

**CITY OF WOBURN
NOVEMBER 9, 2021 – 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBER, WOBURN CITY HALL**

Roll Call

Campbell	Ferullo
Concannon	Gately
Demers	Lannan
Dillon	Mercer-Bruen
Tedesco	

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

MAYOR'S COMMUNICATIONS: None.

NEW PETITIONS:

Petitions for renewal of First Class Motor Vehicles Sales Licenses by the following: Lawless Inc., 196 Lexington Street; C.N. Wood Company, Inc., 200 Merrimac Street; C.N. Wood Enviro, LLC, 200 Merrimac Street; Woodco Machinery, Inc., 22 North Maple Street; Gordon Colonial, Inc., dba Colonial Cadillac, 201 Cambridge Road; and Woburn Foreign Motors, Inc., 394 Washington Street.

Petitions for renewal of Second Class Motor Vehicles Sales Licenses by the following: Lawless Inc., 196 Lexington Street; Ollie's Service Center, 310 Main Street; George's Auto Body of Woburn, Inc., 19 Jefferson Avenue, #C; Nicholas Saba dba Montvale Service, 289 Salem Street; Wassim (Sam) Nicholas dba Woburn Square Mobile, 23 Pleasant Street; Maurice Saba, dba Montvale Auto Care, 317 Montvale Avenue; Robert McSheffrey dba Bob McSheffrey Auto Sales, 880 Main Street; Kenneth L. O'Connor dba City Line Motors, 30 Rear Torrice Drive.

Petition by Montvale Auto Care for a new inflammable license, for 1,045 gallons of Class I oil in 55 gallon drums and, 24,000 gallons of Class I Liquid gas in underground storage tank, at 317 Montvale Avenue.

Petition by the Chateau Restaurant of Woburn, Inc. for special permit pursuant to the 1985 City of Woburn Zoning Ordinance, as amended, Section 5.1(69), Section 7.3 and Section

13.5 to allow for alterations to the existing two (2) nonconforming pylon signs at 311 Mishawum Road.

Petition by West Woburn Development Corporation request for Minor Modification to Landowner's Decision and Notice of Special Permit dated January 9, 2003 as modified by Landowner's Decision and Notice of Special Permit dated April 13, 2017 for the relocation of parking area, as well as the relocation and change of configuration of the clubhouse and pool, at 498 Lexington Street.

PUBLIC HEARINGS:

On the petition by Comcast Cable Communications Management, LLC, 9 Forbes Road, Suite 9B, Woburn, Massachusetts 01801, for grant of right in a way 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" vault located in front of 269 Main Street. Continuing in the sidewalk to place (1) 3" PVC Conduit 96' +/- to number 275 Main Street. PUBLIC HEARING OPENED: A communication dated November 4, 2021 was received from Jay Duran, Superintendent, Department of Public Works as follows:

Subject: Comcast Petition – 275 Main Street

This memo is pursuant to the request from Comcast for the Grant of Way for the installation of underground conduit and appurtenant structures for service to 275 Main Street. The petition is a request for Comcast to excavate and install conduit from utility pole 38/37 in front of the Saint Charles Rectory. The trench will cross perpendicular to Main Street and into the concrete sidewalk area in front of the Lynch Cantillon Funeral Home northerly to the building located at 275 Main Street currently occupied by the Rockland Trust Bank. The work is shown on a plan prepared by Dewsnap Engineering Associates LLP dated September 10, 2021. I have been working with the applicant as well as with the owner of the funeral home on this proposal to attempt to find the least disruptive and most efficient working conditions possible. All adjacent utilities had been clearly marked on the ground in the path of the proposed conduit prior to my initial review. Based upon past personal experience and review of the utility mark outs, this is clearly the path of least resistance and disruption to vehicular and pedestrian traffic as well as to disturbance to the entire area. DPW experienced this first hand with utility upgrades prior to the paving of Main Street in this area. All vaults have also been clearly shown on the plan and should be marked on the ground for verification. These vaults must be set flush and all work must be ADA compliant and to the City of Woburn DPW specifications.

I recommend that the City Council Grant their approval on this application under the following conditions. All excavation work for the conduit must be installed at night or as can be coordinated to allow continued and safe operation of the funeral home and for pedestrian traffic along the easterly sidewalk. The area excavated in Main Street should be temporarily patched to finished grade and any traffic lines replaced to the satisfaction of the DPW. In the

spring, the roadway must be milled and paved from curb to curb a minimum of 2 inches deep for a length of 100 feet minimum or as determined in the field with approved bituminous concrete. This work must also be performed at night from 9 PM until 6 AM. The sidewalk should be saw cut uniformly in front of the Lynch Cantillon Funeral Home and extending northerly to the point of entry at the bank. I recommend that the trench be backfilled properly and patched with bituminous concrete. In the spring after proper settling has occurred, I recommend that the entire sidewalk from the southerly driveway at 253 Main Street to the bank building be replaced in its entirety in full panels and be fully ADA compliant. All disturbed traffic lines and crosswalks must be replaced by thermo-plastic markings to match existing. DPW should be allowed to adjust permit conditions slightly in the field if it is beneficial for all parties involved.

Furthermore, I recommend that this work be completed in its entirety before the end of May, 2022. Permits will have to be obtained from the DPW and coordinated with the Woburn Police for safe pedestrian and vehicular access. Please feel free to call me with any questions or concerns.

On the petition by CONTINUUS Pharmaceuticals, Inc. for a special permit to allow: 1. Revised site plan filed 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 October 21, 2021 was received from Jay Duran, Superintendent, Department of Public Works as follows:

Subject: GMP Plant Facility- 32 Cabot Road

Pursuant to the petition from Continuus for a Special Permit at the above referenced property. We have met with the applicant, their engineer and counsel and offer the following comments. The building was recently constructed and the Cabot Road area to Commerce Way was recently paved as a condition of a prior Special Permit.

Water: Applicant has requested a new 8 inch service line based upon the high hazard use to replace the existing 6 inch service for domestic and fire demands. We have requested a 12 inch insertion valve be added on Cabot Road and a new section of main be cut in to accommodate this request. All final connections must be approved by the DPW and Water Superintendent(s) and permits obtained for their installation.

Sewer: We have requested that individual sewer manholes be added for sampling purposes for the sanitary sewer and for the lab waste portion of the sewer. This is necessary to accommodate requests from the MWRA Sewer Division which will be required prior to the

applicant obtaining their Sewer Discharge Permit(s) prior to entering the municipal main. Calculations for the sewer connection fee will be re-evaluated prior to their obtaining said permit. This can be resolved at the building permit level if necessary.

Gas: The applicant originally asked for an 8 inch main to service the building. National Grid has since stated that their 2 inch service is adequate to service the facility. In the event that this changes and a new request is made that would require a significant upgrade of the gas service infrastructure, this should be considered a major engineering change. This installation would entail excavation into other portions of the newly paved Cabot Road as well as Commerce Way. In this case, the applicant should be held responsible for all repaving and roadway restoration costs.

Roadway Paving Restoration: The new road will be excavated for the installation of at least a new water services as described above. The roadway should be milled 2 inches and restored to the minimum limits as currently marked on the ground and shown on the plan dated October 22, 2021. These limits may have to be increased if the work area is expanded and/or if further utility changes are made in the future.

Please feel free to call with questions or concerns on this matter.

Further, a communication dated November 1, 2021 was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 regarding “Special Permit Petition of Continuous Pharmaceuticals, 32 Cabot Road, Woburn, MA” with 10 copies of a revised site plan dated October 22, 2021.

On the petition by Cabot, Cabot & Forbes LLC 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 October 28, 2021 was received from Tina P. Cassidy, Woburn Planning Board Director regarding “APPLICATION FOR COMMERCE WAY CORRIDOR OVERLAY DISTRICT (CWCOD) SPECIAL PERMITS TO ALLOW A MIXED-USE, 250 RESIDENTIAL UNIT DEVELOPMENT AT 0 (OFF) NEW BOSTON STREET / CABOT, CABOT & FORBES LLC.”

Further, a communication dated November 2, 2021 was received from Donald C. Kenton, Woburn Fire, Chief of Department, regarding “Development Plans for Mixed Used Development: 0 New Boston Street Rear, Woburn, MA 01801.”

Further, a communication dated November 3, 2021 was received from Horsley Witten Group, 112 Water Street, 6th Floor, Boston, Massachusetts 02109 regarding “Initial Stormwater Peer Review, Proposed Mixed-Use Development, 0 New Boston Street, Woburn, MA.”

Further, a communication dated November 4, 2021 was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 regarding “Special Permit Petition, Cabot, Cabot & Forbes LLC, 0 New Boston Street, Woburn, Massachusetts” with 10 copies of the Affordable Housing Plan.

On the petition by Montvale Land LLC 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 life science campus with a mix of R&D lab buildings, a cGMP biomanufacturing building, and an amenity building of approximately 10,000 square feet, at A2 Hill Street. PUBLIC HEARING OPENED: A communication dated October 27, 2021 was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: TECHNOLOGY AND MIXED-USE BUSINESS OVERLAY DISTRICT (TBOD): SITE PLAN REVIEW AND SPECIAL PERMIT/SITE PLAN REVIEW APPLICATIONS, AND MODIFIED MASTER CONCEPT PLAN, FOR LIFE SCIENCES BASED CAMPUS AT FORMER KRAFT SITE ON HILL STREET / MONTVALE LAND LLC

Dear Council:

The Planning Board reviewed and considered the above-referenced applications at meetings held on October 12th and October 26, 2021. The applications propose to develop an approximately 1,041,620 square foot life science campus with a mix of R&D lab buildings (4 total each at 220,341 square feet); a cGMP bio manufacturing building of approximately 130,256 square feet; and an amenity building of approximately 10,000 square feet (in addition to 20,000 square feet of first floor retail/amenity space within the R&D lab buildings). The buildings will be clustered around a central green and single-story restaurant/brew pub/coffee shop offering food and amenities for the entire Vale complex and the surrounding area. The buildings will be provided with a mix of underground parking, surface parking and a central parking garage. It is their intention to build one R&D building and the bio manufacturing building first with surface parking (and parking under the R&D building), and to build the parking garage in conjunction with construction of the third building on the site.

Respectfully, the Board defers to the Engineering Department regarding comments on the subject of traffic and drainage. The Council should note that Planning staff conducted a virtual meeting with the Petitioner and its representatives on September 27th to discuss these applications. Staff invited participation by City departments, and members of the Engineering,

DPW, Conservation Commission, Inspectional Services and Fire Department participated. Comments by City personnel included the following:

- City Engineer Jay Corey voiced strong objection to the developer's plan to ignore his concern about locating a building on top of a sewer line, and reiterated his objections to any site design that didn't move the sewer line out from under the planned building.
- The Fire Department was unable to provide comments during the departmental meeting because its staff had not yet had an opportunity to review the plans; any Fire Dept. comments will instead be submitted in writing subsequently and directly to the City Council.
- The Inspectional Services Department recommended the plan note the heights of any and all retaining walls on site, to ensure they are authorized by the City Council as part of its special permit review process/decision. The Department also noted the presence of an off-premise sign proposed for Hill Street. Currently, such a sign would constitute a zoning violation, as off-premise signs are not permitted.
- The Conservation Commission noted that it will be necessary for the developer to submit a request to amend the Order of Conditions issued by the Conservation Commission, and the developer indicated his intent to do so this month.

The Planning Board offers the following comments and recommendations for the Council's consideration:

- The Fire Department should be consulted separately, to confirm it has no issues/concerns with the proposed site plan or uses or if it does, to determine the details;
- The Petitioner should be required to relocate the planned sewer line in such a way that it is not located under a proposed building and is in a location that meets the approval of the Engineering Director;
- The off-premise sign proposed on Hill Street should be deleted from the plans as it would constitute a zoning violation if included (off-premise signs are not permitted by the Woburn Zoning Ordinance [WZO]);
- The location and text of proposed signage and pavement markings relating to the multi-use path should be submitted to and approved by the City Council as part of the filings currently before it, and incorporated into the plans for future installation. Some of that information was presented to the Planning Board during its consideration of the Petitions, and it is attached for reference; and
- At the Board's request, the Petitioner provided supplemental information regarding the lighting standards and fixtures that will be used on site. That information is attached, and the Board recommends the Council consider incorporating it into any approval of the revised Master Concept Plan, site plan review, and/or special permits with site plan review.

Please feel free to contact me if you have any questions relative to this recommendation letter.

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

On the petition by President Tedesco to amend the 1985 Woburn Zoning Ordinances, as amended, by amending Section 2, Definitions, to insert the following: “OUTDOOR DINING: the use of an adjacent, outside area by a Restaurant, Full-Service establishment for the same eating and drinking activities that occur within that establishment, operating in the same manner thereof including hours of operation, and which is continuously supervised by management or employees of the establishment. The outdoor dining use is not permitted at a Restaurant, Fast Food.” PUBLIC HEARING OPENED: A communication dated October 27, 2021 was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: PROPOSED ZONING AMENDMENT TO ADOPT A DEFINITION OF OUTDOOR DINING / Alderman Tedesco

Dear Council:

The Planning Board conducted a public hearing on the above-referenced zoning amendment at its meeting last evening. Following the close of the hearing and subsequent discussion, members of the Board voted unanimously (Bolgen, Doherty, Donovan, Callahan, Ventresca, Turner in favor, Edmonds absent) to recommend the Council ADOPT the proposed amendment but with several minor edits which are reflected below (text recommended to be stricken shown in ~~strike-out~~, text to be added shown in **bold font**):

OUTDOOR DINING: the use of ~~an~~ adjacent, outside area(s) by a Restaurant, Full-Service establishment for the same eating and drinking activities that occur within that establishment, operating in the same manner thereof including hours of operation, and which is continuously supervised by management or employees of the establishment. ~~The outdoor dining use is~~ **shall not be** permitted at a Restaurant, Fast Food **establishment**.

For the Council's information, Planning staff provided City Solicitor Ellen Callahan Doucette with a copy of the above suggested revisions in advance of the Planning Board's vote. She had no objections to the changes.

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

On the petition by President Tedesco and Alderman Ferullo to amend the 1985 Woburn Zoning Ordinances, as amended, be further amended by amending the definition of “RESTAURANT, FULL- SERVICE” in Section 2 by inserting after “space” on the first line the following language: “(including outdoor seating and rooftop dining)” so that the revised

definition will be as follow: “RESTAURANT, FULL-SERVICE: Any building, room space (including outdoor seating and rooftop dining) or portion thereof where food is sold for consumption on premises, customers are provided an individual menu, a restaurant employee serves the customer at the same table or counter at which items are consumed. A restaurant, full-service may provide “accessory” delivery service, takeout service (except drive-up customer service) and related retail sales items. PUBLIC HEARING OPENED: A committee report was received “ought to pass” with the amendment that all references for “seating” be changed to “dining”.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

COMMITTEE REPORTS:

PUBLIC SAFETY AND LICENSE:

A committee report was received “ought to pass” for the following:

Petition for renewal of First Class Motor Vehicles Sales License by M & L Transit Systems, Inc., 60 Olympia Avenue.

A committee report was received “ought to pass” for the following:

Petitions for renewal of Second Class Motor Vehicle Licenses by McSheffrey Auto Sales, Inc., 878 Main Street; Velozo Enterprises, Inc. dba Rogers Radiator, 936 Main Street; David Dellarocco dba Woburn Auto Sales, 5 Crescent Avenue, #4; Capelo’s Auto Service, Inc. dba Capelo’s Auto Sales, 22 Winn Street; Capelo’s Auto Service, Inc. dba J.C. Auto Sales, 84-86 Winn Street; Woburn Gas & Service, Inc., 545 Main Street; and Thomas Keane dba Woburn Classic Auto Sales, 13 Fowle Street.

CITIZEN’S PARTICIPATION:

Petition by Richard English to discuss military buyback for city employees.

COMMUNICATIONS AND REPORTS:

A communication dated October 18, 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 September 2021: Number of Violations Issued 322, Numbers of Violations Paid 119, Number of Violations Outstanding 179, Amount collected and submitted to Collectors Office \$23,494.80, Parking fines referred to the Handicap Commission \$4,200.00.

There is a backlog of 1585 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

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

A communication dated November 4, 2021 was received from Ellen Callahan Doucette, City Solicitor, as follows:

Re: Release of Water Line Easement – 1 Country Club Road

I am filing for your consideration an Order to authorize the Mayor to release all of the City's right and title in a 15' wide water line easement which was located across the property at 1 Country Club Road. The sale of this property is pending, and Attorney Robert Tedesco contacted this office and the Engineering Department to determine if in fact, the easement was being utilized.

According to the Engineering Department, the water line was relocated within Country Club Road some years ago and prior to the construction of the garage. The easement should have been released, but was not, after the water line was relocated. Release of the easement can now be accomplished with the adoption of the attached Order. I have also attached the original grant of the easement together with copies of the 3 plans which show the easement, and a print out of the GIS maps which show location of the water line within Country Club Road.

Thank you for your attention to this matter. Please contact me if you wish to discuss the above.

Sincerely, s/Ellen Callahan Doucette

ORDERED

That the Mayor be and is hereby authorized to release all of the City's right, title and interest in a 15' wide water easement over and upon the property located at 1 Country Club Road, which easement was granted to the City of Woburn by an instrument recorded with the Middlesex

South Registry of Deeds in Book 8395, Page 171, and which is shown on 3 plans: a plan entitled “Subdivision Plan of Land on Country Club Road Woburn, MA. 1” = 20’ June 7, 1993” which is recorded in said deeds as Plan no. 708 of 1993 in Book 23662, Page 79; a plan entitled “Subdivision Plan of Land on Country Club Road Woburn, MA. 1” = 20’ January 10, 1997” which is recorded in said deeds as Plan no. 209 of 1997 in Book 27116, Page 561; and a plan entitled “Plan of Land Woburn, Mass. Country Club Rd.” which is recorded as Plan no. 209 of 1998 in Book 28141, Page 117.

s/President Tedesco

Motion made and 2nd to ADJOURN.