June 14, 2005 as set forth in Paragraph 2 below; 2. Pursuant to Section 7.3, the alteration of the existing nonconforming use and structure to allow for an additional 9,025 gross square feet (4,125 gfa on the first floor and 4,900 gfa on the second floor) for a reorganization of administrative offices and to allow for a covered service drive; 3. Pursuant to Section 12 Site Plan Review, since there is an increase of gross floor area in excess of 5,000 square feet (9,025 square feet); 4. Pursuant to Section 7.3 the Petitioner requests approval of the signage as shown on the plans filed herewith. The structure and use are nonconforming as follows: a. The property is located within the BH Zoning District and R-1 Zoning District; b. The existing parking and rear building setback to the left of the existing building is within the 45 foot buffer zone (36.2 feet) next to American Legion; c. The front yard setback is 19.6 feet to the overhang and 25.8 feet from the foundation, at 196 Lexington Street. Motion made and

2<sup>nd</sup> that the MATTER BE REFERRED TO PUBLIC HEARING, all in favor, 8-0-1 (Gately Absent).

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Councilor Mercer-Bruen stated she was recusing herself on the next matter and left the Council Chamber.

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A communication dated September 29, 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 dated December 3, 2020/Lahey Hospital & Medical Center, 8 Presidential Way, Woburn, Massachusetts (the "Decision")

Dear Ms. Higgins:

Please be advised that I represent Lahey Hospital & Medical Center in connection with the above-referenced matter. On behalf of my client I respectfully request that Condition 3 of the Decision be modified to allow for an extension of one (1) year to December 3, 2022 for the drive thru COVID-19 testing facility.

I have included herewith ten (10) copies of an updated Plan dated October 14, 2020 revised September 28, 2021 prepared by Allen & Major Associates, 100 Commerce Way, Woburn, Massachusetts showing the Temporary Testing Facility.

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 request for a one (1) year extension for the COVID-19 Test Facility is a minor modification that does not affect the overall layout of the site as well as all of the existing conditions.

On behalf of my client I respectfully request that the City Council approve the request for a one (1) year extension to December 3, 2022 as a minor modification. If you need any additional information please contact me. Thank you.

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

Motion made and 2<sup>nd</sup> to accept the communication and make it part of the permanent record, all in favor, 7-0-1-1 (Gately Absent, Mercer-Bruen Abstained). Motion made and 2<sup>nd</sup> to suspend the rules to allow Attorney Joseph R. Tarby, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 to speak on behalf of the petitioner, all in favor, 7-0-1-1 (Gately Absent, Mercer-Bruen Abstained). Attorney Tarby stated that the petitioner sought a special permit last year at 8 Presidential Way for a COVID Testing facility and they are looking to extend it for one year. Only Lahey patients will be tested and it is not open to the public. Patients will need to have a doctor's order. The extension will be from December 3, 2021 to December 3, 2022. Motion made and 2<sup>nd</sup> to return to the regular order of business, all in favor, 7-0-1-1 (Gately Absent, Mercer-Bruen Abstained). Motion made and 2<sup>nd</sup> that the MINOR MODIFICATION BE granted and that all previous conditions remain in full force and effect unless otherwise modified herein, all in favor, 7-0-1-1 (Gately Absent, Mercer-Bruen Abstained).

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Councilor Mercer-Bruen entered the Council Chamber.

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**PUBLIC HEARINGS:**

On the petition by NStar Electric Company, d/b/a Eversource Energy, and Verizon, New England Inc. for grant of right in a way to install one (1) joint owned pole (94/2A) on Green Street near 8-10 Green Street. PUBLIC HEARING OPENED: A communication dated September 30, 2021 was received from Jay Duran, Superintendent, Department of Public Works as follows:

Pursuant to the request from Eversource for the installation of a new joint owned pole which is necessary to accommodate the new 56- unit apartment building at 8 Green Street. I recommend that the City Council approve this request subject to the following. All adjacent utilities should be clearly marked on the ground as well as the proposed location of the proposed pole. There should be a minimum ten-foot clearance to the pole to allow for future

maintenance to city or private utilities and infrastructure. All should be clearly marked on the ground including any other pertinent information for review in the field by the DPW prior to installation of the pole. In addition, the pole should be located and installed by Eversource personnel to clearly provide proper handicap access and ADA compliance. All disturbed improvements including but not limited to sidewalks and curbing should be replaced to DPW specifications and properly coordinated with the developers to ensure compliance with the Special Permit for the project.

Furthermore, it should be noted that there are many double poles in this neighborhood. I was asked to provide a list of those on Green Street, Montvale Avenue and Holton Street. The information is listed on the attached sheet for your reference.

Please feel free to contact me with any questions or concerns on this matter

Motion made and 2<sup>nd</sup> that any and all communication be received and made part of the permanent record, all in favor, 8-0-1 (Gately Absent). Appearing for the petitioner, Jacqueline A. Duffy, Rights and Permits Agent, Eversource, 101 Linwood Street, Somerville, Massachusetts 02143, stated she had no issues with the comments from the DPW Superintendent. Councilor Mercer-Bruen suggested having a condition with respect to removing double poles. Ms. Duffy stated she forwarded the list of double poles on to Verizon. Councilor Mercer-Bruen stated that she would like at least one removed, unless Councilor Dillon had any suggestions. Councilor Lannan stated he does not believe this project should be held up for double poles. Councilor Dillon stated perhaps the Council should hold on this. Ms. Duffy stated the issue is that all the equipment must be moved before the double pole can be moved, and that it is not the equipment of NStar/Eversource, rather Verizon. Councilor Dillon stated that there should be a group effort to get this right. Ms. Duffy stated that she sent the request to Verizon as well as Somerville, Massachusetts. Upon inquiry from Councilor Dillon, President Tedesco stated that the industry regulated at the State. Councilor Ferullo stated that from his experience that Verizon is the one slowing down the process because it is not NStar/Eversource equipment. Ms. Duffy stated that she sent one of her employees out there to confirm, and that he came back and stated it is Verizon equipment. Councilor Dillon suggested working with Representative Richard Haggerty on the issue. Councilor Mercer-Bruen stated that over a decade ago the State had legislation, but it was tucked away in committee. President Tedesco said he believed it was stuck in the study phase. Motion made and 2<sup>nd</sup> that the public hearing be opened for public comments, all in favor, 8-0-1 (Gately Absent). PUBLIC COMMENTS: George Gately, Jr., owner of 8-10 Green Street, stated that his construction project is at a standstill because the power to the building behind his property goes right through where his building is going to be. Thus, he cannot put his pylons in. Mr. Gately stated that he put the request in for the pole in July 2020. He further stated that a double pole in the area was finally moved two (2) months ago. Mr. Gately stated he does not have any leverage over the utilities, and that he prefers the Council hold up a project that the utilities need, not his project. Upon inquiry from Councilor Dillon, Mr. Gately stated he cannot do any work because of the rear Jameson property, since he cannot do anything under the old wires with his equipment.

Motion made and 2<sup>nd</sup> to close the public hearing, all in favor, 8-0-1 (Gately Absent). Councilor Mercer-Bruen stated she wanted to correct herself from earlier, and that the project is actually located in Councilor Gately's ward. Motion made and 2<sup>nd</sup> to GRANT THE RIGHT IN A WAY with the following conditions: 1. All adjacent utilities should be clearly marked on the ground as well as the proposed location of the proposed pole; 2. There should be a minimum ten-foot clearance to the pole to allow for future maintenance to city or private utilities and infrastructure; 3. All should be clearly marked on the ground including any other pertinent information for review in the field by the DPW prior to installation of the pole; 4. In addition, the pole should be located and installed by Eversource personnel to clearly provide proper handicap access and ADA compliance; and 5. All disturbed improvements including but not limited to sidewalks and curbing should be replaced to DPW specifications and properly coordinated with the developers to ensure compliance with the Special Permit for the project, all in favor, 8-0-1 (Gately Absent).

**Presented to the Mayor: October 7, 2021**

**s/Scott D. Galvin October 7, 2021**

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On the 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 September 16, 2021 was received from Horsley Witten Group, 112 Water Street, 6<sup>th</sup> Floor, Boston, MA 02109, regarding "Stormwater Peer Review, 36 & 40 Prospect Street, Woburn, Massachusetts."

A communication dated October 5, 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 to your next meeting. The peer review has been addressed by our engineer and sent back to the peer reviewer. We expect to have it this week so request is made for one more extension to Oct 19.

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

Very Truly Yours, s/ Mark J Salvati

President Tedesco stated that Councilor Lannan will not be able to vote on this matter, and that in the future, Councilor Gately will not be able to vote. Motion made and 2<sup>nd</sup> that any and all communication be received and made part of the permanent record, all in favor, 7-0-1-1 (Gately Absent, Lannan Abstained). Motion made and 2<sup>nd</sup> that the public hearing be



opened for public comments, all in favor, 7-0-1-1 (Gately Absent, Lannan Abstained).  
PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING BE  
CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON October 19,  
2021, all in favor, 7-0-1-1 (Gately Absent, Lannan Abstained).

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On the petition by CONTINUUS Pharmaceuticals, Inc. c/o Ernest Penachio, 25-R Olympia Avenue, Woburn, Massachusetts 01801 for special permit to allow: 1. Revised site plan file with Special Permit Petition; 2. A Modification to the Landowner's Decision and Notice of Special Permit dated March 29, 2018 (the "Decision") to allow for a total of approximately 37,728 square feet of light manufacturing use; and approximately 13,038 square feet of office use; and 7,440 square feet of light manufacturing use; 3. A Special Permit pursuant to Section 9 to allow for the requested uses within the limits of the Floodway and Food Plain Districts; 4. Site Plan Approval pursuant to Section 12.2.4; and 5. A Special Permit pursuant to Section 5.1(53) to allow for a high hazard use, at 32 Cabot Road. PUBLIC HEARING OPENED: A communication dated September 29, 2021 was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: CONTINUANCE OF PUBLIC HEARING: SPECIAL PERMIT APPLICATION to authorize 37,728 sq. ft. of light manufacturing floor space at 32 CABOT ROAD / CONTINUUS Pharmaceuticals, Inc.

Dear Ms. Higgins:

At a meeting of the Woburn Planning board held on Tuesday, September 28, 2021, members of the Board voted unanimously 6-0-0 (Donovan, Turner, Callahan, Doherty, Ventresca, and Bolgen in favor; Edmonds absent) to continue the public hearing on the above-referenced filing. The public hearing will resume at the Planning Board's meeting on Tuesday, October 12, 2021, at 7:00 p.m.

Respectfully, s/Tina P. Cassidy, Planning Board Director

Further, a communication dated September 29, 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 Continuus Pharmaceuticals, Inc.  
32 Cabot Road, Woburn Massachusetts

Dear Ms. Higgins:

On behalf of Continuus Pharmaceuticals, Inc., I respectfully request that the public hearing on this matter scheduled for October 5, 2021 be continued to the City Council

meeting scheduled for October 19, 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 2<sup>nd</sup> that any and all communication be received and made part of the permanent record, all in favor, 8-0-1 (Gately Absent). Motion made and 2<sup>nd</sup> that the public hearing be opened for public comments, all in favor, 8-0-1 (Gately Absent). PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON October 19, 2021, all in favor, 8-0-1 (Gately Absent).

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On the petition by Toll Brothers, 197 First Ave Suite 110, Needham, Massachusetts 02464, to amend a prior special permit dated June 6, 2017, under Section 23.4.2 the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Remove the requirement under Section 8 of the decision requiring installation of two islands on Mishawum Road as shown on Offsite Landscape Plan, Sheet C-6B; 2. Require the petitioner to expend funds equal to the cost the cost of above, to make other improvements related to the project as determined by the City Engineer or to deposit that amount with the City to install the islands; 3. Change the designation of “Retail” use for 3,180 square feet on the first floor to “Restaurant or Retail” at 120 Commerce Way. PUBLIC HEARING OPENED: A committee report was received “back for action”.

Further, a communications dated September 23, 2021 was received from John E. Corey, Jr., PE, City Engineer as follows:

**Subject: 120 Commerce Way Special Permit**

As part of their special permit, the grantee is required to perform landscaping along Commerce Way. A portion of the landscaping area, at Mishawum Rd. is under MassDOT jurisdiction and would require the city to enter into a maintenance agreement for landscaping within the island areas at Mishawum Rd. which the city is reluctant to do. The grantee has offered the cash value of the landscaping for upgrades to traffic signal equipment that was not available at the time of issuance of the special permit. The additional equipment is detailed below:

**Atlantic Ave. at Commerce Way**

- GS2 Gridsmart controller
- Performance Plus Gridsmart License
- Applied Information Unit

**Target at Commerce Way**

- GS2 Gridsmart controller
- Performance Plus Gridsmart License

- Applied Information Unit

The total cost of equipment, including installation, startup and testing for the two intersections is \$51,140.

We further propose also to upgrade the following intersections with new equipment:

**Lowe's at Commerce Way**

- GS2 Gridsmart controller
- Performance Plus Gridsmart License
- Applied Information Unit

**Lowe's at Commerce Way**

- Applied Information Unit

The estimated cost of equipment at the Lowe's intersection is \$25,570. and \$8,800. at the Raytheon intersection. Such that the total cost for the four intersections would be \$85,500.

The installation of the new traffic signal equipment would allow better traffic flow along the entire Commerce Way corridor. Additionally, the Applied Information units will allow us to put the intersection cameras online, adjust the phasing and timing of each intersection instantaneously from a remote computer and allow the public to run the Travelsafely app when driving the corridor. The Travelsafely app alerts drivers as to when a signal is changing so that they can be prepared to stop or go. It keeps drivers from being distracted and allows traffic to travel more smoothly. Information on the app is available at the following link: <https://travelsafelyapp.com/>

The link, along with an explanation would be placed on the city's webpage for easy access by residents.

It is believed that the traffic signal equipment can be installed in a relatively short period of time and we would recommend that it be implemented as soon as practical.

I trust the foregoing information is sufficient for your current needs. Should you have any questions or comments, please do not hesitate to contact me.

Motion made and 2<sup>nd</sup> to accept the communication from the City Engineer, and received and made part of the permanent records, all in favor, 8-0-1 (Gately Absent). Motion made and 2<sup>nd</sup> that any and all communication be received and made part of the permanent record, all in favor, 8-0-1 (Gately Absent). Appearing for the petitioner, Attorney Mark J. Salvati, Attorney at Law, 57 Arlington Road, Woburn, Massachusetts 01801 stated that there is one small piece to change to retail. Attorney Salvati stated that his client has agreed to the mitigation measures proposed by the City Engineer. Councilor Mercer-Bruen stated she would like to vote separately and have it conditioned on the September 23, 2021 memorandum from the City Engineer. Councilor Mercer-Bruen suggested conditions for the first two requests and read them into the record as follows: 1. Equipment to be purchased

and installed prior to occupancy permits issued, temporary or otherwise; 2. Traffic Equipment to be installed as outlined in Jay Corey’s memo the City Council dated September 23, 2021; 3. Toll Brothers is responsible for the purchase and installation of the equipment and project management; 4. Toll Brothers will provide the Woburn City Council and Engineering office copies of equipment invoices and installation costs; and 5. Toll Brothers will provide documentation to the City Council confirming the equipment has been installed and tested accordingly. Motion made and 2<sup>nd</sup> to accept the communication and make it part of the permanent record, all in favor, 8-0-1 (Gately Absent). For the third request, Councilor Mercer-Bruen asked that the request be amended to: 3. Change the designation of “Retail” use for 3,180 square feet on the first floor to “Restaurant, Full Service or Retail.” Councilor Campbell stated she was glad with the change in order to avoid a fast-food restaurant from going into that location. Motion made and 2<sup>nd</sup> that the public hearing be opened for public comments, all in favor, 8-0-1 (Gately Absent). PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> to close the public hearing, all in favor, 8-0-1 (Gately Absent).

Motion made and 2<sup>nd</sup> to grant the first two requests with the following five (5) conditions: 1. Equipment to be purchased and installed prior to occupancy permits issued, temporary or otherwise; 2. Traffic Equipment to be installed as outlined in Jay Corey’s memo the City Council dated September 23, 2021; 3. Toll Brothers is responsible for the purchase and installation of the equipment and project management; 4. Toll Brothers will provide the Woburn City Council and Engineering office copies of equipment invoices and installation costs; and 5. Toll Brothers will provide documentation to the City Council confirming the equipment has been installed and tested accordingly, all in favor, 8-0-1 (Gately Absent). Motion made and 2<sup>nd</sup> to grant the third request, as amended, as follows: 3. Change the designation of “Retail” use for 3,180 square feet on the first floor to “Restaurant, Full Service or Retail,” all in favor, 8-0-1 (Gately Absent).

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On the petition by Cabot, Cabot & Forbes LLC, 185 Dartmouth Street, Suite 402, Boston, Massachusetts 02116, for Special Permit pursuant to Section 23.5.5.2(a), Section 23.5.5.2(b)(e), Section 23.5.5.3(a), Section 23.9 and Section 12 of the 1985 City of Woburn Zoning Ordinance, as amended to allow for: 1. Two Hundred Fifty (250) residential dwelling units; 2. Accessory pool; 3. Approximately 2,125 square feet of commercial, restaurant, fitness and/or retail space; 4. Site Plan Approval for Two Hundred Fifty (250) residential dwelling units; and 5. All signage as shown on the Site Plan, at 0 New Boston Street. PUBLIC HEARING OPENED: A communication dated September 29, 2021 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

RE: PLANNING DEPARTMENT COMMENTS ON SPECIAL PERMIT  
APPLICATION FOR 0 NEW BOSTON STREET / CABOT, CABOT & FORBES,  
LLC

Dear Council:

This letter serves as an update relative to the issuance of Planning staff comments on the proposed special permit application for property located at 0 New Boston Street. Please be advised that staff is in the process of reviewing this application and has scheduled a multi-departmental meeting on Wednesday, October 6th for the purpose of obtaining comprehensive input on development impacts. Once this meeting has taken place, staff intends to draft and file a comment letter with the City Clerk's Office for the Council's consideration by its following meeting, on Tuesday, October 19th.

If you have any questions, please do not hesitate to contact this office.

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

Motion made and 2<sup>nd</sup> that any and all communication be received and made part of the permanent record, all in favor, 8-0-1 (Gately Absent). Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 stated he had Allen and Major with him, and that the petitioner is seeking a special permit pursuant to Section 23 of the Commerce Way Corridor Overlay District ("CWCOD") for: 1. Two Hundred Fifty (250) residential dwelling units; 2. Accessory pool; 3. Approximately 2,125 square feet of commercial, restaurant, fitness and/or retail space; 4. Site Plan Approval for Two Hundred Fifty (250) residential dwelling units; and 5. All signage as shown on the Site Plan, at 0 New Boston Street. Attorney Tarby further stated that the property is located in the CWCOD which requires special permit for development. He further stated, that the concept plan was approved July 29, 2020, the concept plan review approval was extended on August 17, 2021 and the Special permit petition was filed on September 1, 2021. Attorney Tarby stated that procedurally there will be a department head meeting tomorrow to review the plans, which have been approved for peer reviews and contracts finalized as of today. He continued to state that 0 New Boston Street was part of the Industrialplex Superfund site and New Boston Street Anderson Transportation Center. In the plan, the yellow outline is the proposed lot. In 2017, Cabot, Cabot, and Forbes, the developer, was granted a special permit and site plan review at 120 Commerce Way in partnership with Toll Brothers to develop site with high quality mixed use. Cabot, Cabot & Forbes took the project through the EPA process for 120 Commerce Way, and it is nearly completed, and should be opening in 2022. Cabot, Cabot & Forbes want to continue to use its expertise of the superfund site at 0 New Boston Street. Cabot, Cabot & Forbes also owns 216 New Boston Street, which is shaded in blue, where there is a large industrial building there. Also, there is Landscape Express and the mulch piles will go away. The plan is to have life science campus there. The proposed property will consist of 250 units, 13 of which will be 3 bedrooms, and 374 parking spaces. The first floor will be retail, fitness, and a bank. There will be a five (5) story parking garages, amenity spaces, and courtyard. Attorney Tarby stated Tim Williams from Allen and Major will go over the site plan and Brian O'Connor from Cube 3 will go over the elevations. Brian O'Connor stated that the project is close to the Anderson station and to get across the parking lot is a 5-minute walk. The parking area is in the lower left corner in gray. The Building is in red. The typical ground floor plan example, the amenity space is in purples, the large interior courtyard is in green. Mr. O'Connor continued to state that there are 374 parking spaces and 250 residential units. The second level will be retail space with double floor height space. He then showed

the typical upper floor plan with each level being connected to a parking level. Mr. O'Connor then showed the concept views, showing the retail frontage. The buildings will be wrapped in a wood material that pops. The building is also mix of cement, masonry, and glazing.

Tim Williams from Allen and Major Associates then presented. Mr. Williams then stated the project has 250 residential units and retail. The CWCOD requires 369 spaces (shared method is 361) and the project has 374. Mr. Williams stated there has been several call and meetings on the New Boston Street Bridge with the Planning Board. The building is located off of the MBTA access drive at 315 New Boston, and that the project is giving an easement for the bridge, but still getting frontage off of it. Mr. Williams stated there are 14 surface parking spots and the parking garage. There will be a pedestrian connection to the MBTA parking lot. The layout plans meet all zoning requirements under the CWCOD. There are 2 parcels of land 32 acres are the solar panels, and 12 acres is this project. The frontage access drive 400 feet of frontage. The project meets all setbacks, height, open space, and other requirements. Cabot, Cabot & Forbes is managing the utilities, and is coordinating with MBTA with driveway drainage. The drainage will be on MBTA property, and is the same drainage the City will be using with the New Boston Street Bridge. This all had to be coordinated with MassDOT and city. The lighting plan are standard city lights with no light pollution. Mr. Williams concluded by stating a small portion of the parking is under the Eversource power lines in Eversource easement.

Scott Thornton from Vanasse and Associates then presented on the traffic study. Mr. Thornton stated he used the standard assessment with Wilmington and Woburn City Engineer consultant on the New Boston Street Bridge. Mr. Thornton stated that pre-pandemic numbers were used for traffic on weekday mornings and afternoons. The study area included 8 intersections in Woburn, as well as in Wilmington, which were suggested by the Woburn City Engineer. The trip generations contained some type of sharing. Housing had a 5% adjustment for transit because a reasonable 5-minute walk to Anderson. There were approximately 60-65 trips during the peak, which was approximately 1 trip per minute. Mr. Thornton stated the use of public transportation and Anderson TRC will be promoted. The project will have screens that link up to the date and timing of trains and Logan Express busses. Further, there will be bike racks. Finally, Mr. Thornton concluded that the peer review is expected on the analysis of the project.

Upon inquiry from Councilor Campbell, Attorney Tarby stated that without including the .27 acres, 300 units, 10 stories allowed, and that there are no other buildings 7 stories in the area. Councilor Campbell stated that 425 units were recently approved, as well as an additional 2,000 more units approved or under consideration in this area, and that this area is saturated. She stated that Wilmington does not know what is coming their way over the new bridge. Councilor Campbell stated these projects generate traffic that affects all areas of the city including streets in her ward. She stated that there should be no more large density projects even in overlay districts and that the overlay is like spot zoning. Councilor Campbell stated that it was not the intention of the Council when the overlay district was approved to have this much residential development in that area, the intention was not to bring 2,000 units to that area, and that this density is detrimental to the City. President Tedesco stated it was not spot zoning and that this is the location where affordable housing will be needed. Councilor

Mercer-Bruen stated that she was on the Council at the time and that the vision never was to have such heavy residential, but that this is the flavor of development. Councilor Mercer-Bruen stated she was glad to get a second vote to deny, and that the City Council needs to be more forward thinking. She believed that single family homes would give a closer look. Councilor Mercer-Bruen stated that there is a reason this project requires a special permit because of the special circumstances of the area. President Tedesco stated that the peer review includes traffic, and Attorney Tarby confirmed this. Upon inquiry from Councilor Mercer-Bruen, Attorney Tarby stated that the traffic numbers coincide with the bridge being open, and that the bridge would need to be open for 315 and 0 New Boston Street projects to occur. Mr. Thornton confirmed. Upon inquiry from Councilor Mercer-Bruen, Attorney Tarby stated he would have to talk to the client if the New Boston Street Bridge did not open. In response to a comment from Councilor Mercer-Bruen, Councilor Campbell stated she has consistently worked to reduce the size of these large projects and traffic from these projects and has joined with Councilor Mercer-Bruen in opposing some large projects. Councilor Mercer-Bruen stated that on a number of occasions she opposed large developments, that Councilor Campbell did not. Upon inquiry from Councilor Concannon, Mr. Williams stated that the only connections the project is making for vehicular or pedestrian traffic was to the MBTA parking lot. Mr. Williams continued to state that they are granting an easement to the City, if the City wants to build in the future. Councilor Concannon stated he was concerned with pedestrians just walking on their own in the middle of a parking lot. Councilor Ferullo stated that briefly and benignly from the public safety side, the police and fire stay on forefront of thoughts going forward. Councilor Dillon stated he spoke with Dr. Crowley on last project and that he is concerned about the schools. Attorney Tarby stated he filed a fiscal impact statement that included police, fire, school and property taxes. Attorney Tarby stated that the project can handle most by using public transit. Councilor Dillon stated that the business model may be to get to Boston on train and maybe 1 or no children, but this will expand. Councilor Demers stated that the School Department has an impact consultant that the school has access to. Upon inquiry from Councilor Demers, Attorney Tarby stated that the traffic study is required to take into account other projects in the area. Mr. Thornton confirmed he was required to do so and that 10 or 12 approved developments included in this and the New Boston Street Bridge. Councilor Demers stated that the City should probably do its own study. He stated he was concerned with the 7 stories, and the City only has 1 tower fire truck. With respect to affordable housing, he stated that affordable housing units are still expensive since they are only a percentage off market rates, and market rates are high right now for rentals. Councilor Demers stated that if Councilor Campbell suggests or brings down a proposal to change the zoning he would be open to it. Councilor Mercer-Bruen stated that market values change and will have families and that she would suggest providing less parking. Attorney Tarby stated that restricting vehicles and limiting parking is not being considered. He further stated that 7 stories are not new to the City and that it has been in the Zoning Code since 1985. It is already allowed in the B-I and Industrial zoning districts.

Motion made and 2<sup>nd</sup> that the public hearing be opened for public comments, all in favor, 8-0-1 (Gately Absent). PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON November 9, 2021, and referred to the committee on Special Permits, all in favor, 8-0-1 (Gately Absent).

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On the petition by Montvale Land LLC, c/o Leggat McCall Properties, 10 Post Office Square, Boston, Massachusetts 02109, request for approval of amended Master Concept Plan pursuant to Section 28.4.3 of the City of Woburn Zoning Ordinance, as amended, for the Vale, located on Hill Street, and for a Special Permit with Site Plan Review under the Technology Business Overlay District under the 1985 City of Woburn Zoning Ordinance, as amended, to allow for: 1. Site Plan Review pursuant to Section 28.6.1.3 and Section 28.6.1.4 to allow for approximately 881,364 square feet of research and testing laboratory use, including vivarium use; and research and development; 2. Site Plan Review pursuant to Section 28.6.1.4 to allow for approximately 130,256 square feet of cGMP/BIO Manufacturing; 3. Site Plan Review pursuant to Section 28.6.1.12 to allow for amenity retail, personal service establishments, including full service restaurants and fast food restaurants. The retail uses will be located in a central single story 10,000 square foot amenity building and some first floor space of the adjacent Office/Lab/R&D buildings; 4. Site Plan Review pursuant to Section 28.6.1.19 to allow for accessory uses normally incidental to a permitted use, including high hazard and other uses accessory to a permitted proposed use; 5. Site Plan Review pursuant to Section 28.6.1.20 to allow for parking facilities below grade at Buildings 1, 2, 4, 5 as shown on the Site Plan; 6. A Special Permit pursuant to Section 28.3 and Section 28.11.6 to allow relief from Section 5.2.1.4 (“Access to the buildable portion of a lot shall be granted from a lot’s legal street frontage. Access to lots by so called “common driveways” or access easements shall be prohibited.”) Relief has been requested because the Applicant’s legal street frontage is along Hill Street. Access will be from the site drive; 7. A Special Permit pursuant to Section 28.6.2.4 to allow for parking facilities above grade as shown on the Site Plan filed herewith; 8. A Special Permit from Section 28.3 to allow for all parking ratios as shown on the Site Plan; and 9. approval of all signage as set forth on the plans filed herewith, at A2 Hill Street. PUBLIC HEARING OPENED: Appearing for the petitioner, Attorney Joseph R. Tarby, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 introduced the presenters Bill Gause and Chad Reynolds of Montvale Land LLC, and Theo Kindermans and George Ryan with Stantec, and Rob Nagi, VHB. Attorney Tarby stated that the applicant is seeking by right approvals for: 1. Site Plan Review pursuant to Section 28.6.1.3 and Section 28.6.1.4 to allow for approximately 881,364 square feet of research and testing laboratory use, including vivarium use; and research and development; 2. Site Plan Review pursuant to Section 28.6.1.4 to allow for approximately 130,256 square feet of cGMP/BIO Manufacturing; 3. Site Plan Review pursuant to Section 28.6.1.12 to allow for amenity retail, personal service establishments, including full service restaurants and fast food restaurants. The retail uses will be located in a central single story 10,000 square foot amenity building and some first floor space of the adjacent Office/Lab/R&D buildings; 4. Site Plan Review pursuant to Section 28.6.1.19 to allow for accessory uses normally incidental to a permitted use, including high hazard and other uses accessory to a permitted proposed use; 5. Site Plan Review pursuant to Section 28.6.1.20 to allow for parking facilities below grade at Buildings 1, 2, 4, 5 as shown on the Site Plan. Further, the applicant is seeking special permit request for: 1. A Special Permit pursuant to Section 28.3 and Section 28.11.6 to allow relief from



Section 5.2.1.4; 2. A Special Permit pursuant to Section 28.6.2.4 to allow for parking facilities above grade as shown on the Site Plan; and 3. A Special Permit from Section 28.3 to allow for all parking ratios as shown on the Site Plan. In addition, they are seeking signage approval. Attorney Tarby stated there was a department heads meeting on September 21, 2021, that the petitioner is waiting on comments from them. Also, there is a full Planning Board and receive comments. The property is located in the Technology Business Overlay District (“TBOD”). On June 21, 2018 60 acres were included in the TBOD. The last phase of the Vale Development is the life science campus. The proposal is for 4, 20,000 sq. ft., research and development buildings with retail on the first floor. There will be food amenities and mixed underground, surface and parking garage. Bill Gause from Leggat McCall then presented. Mr. Gause then stated that the process started 5 years ago. The senior housing has started. Mr. Gause stated this is being done in conjunction with the Concept Plan with a few modifications. Originally, they thought it was going to be office, retail and hotels. Now they are looking at life science more in demand now, not so much the office, retail and hotels. Thus, the shift from office to labs which is also lower the amount of people on site. Theo Kindermans with Stantec stated that there are several parcels of land and that the main commercial part is changing. Mr. Kindermans stated that the buildings number 1 and 3 will be up next year and that the plans look a lot alike. Further, he stated the large parking garage is gone, the utilities are the same and that there is above ground storage management.

Rob Nagi from VHB then gave the update on traffic. Mr. Nagi stated that the impacts are before the City detailed in the study was mainly for office, retail and hotels. Mr. Nagi stated that the mitigation on Hill Street has already been completed. That traffic study had more employees, and the current changes will have less employees on site which will be 30-40% less employees per sq. ft. Thus the site will have less traffic and be less dense. With less retail, Mr. Nagi stated there will be less traffic on weekends as well. The improvements promised for Phase I was Hill Street, Phase II will be Montvale Avenue southbound ramp, and Phase III will be the northbound ramps. Councilor Mercer-Bruen stated she was pleased to see the change in life science, which is great. She further stated we still have to go through the motions, to make sure the impact will be less. Upon inquiry from Councilor Mercer-Bruen, Mr. Gause stated that the life science is being built on speculation, and same with the other building. Mr. Gause stated he does not anticipate changing the plans. However, if the demand changes, they will not continue with such direction. Councilor Mercer-Bruen stated that they can discuss and rectify some of the issues in committee. She did state that she was concerned with the high hazard use, but understands this comes with life sciences, however she wants the 1,500 feet buffer between residential and this to remain.

Motion made and 2<sup>nd</sup> that the public hearing be opened for public comments, all in favor, 8-0-1 (Gately Absent). PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON November 9, 2021, and referred to the committee on Special Permits, all in favor, 8-0-1 (Gately Absent).

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On the petition by New England Gypsum Supply, Inc., 100 Crescent Centre Parkway, Suite 800, Tucker, Georgia 30084, for a Special Permit pursuant to Section 5.1(42), 5.1(57b) and 7.3 of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for a wholesale establishment, warehouse and distribution center, overnight parking of up to five (5) commercial motor vehicles (vans) and for the continued use of the nonconforming building and loading docks, at 1 Adele Road. The structure and use are non-conforming because: 1. The rightyard setback is 24.7 feet. Twenty-five (25) feet is required; and 2. The loading dock/areas front Adele Road. PUBLIC HEARING OPENED:

RE: PLANNING DEPARTMENT COMMENTS ON SPECIAL PERMIT  
APPLICATION FOR 1 ADELE ROAD / NEW ENGLAND GYPSUM SUPPLY,  
INC.

Dear Council:

The Planning Department has reviewed the above-referenced petition which seeks a special permit to allow for the operation of a wholesale establishment, warehouse and distribution center use (pursuant to Sections 5.1[42] of the Woburn Zoning Ordinances [WZO]) and to allow for overnight parking of five (5) commercial vans (pursuant to Section 57[b] of the WZO). Although not mentioned in the Petitioner's "Exhibit A," exterior re-striping is indicated on the proposed site plan while the existing parking configuration is to be maintained.

The Petition also indicates that the filing is subject to Section 7.3 ("Extension or Alteration of Non-conforming Uses") due to the preexisting, non-conforming structure (building's right yard setback is less than the twenty-five [25] feet required) and use (the loading dock/areas fronting on Adele Road). Section 7.3 allows pre-existing non-conforming structures or uses to be extended or altered, provided there is a finding by the special permit granting authority (by a two-thirds vote) that such change, extension or alteration shall not be substantially more detrimental than the existing non-conforming use to the neighborhood.

Planning staff consulted with Building Commissioner Thomas Quinn on this Petition and accompanying site plan (dated September 1, 2021) and offers the following collective observations/comments for the Council's consideration:

*General Operations & Zoning Compliance*

- The applicant should clarify the product(s) that are planned to be stored onsite and distributed. Similarly, the hours of business operations have not been noted, along with the anticipated number and size of expected deliveries to/from the site daily. This information should be provided to the Council for the record and further discussion.
- There is no comprehensive information in the application specifying the names of all tenants in the warehouse facility and the floor area they occupy. The Council should require this information be provided on a modified version of the site plan.

### *Off-Street Parking*

- Staff verified via Assessors' Database that the warehouse facility is 10,000 sf in size, which would be occupied fully the Petitioner based on proposed floor areas for warehouse (9,000 sf) and office (1,000 sf) uses. A manual count of the plot plan indicates that twenty-three (23) parking spaces exist onsite, which is nine (9) parking spaces in excess of the number required by the warehouse/office uses. In addition to the need to verify there is sufficient tenant parking to meet zoning requirements and adequately service the proposed uses, the plan (including parking calculation) should be revised to reflect the availability and specific locations of five (5) additional parking spaces to account for the proposed vans to be parked overnight. The plot plan and calculations must also incorporate additional parking spaces to accommodate the personal vehicles of employees who will be assigned as drivers of the commercial vehicles. To this end, the Council should require the Petitioner to base their calculation on the highest number of employees on any shift who will be storing their personal vehicles onsite while driving the commercial vehicles.
- There is no information relative to the dimensions of the five (5) commercial vans to be parked onsite overnight. The Council should require the Petitioner to provide this information to ensure that the intended vehicles can be accommodated by their proposed parking spaces (once identified). The Council will also be able to use this information to determine if there are any maneuverability concerns within the parking area, especially by emergency vehicles.
- Section 11.6(2) prohibits parked trucks from being located less than three hundred (300) feet away from any existing residential lot line. If the Petitioner believes that there is a pre-existing, non-conforming arrangement on this property with regard to trucking delivery activity associated with the requested warehouse use, documentation must be provided to this effect. This property directly abuts a residential property, so Planning staff recommends that the Council require the Petitioner to provide a calculation of such distance from the proposed area of overnight truck parking to the nearest residential lot line.
- Similar to the above, Section 5.7.6.3 prohibits overnight parking of passenger vehicles within fifty feet (50') of the boundary of a residential zoning district. Zoning district boundary lines within the scope of the plan, and the location(s) of the proposed commercial vehicle parking spaces, should be added to the plan to ensure the distance/buffer requirement is met.

### *Other Elements*

- Snow storage areas are not depicted on the proposed site plan. This information should be clarified given potential conflicts with sight distances that might obscure the view of incoming drivers, particularly given the increase in usage of the parking lot for overnight parking and the potential increase in commercial vehicle and truck traffic. The Council should require the Petitioner to submit a snow

storage/management plan to the Inspectional Services Department to address parking availability and driver visibility concerns.

- The site plan does not indicate the location of any outside refuse and/or material recycling area(s). This information should be added to a modified version of the site plan, for the record, if any exterior refuse or recycling areas are contemplated.
- The site plan does not appear to provide any information relative to security lighting for parking facilities used at night (pursuant to Section 8.5.1 of the WZO). If there will in fact be evening shifts and/or other evening activity in the parking lot, the Petitioner should be required to identify the placement of lighting on a modified site plan. Staff additionally encourages the applicant to submit a lighting study (including fixture details) to ensure that no adverse impacts are imposed on adjacent residential properties.

If the Council ultimately decides to grant the requested special permit after receiving all desired information, Planning staff recommends imposing the condition (pursuant to Section 11.6[2]) that trucking associated with the facility does not use any street in a residential zoning district.

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

Motion made and 2<sup>nd</sup> that any and all communication be received and made part of the permanent record, all in favor, 8-0-1 (Gately Absent). Appearing for the petitioner, Attorney Joseph R. Tarby, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 stated that this is a small project, and that he submitted a revised site plan based on the Planning Department comments. Motion made and 2<sup>nd</sup> that revised site plan be received and made part of the permanent record, all in favor, 8-0-1 (Gately Absent). Attorney Tarby then stated that the petitioner is seeking a special permit pursuant to Section 5.1(42), 5.1(57b) and 7.3 of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for a wholesale establishment, warehouse and distribution center, overnight parking of up to four (4) commercial motor vehicles (vans) and for the continued use of the nonconforming building and loading docks, at 1 Adele Road. The structure and use are non-conforming because: 1. The rightyard setback is 24.7 feet. Twenty-five (25) feet is required; and 2. The loading dock/areas front Adele Road. Attorney Tarby further stated that the building is located in an IP Zoning and that it would need a special permit and relief under Section 7.3 nonconforming use. Attorney Tarby stated that in 1972 it was an industrial building, and has been used by warehouse distribution, and most recently was occupied by Madico, and subsequently another tenant. On April 28, 2005, the City Council unanimously voted to grant the special permit to Madico to relocate the loading docks and to use more than 25% of interior gross floor area for storage and accessory parking. Attorney Tarby stated the petitioner has 6 locations in Massachusetts including Abington, Attleboro, S. Boston, as well as locations in S. Portland, Maine, and Manchester, New Hampshire, and the products that they will be selling are nails, screws, power tools, safety equipment, etc. This is a wholesale business and will have one (1) 8' x 16' van and hope to increase up to four (4) vans within next 24 months. Inbound deliveries will be received from 7 a.m. to 3 p.m.

Monday through Friday. Vans will go out at 5 a.m. but are preloaded the night before prior to 5 p.m. Attorney Tarby continued that they have three (3) employees in first year and want to grow to 5 or 6. Attorney then addressed the Planning Board comments from September 29, 2021 and stated that all the concerns were addressed in the updated plans: the vans are 8' x 16', these are not trucks, but vans, and there are no evening hours. Attorney Tarby then presented proposed conditions and finding. Motion made and 2<sup>nd</sup> to accept the proposed conditions document and that it be received and made part of the permanent record, all in favor, 8-0-1 (Gately Absent). Motion made and 2<sup>nd</sup> that the public hearing be opened for public comments, all in favor, 8-0-1 (Gately Absent). PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> to close the public hearing, all in favor, 8-0-1 (Gately Absent). Motion made and 2<sup>nd</sup> to GRANT the SPECIAL PERMIT with the following conditions: 1. The Petitioner shall construct and improve the Site as substantially described on the Plan of Record which for this project shall be "Site Layout Exhibit" dated October 4, 2021 prepared by Bohler Engineering, Inc., 352 Turnpike Road, Southborough, MA 01772 (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 Petitioner 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 Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan; 2. All dumpsters shall be enclosed, by means of a fence, wall or landscaping in compliance with the Woburn Zoning Ordinances; 3. Hours of operation will be Monday through Friday 5:00 a.m. to 6:00 p.m.; 4. All commercial vehicles parked overnight at the site shall be registered in the City of Woburn; as well as the following finding: The proposed use by the Petitioner is consistent with the past use of the property and is not substantially more detrimental than the existing nonconforming use to the neighborhood, all in favor, 8-0-1 (Gately Absent).

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**COMMITTEE REPORTS:** None.

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**CITIZEN'S PARTICIPATION:** None.

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**COMMUNICATIONS AND REPORTS:**

A communication dated September 17, 2021 was received from Charles O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

Council Members,

In accordance with Massachusetts General Laws Chapter 90, Section 20½ I am submitting the following parking ticket report. Figures cited below are for the Month of January 2021 to August 2021: Number of violations issued 261, Numbers of violations paid 106, Number of violations outstanding 133, Amount collected and submitted to Collectors Office \$22,058.80, Parking fines referred to the Handicap Commission \$3,900.00.

There is a backlog of 1589 unpaid tickets dating from January 2004 to December 2020. A 21 day late notice is sent to vehicle owners who have not paid the fine. After 28 days, if the fine still has not been paid, that information is forwarded to the Registry of Motor Vehicles for administrative action.

Respectfully submitted, s/Charles O'Connor, Parking Clerk

Motion made and 2<sup>nd</sup> that the MATTER BE RECEIVED AND PLACED ON FILE, all in favor, 8-0-1 (Gately Absent).

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A communication dated September 29, 2021 was received from Richard M. Haggerty, State Representative, 30th Middlesex District, regarding Changing of the Name of Members of the City Council to Councilor as follows:

Dear Mayor Galvin and Woburn City Council Members,

It is my pleasure to announce to you all that Governor Baker yesterday signed House Bill 3947 into law as Chapter 54 of the Acts of 2021, officially changing the name of the members of the City Council in Woburn from Alderman to Councilor. With the support of you all and my colleagues from the State Legislature, Senator Friedman and Representative Ciccolo, we were able to see this bill signed into law for our City.

Thank you again for your continued work on behalf of the City of Woburn and our residents. If you have any questions you can reach me anytime at (781) 838-1412 or via email Richard.Haggerty@mahouse.gov.

Sincerely, s/Richard M. Haggerty

Motion made and 2<sup>nd</sup> that the MATTER BE RECEIVED AND PLACED ON FILE, all in favor, 8-0-1 (Gately Absent).

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**APPOINTMENTS AND ELECTIONS:** None.

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**MOTIONS, ORDERS AND RESOLUTIONS:**

**ORDERED**

That in accordance with Massachusetts General Laws Chapter 54, as amended, the City Clerk is hereby authorized and directed to notify and to warn such of the inhabitants of the City of Woburn as are qualified to vote in Municipal Elections to assemble at the polling places in their respective wards as designated herein, on TUESDAY, the SECOND DAY OF NOVEMBER, 2021 from 7:00 a.m. to 8:00 p.m., then and there to cast their votes in the MUNICIPAL ELECTION for the candidates for the following offices:

ENTIRE CITY                      MAYOR, ALDERMAN-AT-LARGE, SCHOOL COMMITTEE

EACH WARD                      WARD ALDERMAN

<u>Ward Precinct</u>	<u>Polling Place Location</u>
1-1	Joyce Middle School, 55 Locust Street
1-2	Joyce Middle School, 55 Locust Street
2-1	Shamrock Elementary, 60 Green Street
2-2	Shamrock Elementary, 60 Green Street
3-1	Hurd-Wyman Elementary School, 39 Wyman Street
3-2	Hurd-Wyman Elementary School, 39 Wyman Street
4-1	old Wyman Elementary School, Main Street and Eaton Avenue
4-2	White Elementary School, 36 Bow Street
5-1	Goodyear Elementary School, 41 Central Street
5-2	Goodyear Elementary School, 41 Central Street
6-1	Altavesta Elementary School, 980 1/2 Main Street
6-2	Altavesta Elementary School, 980 1/2 Main Street
7-1	Reeves Elementary School, 240 Lexington Street
7-2	Reeves Elementary School, 240 Lexington Street

s/President Tedesco

Motion made and 2<sup>nd</sup> that the ORDER BE ADOPTED, all in favor, 8-0-1 (Gately Absent).

**Presented to the Mayor: October 7, 2021**

**s/Scott D. Galvin October 7, 2021**

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**ORDERED**

Be it Ordained by the City Council of the City of Woburn, that the Woburn Municipal Code, as amended, be further amended as follows:

by deleting “alderman” wherever it appears and inserting the word “city councilor”; by deleting “aldermen” wherever it appears and inserting the word “city councilors”; and by deleting “aldermen-at-large” wherever it appears and inserting the word “city councilors-at-large”.

s/President Tedesco

President Tedesco stated that the City Solicitor drafted the order. Motion made and 2<sup>nd</sup> that the MATTER BE LAID ON THE TABLE, all in favor, 8-0-1 (Gately Absent).

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Motion made and 2<sup>nd</sup> to ADJOURN, all in favor, 8-0-1 (Gately Absent). Meeting adjourned at 9:01 p.m.

A TRUE RECORD ATTEST:

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