

**CITY OF WOBURN
JANUARY 18, 2022 – 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBER, WOBURN CITY HALL**

Roll Call

Campbell	Ferullo
Demers	Gately
Dillon	Mercer-Bruen
DiMambro	Viola
Concannon	

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

MAYOR'S COMMUNICATIONS:

A communication dated January 13, 2021 was received from His Honor the Mayor Scott D. Galvin as follows:

RE: CITY COUNCIL ACCEPTANCE OF GIFT OF FUNDS FOR ECONOMIC DEVELOPMENT PURPOSES

Dear Council:

It is my pleasure to ask the Council to accept, as a gift, the approximate amount of \$332,380.25 from the Woburn Development and Financial Corporation. The Corporation is being dissolved after 50+ years of existence and its Board of Directors has offered the organization's remaining financial assets to the City, on the condition those funds be spent only on economic development-related matters and initiatives.

It is my intention to use the bulk of this funding to hire an economic development manager to work under the daily supervision of Planning Board Director Tina Cassidy. The position would be a three-year term (contract) position paid for exclusively by this gift. The hope would be that the value of the position will be demonstrated over the three-year period, in which case the City can then decide whether to fund the position itself beyond that point.

I look forward to discussing this request with you in person. If you have any questions in the meantime, please feel free to contact me.

Respectfully, s/Scott D. Galvin, Mayor

ORDERED Be it Ordained by the City Council of the City of Woburn, that the Mayor be and is hereby authorized pursuant to M.G.L. c.44, § 53A to accept a gift of funds from the Woburn Redevelopment & Financial Corporation in the approximate amount of \$332,380.25, to be used and expended for the specific purpose of funding a full-time staff position dedicated to economic development and those expenses related to the function of that position, such position to be under the supervision of the Planning Director, and that the funds be deposited into a gift account for these specific purposes, and that the same be expended without further appropriation.

s/President Concannon
Per Request of the Mayor

Motion made and 2nd that any and all communication be received and made part of the permanent record, all in favor, 9-0. President Concannon stated he anticipated the Mayor or the Planning Director to be here, so if the Council has any questions or concerns the matter can go to committee, or the Council could also adopt. Councilor Mercer Bruen stated that at some point it may be helpful to have a discussion in order to see how this new position would work in conjunction with the City Council. Motion made and 2nd to ADOPT the order, all in favor, 9-0.

Presented to the Mayor: January 20, 2022 **s/Scott D. Galvin January 20, 2022**

Motion made and 2nd to suspend the rules to take the next matter out of order and to allow Larry Guiseppe to address the City Council, all in favor, 9-0.

A communication dated January 12, 2022 was received from Larry Guiseppe, Woburn Veterans' Services Officer as follows:

Lindsey

I would like to say a few words to the City Council at their next meeting, expressing "Thanks" for all their support over the past 12 years.

Larry G

Larry Guiseppe stated that after 12 plus years he is retiring, and that he loved the job, and that he wanted to personally thank the City Council for all their support over the years. President Concannon stated he was sure members would like to speak. Councilor Gately stated Mr. Guiseppe has done a tremendous job and that he has helped a lot of people get benefits. Mr. Guiseppe stated the enjoys his work and helping people. Councilor Gately thanked him for the flag project as well as the purple heart community designation. Councilor Mercer-Bruen stated it is sad to see Mr. Guiseppe leave, that she was happy for him, and that thanked him for all his work, and stated that he will be missed not just by the

veterans. Councilor Campbell thanked Mr. Guiseppe for being so faithful to the veterans, getting money, and working diligently. Councilor Campbell stated that she was very thankful and will miss him. Mr. Guiseppe stated that he will be walking the pond more, but other than that he had no real plans for retirement and he knew it was time. Councilor Ferullo that on behalf of his family he thanked Mr. Guiseppe for the flag park, as well as appreciated Mr. Guiseppe for never saying no, and assisting him when he was a patrolman walking his beats. Councilor Dillon thanked Mr. Guiseppe for his service to the city and the country, that in the two years he has been on the city council anytime he has called Mr. Guiseppe was always reaching out and taking the time to help out, and that the next person has big shoes to fill. Councilor Demers stated a good way to look at someone who has served the City of Woburn is if that someone has left the city better off than when they arrived, and that there were plenty of examples and indicators of volunteerism. Councilor Demers stated Mr. Guiseppe took a real pride in veterans and never seen a moment without passion and emotion gleaming through him, and wished Mr. Guiseppe good luck and hoped his golf scores improved. Councilor DiMambro thanked Mr. Guiseppe for helping the many veterans throughout the city. Councilor Viola thanked Mr. Guiseppe for all his help with veterans throughout the state, and Billerica House of Corrections. President Concannon stated he echoed the sentiments of the others and that he believed Mr. Guiseppe was the best veterans officer in the state. President Concannon stated his mother was an administrator for the veteran's office, and that she had an extremely high praise for Mr. Guiseppe. President Concannon then thanked him. Motion made and 2nd that the MATTER BE RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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

NEW PETITIONS:

Petition by Cargotiator LLC dba Cargotiator Auto Sales for a new Second Class Motor Vehicles Sales License, at 104 Winn Street. Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND LICENSE, all in favor, 9-0.

Petition by Skyworks Solutions, Inc., to amend an inflammable license, for N-Methylpyrrolidone Class B 4x350 gallons in IBC container to N-Methylpyrrolidone Class B 4x350 gallons in IBC container and/or Kwik Strip Class B 4x350 gallons in IBC containers, and/or a mixture of both types totaling no more than four IBC Containers, at 20 Sylvan Road. Motion made and 2nd that the MATTER BE REFERRED TO PUBLIC HEARING, all in favor, 9-0.

PUBLIC HEARINGS:

On the petition by National Grid for a grant of right in a way to install approximately 230 feet of a new 4-inch-high pressure plastic gas main to replace an existing low pressure gas main along Wilcox Circle between Main Street and 7 Lowell Street. PUBLIC HEARING OPENED: A communication dated January 12, 2022 was received from Diana Cuddy, Operations Support, Gas-NE, National Grid, as follows:

Good Afternoon,

I am writing to request that the Grant of Location application for Wilcox Circle be withdrawn as this project was mistakenly flagged as a new main project (requiring a GOL) but is actually a main replacement and we already hold the Grant of Location for the existing main in this area.

Thank you. s/Diana Cuddy

Motion made and 2nd that any and all communications be received and made part of the permanent record and that the public hearing be opened for public comments, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd to close the public hearing and to GRANT THE LEAVE TO WITHDRAW WITHOUT PREJUDICE, all in favor, 9-0.

On the petition by NStar Electric Company, d/b/a Eversource Energy for grant of right in a way to install approximately 962 feet of conduit southeasterly from Montvale Avenue to the end of Hill Street, and one new manhole, MH31201, approximately 238 feet southwest of Montvale Avenue, in Hill Street. PUBLIC HEARING OPENED: A communication dated January 12, 2022 was received from Jacqueline A. Duffy, Eversource, 101 Linwood Street, Somerville, MA 02143 as follows:

RE: Hill Street, Woburn
W.O. #2395171

Dear Members of the Board:

The NSTAR Electric Company d/b/a Eversource Energy respectfully requests to continue the petition for the Grant of Location for the Hill Street project off of Montvale Avenue, Woburn.

We would like to have it heard at the hearing on February 1, 2022. We are waiting to coordinate everything with DPW and other utilities.

Very truly yours, s/Jacqueline A Duffy

Motion made and 2nd that any and all communications be received and made part of the permanent record, all in favor, 9-0. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd

that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON February 1, 2022, all in favor, 9-0.

On the petition by NStar Electric Company, d/b/a Eversource Energy for a grant of right in a way to install approximately 35 feet of conduit southerly from manhole, MH27080, in Presidential Way for service to 225 Presidential Way. PUBLIC HEARING OPENED: A communication dated December 30, 2021 was received from Jay Duran, Superintendent, Department of Public Works as follows:

Pursuant to NSTAR d/b/a Eversource's request to install 2 new conduits from the existing electric manhole in Presidential Way to the point of pickup as shown on their plan. The work will include excavation in Presidential Way approximately 35 feet for the 2 new 4 inch PVC conduits to the adjacent parking garage structure as shown on their plan.

I recommend the following if the City Council decides to grant their approval. Presidential Way pavement, the curbing and disturbed sidewalk are all in excellent condition. Therefore, I recommend that this approval include uniform saw cutting of the trench, milling out a minimum of 10 feet from each side of the trench limits in all directions and to the curb line, and repaving this with 2 inches of bituminous concrete after a minimum of 90 days of settlement. In addition, all curbing should be reset and concrete sidewalk be replaced in full panels to DPW standards and ADA requirements. Eversource should obtain a street opening permit and post a Performance Bond to ensure that the referenced restoration work is performed in a timely manner.

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

Motion made and 2nd that any and all communications be received and made part of the permanent record, all in favor, 9-0. Appearing for the petitioner, Phyllis Galloway, Eversource, 101 Linwood Street, Somerville, MA 02143 stated she was in total agreement with Jay Duran's memorandum. Councilor Mercer-Bruen stated that in addition to the memorandum, she wanted to make a couple of additions in including: 1. That a traffic management plan be submitted; and 2. That a construction vehicle parking plan be submitted to the building inspector. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd to close the public hearing, all in favor, 9-0. Motion made and 2nd to approve the grant of right in a way as follows: 1. In accordance with the Department of Public Works communication dated December 30, 2021; 2. That a traffic management plan be submitted to the City Engineer's office and Traffic Division of the Woburn Police Department; and 3. That a construction vehicle parking plan be submitted to the building inspector, all in favor, 9-0.

Presented to the Mayor: January 20, 2022

s/Scott D. Galvin January 20, 2022

On the petition by E.A. Spry, Inc., 54 Holton Street, Woburn, Massachusetts 01801, for special permit to modify Landowner's Decision and Notice of Special Permit dated November 13, 2015 as modified by Landowner's Decision and Notice of Special Permit dated February 27, 2020 and a special permit from Section 7.3 of the 1985 City of Woburn Zoning Ordinance as amended to allow for revised site plan, amendment to Condition 2, amendment to Condition 3 to allow overnight parking of additional vehicles, and the continuation of the nonconforming parking, loading bay fronting on Holton Street, area and landscaping requirements, at 80 Holton Street. PUBLIC HEARING OPENED: A communication dated January 11, 2022 was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: SPECIAL PERMIT PETITION FOR 80 HOLTON STREET / E.A. SPRY INC.

Dear Council:

The Planning Department has reviewed the above-referenced Petition which seeks permission to revise a Plan of Record and several conditions of a Special Permit previously granted to a different Petitioner (Jack Young Company), in order to accommodate a new tenant who would operate "a moving and storage warehouse and distribution business on the premises".

Planning staff reviewed this Petition with assistance and input from Building Commissioner Tom Quinn, and offers the following comments:

1. It is not clear that the Petitioner's intended use of the property would conform to the provisions of the Woburn Zoning Ordinance. Whereas the previous tenant of the facility was a warehouse and distribution center as permitted by line 42 of Section 5.1 (Table of Use Regulations), the current Petitioner is largely an office/home moving business that offers its clients the option of storing their personal property for some period of time, in addition to providing moving services for personal goods. By definition, a warehouse is "a building or structure for storing goods, products, materials or objects *to be distributed* (emphasis added)." A moving company that temporarily stores private property, to eventually be returned to its owner, would seem not to fit this definition.
2. Revising Condition #2 of the previously-granted special permit will allow trucks and other vehicles to leave the site six days a week (Monday through Saturday) at any time of the day or night.

Condition #2 currently reads "...no deliveries shall be allowed to or from the site prior to 8:00 a.m. or after 4 p.m. Monday through Friday, and there shall be no deliveries to or from the site on Saturday or Sunday." The Petitioner is asking that the above condition be revised to read: "...no deliveries shall be allowed to the site prior to 8:00 a.m. or after 4:00 p.m. Monday through Friday. There shall be no deliveries to the site on Saturday or Sunday. In addition there shall be no deliveries from site on Sundays."

By deleting the words “or from” in two places, the Petitioner’s vehicles would be authorized to leave the site at any time of the day or night except for Sundays. The issue of whether the proposed use is allowed is again brought into question here, in that company trucks leaving the site will not be distributing product. Instead, they will be bringing employees and a vehicle to a remote location in order to move materials from one location to another, or perhaps occasionally delivering stored materials back to its owners.

3. The Special Permit granted to the previous tenant authorized the overnight parking of three (3) box trucks and twelve (12) work vans, and the plans from that time that are available to the Planning Department do not depict specific parking locations for those overnight vehicles. The Petitioner seeks to revise Condition #6 to allow seven (7) box trucks (but no work vans) to be parked on the site overnight. Though this would equate to a reduction in the number of commercial vehicles stored overnight from the 15 previously authorized, it does increase the number of trucks that would be stored on the property. In addition, the four (4) additional box trucks will apparently expand the loading area. The 2015 and 2020 plans show a general loading area along the northern façade, but the pending plan shows three more loading bays, in addition to the previously-shown loading area. Did the earlier plans depict the loading area to be smaller than it actually was/is?

Of greater concern with respect to the overnight parking request is the proposed location that would be used. All seven trucks would be located in such a way as to narrow the width of the adjacent parking area’s two-way driveway to only 6’-7’. That would mean a significant number of the parking spaces needed for the estimated 40-person work shift would be inaccessible unless drivers trespassed onto adjoining property when maneuvering into or out of the spaces. This concern is not allayed by the fact that the owner of the adjacent property is also this Petitioner.

Please feel free to contact me if you have any questions regarding these comments.

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

Motion made and 2nd that any and all communications be received and made part of the permanent record, all in favor, 9-0. Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801, stated that in 2015 there was a special permit issued to allow the continuation of the preexisting nonconforming warehouse, overnight parking of commercial vehicles and continuation of parking and landscaping requirements. Attorney Tarby stated that that special permit contained conditions such as conditions on deliveries on site not prior to 8:00 a.m. Monday through Friday; no deliveries on Saturdays or Sundays; conditions related to signage; not to use Nashua Street between Draper Street and Holton Street; condition allowed for 15 vehicles to be parked overnight (12 vans, 3 box trucks) and all vehicles be registered in Woburn. Attorney Tarby stated that that was issued to Joe Young, in the auto part business which moved and Spry is looking occupy the building and to modify the 2015 special permit, and February of 2020, to transfer it to the new petitioner provided certain requirements were met. Spry is seeking to amend condition number 2 about no deliveries, prior to 8:00 a.m. or after 4:00 p.m. Monday

through Friday, and no deliveries on Saturday and Sundays because they want Saturday deliveries, as well as no delivery from the site on Sundays. Spry wants 24/6 employees to be in at 6:00 a.m. to fill up overnight, as well as to amend to seven (7) box trucks overnight to 12 vans and three (3) box trucks. Attorney Tarby stated that Spry would also like to keep all previous nonconforming parking. Attorney Tarby stated that the property was in the Industrial-General zoning district, which allows the sue by special permit, and that in the early 1980's it was warehouse/distribution and then others throughout the years. Attorney Tarby stated that the Spry family has owned for 80 years, which is off of 54 Holton Street in commercial and residential. Attorney Tarby stated that they receive new and used items and they make sales, and for example ABC Corp. directs Spry to deliver ABC Corp. goods to ABC customers. Tim Williams of Allen & Major Associates stated there are not a lot of site plan changes except the striping out of the front door ramp, parking lot stripe is per the 2018 plans but added two spots at each end. Mr. Williams stated the planning department had concerns about vehicles entering in and out, that the whole parking lot is asphalt, and if trucks park overnight in the loading area, there is still the ability of cars to move and parking in front. Further, Mr. Williams stated that there is a minimal amount of employees and there is an easement on 80 Holton Street so vehicles can pass and repass. Mr. Williams stated that the prior landscape plan was not done, but this petitioner will do, there are two additional parking spots, additional stripping, and landscaping will be done. Upon inquiry from Councilor DiMambro, Attorney Tarby stated there would be box trucks, and Mr. Williams stated there will be no big trailers, just 24-foot-long box trucks. Councilor Mercer-Bruen stated she was concerned about the use, as Spry's website states it is a company that moves furniture, which seemed more like storage than warehouse and distribution. Attorney Tarby stated there are two components: 1. The Corporation deliver goods to Spry, and then Spry delivers, which is clearly warehouse and distribution. Upon inquiry from Councilor Mercer-Bruen, Attorney Tarby stated that a lot of the contracts are private, and do not want to disclose to the outside world, but that the petitioner will provide something. Attorney Tarby also stated that Spry stores furniture and office equipment, and that Section 2 of the Woburn Zoning Ordinance defines storage as the keeping of goods, products, materials or objects securely and safely when not in use or in transit. Attorney Tarby stated that he would argue that furniture, residential or office, falls under that definition, and the definition of warehouse, a building or structure for storing goods, products, materials or objects to be distributed, the petitioner are storing goods to be distributed, it does not specify the time frame. Councilor Gately that the prior business under Mr. Young he never had one complaint, that the petitioner has big shoes to fill, and that he would require the landscaping to look better. Jim Spry, President of Spry Moving Company stated that there will be three to four employees on site per shift on average. Mr. Spry stated that there are two buildings in the park and the employees already in the park, so if trucks show up the employees are already parking at one of the two other buildings. Upon inquiry from Councilor Campbell, Attorney Tarby stated the petitioner wants to have deliveries to the site on Saturday as well as delivery from the site that he would discuss in committee for reasonable hours. Councilor Campbell stated that it is quite the difficulty in whole area so no one would go into Blueberry Hill disturbing the neighbors, and that it sounds like few employees but that there will be no parking on main public road. Councilor Gately stated that they know to not go over Blueberry Hill and not to use Nashua Street to cut over to Draper Street, and not to use Green Street. Councilor Mercer-Bruen stated it is still Spry, just expanding. Upon inquiry from Councilor Dillon, Councilor Mercer-Bruen stated that the employees that are parking on Nashua Street

and getting picked up are not Spry, but another company. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON February 1, 2022, and that the matter be REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

On the petition by Black Diamond Landscapes, Inc., 33 Ryder Street, Arlington, Massachusetts 02476, for a special permit to modify Landowner's Decision and Notice of Special Permit dated February 13, 2020 and a special permit from Section 7.3 of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for: (1) a revised site plan of record; (2) storage for tools, equipment and landscaping materials; (3) the short term storage of mulch, stone, gravel and materials on pallets; and (4) the continuance of the existing nonconforming use (parking setbacks) and structure (minimum landscape open space; sideyard setbacks and parking setbacks), at 9 Green Street. PUBLIC HEARING OPENED: A communication dated January 10, 2022 was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: SPECIAL PERMIT MODIFICATION REQUEST FOR 9 GREEN STREET / BLACK DIAMOND LANDSCAPES, LLC

Dear Council:

The Planning Department has reviewed the above-referenced Petition which seeks permission to revise both the approved December 6, 2019 Special Permit Plan of Record and several of the conditions the Council imposed with the February 13, 2020 Special Permit Decision.

Specifically, the Petitioner seeks permission to modify the Plan by:

- Increasing the number of automobile parking spaces within the front setback;
- Significantly increasing the exterior storage of Bobcats, other landscaping equipment, tools, and landscaping materials throughout the site (the previously-granted Special Permit authorized only one [1] Bobcat to be stored outside, and prohibited the exterior storage of any other equipment or materials elsewhere on the property);
- Eliminating an easement area and landscaped area in favor of "Bobcat, other landscaping equipment, tools, and landscaping materials" storage;
- Increasing the number of storage trailers on site from three (3) to four (4), and placing the storage trailers outside along the rear property line whereas before only three storage trailers were permitted and were required to be placed *inside* the building on site; and
- Placing a refuse Dumpster outside of the building (no exterior Dumpster was shown on the December 2019 Plan of Record), and siting the Dumpster and additional equipment, tools and stored materials between the proposed exterior storage trailers and the fence along the rear property line.

The above plan modifications would require amending several conditions of the February 2020 Special Permit decision, including condition #5 (that no materials shall be stored on site) and a portion of condition #9 (that the Dumpster be screened).

The pending Petition is in response to recent action by the Department of Inspectional Services regarding violations of both the Woburn Municipal Code and at least several conditions attached to the 2020 Special Permit decision. The Zoning Enforcement Officer met with the business owner and his legal counsel on site to discuss the violation issues, which are outlined in more detail in paragraph #1 below.

The Planning Department reviewed this Petition with assistance and input from Building Commissioner Tom Quinn, and offers the following comments:

1. A number of conditions imposed by the Council in its December 2019 Decision are apparently either not being observed by the Petitioner presently or have not been consistently observed since 2019. There have also been violations of the Woburn Municipal Code. Specifically, the Building and Planning Departments have received complaints about (a) work activity (including equipment operation) occurring on site after hours in the evening/night and on Sundays, outside of hours authorized by the Woburn Municipal Code; (b) exterior storage/stockpiling of landscaping materials in violation of condition #5, and the noise generated by the equipment loading and unloading those materials throughout the day and, sometimes, evening; and (c) trucks turning right and traveling easterly on Green Street when exiting the property instead of turning left to travel westerly, which violates condition #2.
2. The 2019 application and subsequently approved Plan of Record indicated four (4) parking spaces existed within the front setback at the time of the 2019 application. Those spaces were presumed to be legally pre-existing, non-conforming parking spaces. The proposed revised Plan shows three (3) additional parking spaces being created in this front setback area, which would be a violation of Sections 8.4.3.1 and 8.4.3.2 of the Woburn Zoning Ordinance (WZO), which prohibit parking within five (5) feet of a lot line and within the twenty (20) foot front setback requirement respectively. Additionally, at least one (1) parking space appears to potentially interfere with operation of the door on the front façade. It is not clear additional parking spaces can be added within the front setback or sited within five (5) feet of a lot line unless variances are obtained. As for the proposed space in front of the passage door, Planning staff questions the wisdom of allowing a car to be parked in a location that potentially impedes egress of personnel from the building in times of emergency.

Lastly on the subject of parking, there are no handicapped accessible parking spaces shown on the plan. The Petitioner should submit, to the Council and the Building Commissioner, acceptable proof that the proposed Plan of Record complies with the accessible parking requirements outlined in 521 CMR.

3. How many employees are on site, or report to work at this site, on a daily basis?
Employees appear to be parking their personal vehicles on Green Street while at work on

site or remotely. The Council should consider requiring the Petitioner to create more parking on site, in locations compliant with zoning, if the number of workers employed by the company routinely requires use of on-street parking on a typical work day. This would be consistent with the practice/policy the City follows when considering special permits for the on-site overnight parking of commercial vehicles.

Of perhaps greater concern is the practice used by the business at the end of the day. Company vehicles with trailers line up on Green Street and block traffic in both lanes as they one by one make three-point turns in the Green Street roadway, in order to back the trailers onto the site. It appears this practice occurs because of the amount and locations of materials stored on site which make maneuvering vehicles on the property itself difficult. Meanwhile, the safety of vehicles on Green Street is compromised.

The proposed special permit modifications may exacerbate this issue. The exterior trailer and truck storage area proposed at the rear of the property would require that at the end of each business day, the landscaping trailers be detached from the vehicles towing them and moved by some mechanical means to be parallel to the rear fence. Once the four trailers were in place and any moving equipment out of the way, seven trucks would then be parked directly in front of the trailers. How much will that impact Green Street, in terms of the additional time the truck/trailer combos will sit on Green Street to wait their turn to back into the site, detach and reposition the trailer, and then park the truck?

Staff recommend the Council obtain a detailed description (including dimensions) of the proposed trailers and trucks to be stored exterior to the building.

4. The vast majority of this lot is unpaved. Reportedly, offensive dust conditions are created as a result of the number of vehicles coming and going from the site every day, the amount of equipment actively working on the site throughout the day, and the extent of business activity generally. If the site is going to continue to be used as extensively as it has been for the past two years, the Council should consider requiring the Petitioner to pave at least the most-used portions of the site, in order to mitigate the dust that is otherwise impacting the neighborhood.
5. Is any diesel or gas stored on site for uses other than heating the building? If so, have the proper permits been issued for that storage?
6. The proposed Dumpster location appears less than ideal. Stored behind trailers and trucks, it would be inaccessible by employees and servicing equipment for some portion of every day.

The operations of this business over the last two years have impacted the neighborhood in several negative ways, and the nature of the pending special permit request would seem to increase the likelihood of that happening in the future too, to at least the same extent. With the addition of 50+ residential units across the street in the near future, the 9 Green Street site may not in fact be the appropriate location for a business with this many employees and this much business activity.

If the Council ultimately decides to grant the Special Permit, the Planning Department suggests it consider imposing (or re-imposing) the following as conditions of any approval:

- a. All vehicles exiting the site shall be required to turn left and travel westerly toward Main Street; no exiting vehicles shall turn right and travel easterly down Green Street;
- b. All existing and proposed lighting on site shall be Dark Sky compliant and shall direct the light onto the 9 Green Street property and not that of abutters;
- c. The only “trailers” allowed on site shall be towable work trailers on wheels that are used in the course of the Petitioner’s business on a daily or weekly basis. No storage containers or “fixed” trailers (e.g. without wheels) shall be permitted to be located on site;
- d. All of the Petitioner’s vehicles stored or parked at this address shall be registered in the City of Woburn;
- e. The Dumpster must be equipped with pest control measures and shall not be serviced between 7:00 p.m. and 7:00 a.m. on any day, in accordance with the requirements of the Woburn Municipal Code;
- f. That all activity on site shall comply with the provisions of the Woburn Municipal Code, including those limiting the hours of operation. The Council may actually want to set more restrictive hours for this particular use/location, given the routine use of Bobcats and other motorized equipment during hours of operation;
- g. There shall be no cutting or splitting of firewood on site; and
- h. No retail sales are authorized, and no customer pick-up of any materials from the site is permitted.

Please feel free to contact me if you have any questions about this comment letter.

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

Motion made and 2nd that any and all communications be received and made part of the permanent record, all in favor, 9-0. Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801, stated he had not received the planning department comments until this morning so he is not prepared to address but will in committee. Attorney Tarby stated that the property located in IG zoning district which allows the landscaping use as a matter of right as a business service use. Attorney Tarby stated that since the building and parking setbacks are nonconforming, the original special permit was required, in addition the originally the special permit was required for overnight parking of commercial vehicles and construction equipment. Attorney Tarby stated that the building on the property, as from the records in the building department, was built in

1969 as an automotive repair garage. Attorney Tarby stated that since 2020 it has been a landscaping and snow remove business providing service in the general Woburn area, and that the petitioner is seeking to modify the special permit to clarify certain aspects of the business related to landscaping for the short-term storage of mulch, tools, landscaping material typical to the business. Attorney Tarby stated that the petitioner thought he could already do, but met with the building inspector to see what needs to be done on site. Councilor Gately stated he had not gone through the conditions of the original special permit, working on Saturday and Sundays dust choke a horse, and that the neighbors have complained about the building down there a few times about trucks going different ways. Councilor Gately stated that there is a whole list of issues that need to get addressed in committee, but there is no chance right now for any amendments since it is not going well down there, the council should not entertain any changes, and that there are neighbors here to speak. Councilor Mercer-Bruen stated Councilor Gately was extremely gracious, that the council should not amend the special permit, that there should be a discussion of the underlying special permit violations, and that if the petitioner is not following the rules this time, the petitioner will be unlikely to follow the rules, and she will not support any additional changes to conditions. Councilor Gately stated that was exactly his point. Councilor Dillon stated that the construction and loading of mulch materials, dealing with bobcats that beep when backing up, and a lot of people spending a lot of money cleaning up the area, and the businesses and residents should not have to listen to more noise. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 9-0. PUBLIC COMMENTS: Robert Borelli, accompanied by his wife Theresa Borelli, 17 Green Street, stated that they were here when the first special permit was given, and what they see now is that the petitioner has stepped over what was laid out. Mr. Borelli stated he hears more dump trucks unloading on roads, now mulch onsite with horrendous smell, gravel, concerned chipping will now occur, on a lot with no space. Mr. Borelli stated that he is concerned with the setback from property, not supposed to be able to park trucks back at property line, and only seven vehicles were allowed, and today there are way more than that. Mr. Borelli stated there is power washing of vehicles and dust, debris and concerned where the pallets and pavers are going to be located. President Concannon stated that the council can ask such questions in committee. Mr. Borelli stated the petitioner did not meet the criteria of the first special permit. George Poole, 12 Green Street, stated that the operations which the petitioner is seeking, appears to be what already doing anyways, and that this is just a rubber stamp. Mr. Poole stated that the operation is going in the wrong direction and is detrimental to the neighborhood. Councilor Mercer-Bruen stated she does not think this petition should go to committee, that the petitioner should withdraw the request, and that this should be a review of the existing special permit and nothing else since more promises have not been met. Councilor Mercer-Bruen stated again the petitioner should withdraw, call for a review to go over the complaints and get this right. Councilor Campbell stated she was not against moving forward with a review, since it was the first she was hearing of these concerns and wants to hear more from Councilor Gately. Councilor Gately stated there have been complaints of trucks backing in and blocking the street because the trucks cannot go in and turnaround, which backs up Green Street and Main Street. Councilor Gately stated there is noise from the blowers, too many truck onsite, vehicles parking on the street, and that supposed to be parking in the lot. Councilor Gately stated they are not doing what they are supposed to be doing, and that the way to address the complaints is to close the public hearing, and make the petitioner come back under City Council Special Permits review. President Concannon stated that the petitioner could address

the ongoing issues and review the underlying conditions could still be used. Mr. Borelli stated in the future, there is going to be 50 condos right across the street, which could open up a bigger issue with calls coming from the condo, not for taking business away, but needs something there to stop it or probation before giving him another car to drive. Councilor Campbell stated we want to keep in business, but cleanup what is going on, and wanted to see if client wants to. President Concannon stated that the council might be able to do both now, since it is the same business, same petitioner, same property. Councilor Mercer-Bruen stated that once it goes to committee, there is a possibility of giving more. Attorney Tarby stated that the detailed letter from the planning department, some things are just not accurate, however, from what he has heard to night he would like to make a leave to withdraw without prejudice, and to schedule a meeting to discuss the issues. Mr. Borelli stated that look at the containers and if the lot is big enough for this. Motion made and 2nd to accept the communication from Building Inspector Thomas C. Quinn Jr. dated October 8, 2021, all in favor, 9-0. Motion made and 2nd to accept the communication from Theresa and Robert Borelli dated January 18, 2022, all in favor, 9-0. Upon inquiry from Councilor Mercer-Bruen, President Concannon stated that he believed the leave to withdraw request from Attorney Tarby was official. Motion made and 2nd to close the public hearing and to GRANT THE LEAVE TO WITHDRAW WITHOUT PREJUDICE, all in favor, 9-0. Councilor Concannon then stated the council will meet and discuss issues as represented with the current special permit.

Petition by Loco Donuts, LLC, 10 State Street, Woburn, Massachusetts 01801, for a special permit pursuant to Section 5.1(29), Section 5.1(63A), and Section 12 of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for a fast food restaurant (Dunkin Donuts) with a drive thru, at 36 Commerce Way. PUBLIC HEARING OPENED: A communication dated January 3, 2022 was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: SPECIAL PERMIT APPLICATION FOR FAST FOOD ESTABLISHMENT WITH DRIVE-THROUGH AT 36 COMMERCE WAY / Loco Donuts LLC

Dear Council:

The Planning Department has reviewed the above-referenced Petition which seeks a special permit for a fast food restaurant in accordance with Section 5.1(29) of the Woburn Zoning Ordinance (WZO), as well as a special permit for a drive-up customer service facility in accordance with Section 5.1(63a). Building Commissioner Tom Quinn assisted with the review.

We offer the following comments:

1. This project is subject to the City's Section 18 of the WZO (Development Impact Assessment and Mitigation). The Planning Department defers to the Engineering Department with respect to comments on the December 14, 2021 Development Impact

Assessment Report that was submitted with the Petition and its compliance with the requirements of Section 18.

2. With respect to parking, there are several issues:
 - a. Parking calculations are “off”. The Development Impact Assessment Report and plans indicate the coffee shop will have a floor area of 1,450 *gross* sq. ft., and the remainder of the building will have a floor area of 14,550 *gross* sq. ft. Parking requirements must be calculated based on *net* square footage, and that information is not provided. The Petitioner should amend the parking calculation table on Sheet CS1001 by providing the calculations of net square footage for both the planned fast food restaurant and the remaining space in the building; this information should clearly identify the specific floor uses as well (e.g. fast food restaurant, office, warehouse, research and development, etc.). Floor plans reflecting/confirming those numbers should also be submitted (the floor plans submitted do not provide the floor area calculations). When completed, the revised parking calculations should be reviewed by the Municipal Inspections Director to ensure zoning compliance.
 - b. The plans indicate that 20 of the 69 parking spaces provided will be compact car spaces 8’ wide x 18’ long. This conforms to the provisions of Section 8.2.3 of the WZO which limits compact spaces to no more than 30% of the total. The parking spaces along the westernmost property line are noted to be the compact spaces, but there are only 19 spaces in that row, not 20 as the parking calculation table and plan note imply. The number should be corrected, and if the petition is approved the Council should require that all compact car spaces be equipped with signage identifying them as such.

A total of 21 spaces are indicated along the southernmost property line, but a hand count of those spaces reveals there are only 20 parking spaces along that line.

In sum, the parking table indicates a total of 69 spaces are being provided on the site, but a count of the spaces shown on the submitted plan reveals a total of only 67 on-site parking spaces. The plans need to be amended and correctly annotated.

- c. The Petitioner should be required to provide details regarding the number and location of accessible parking spaces required and provided, per 521 CMR. Currently, the plan shows two (2) such parking spaces and that number may not be adequate to comply with ADA regulations.
3. The location/configuration of the stacking lane for the drive-through raises a concern. If the line of cars in the drive-through lane exceeds (7) vehicles, some of the parking spaces on site (along the western property line) will not be accessible, in terms of drivers being able to access them to park or in terms of being able to exit those spaces.
4. The plans should be revised to identify the parking spaces that are expected to be used by employees and customers of the coffee establishment, and also the designated paths of safe pedestrian travel between those spaces and the establishment.

5. The City's GIS database shows that a portion of this property is located within a FEMA floodplain. The plans should be revised to show the limits of the FEMA flood zone, and the applicant should provide details of any work planned to occur with that zone so that a determination can be made as to whether an additional special permit under Section 9 of the WZO (Floodway and Flood Plain Districts) is needed in order to fully authorize the project.
6. If the Council grants the requested special permit, the hours of operation shall be confined to 6:00 a.m. to 11 p.m., per note 16 to Table 5.1.
7. A "Right turn only" sign is needed at the driveway's exit onto Commerce Way.
8. All signage is subject to separate permitting requirements through the Municipal Inspections Department. The proposed façade plans submitted with the application (specifically, sheet A3.1, Proposed Exterior Elevations) show signage on three sides of the existing building, but not enough information is provided to determine whether or not they meet zoning. In accordance with Section 11.6.10, all signs related to a drive-up customer service facility shall be permitted by Special Permit by the City Council. Planning staff therefore recommends the Council require the Petitioner to submit detailed information on each of the signs, including renderings, dimensions, and areas. This information should then be forwarded to the Municipal Inspections Director for review as to zoning conformance, before a decision is made on the Special Permit request.

Please feel free to contact me if I can provide clarification or additional assistance.

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

Motion made and 2nd that any and all communications be received and made part of the permanent record, all in favor, 9-0. Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801, stated he had a powerpoint presentation to present. Motion made and 2nd to accept the powerpoint presentation, all in favor, 9-0. Motion made and 2nd to take a five (5) minute recess, all in favor, 9-0. Motion made and 2nd to return to the regular order of business, all in favor, 9-0. President Concannon stated that the powerpoint presentation that is being referenced tonight will be available in the City Clerk's office. Attorney Tarby stated that with him tonight was Adam Quinn and Jason Pino of Loco Donuts, LLC, and between the two of them they own and operate 29 different Dunkin' Donuts. Attorney Tarby stated that 36 Commerce Way is located in the IP zoning district which requires a special permit for the use and drive thru. Attorney Tarby stated that Quiznos had previously been approved for the location, but never went forward. Attorney Tarby stated that there is a total of approximately 16,000 sq. ft., and that this would be a relocation of the store that used to be in Anderson Transportation Station, but closed due to Covid. Ben Osgood, Ranger Engineering & Design LLC, stated on Sheet 1 of the powerpoint, it shows Commerce Way and Cabot Road above which contains other industrial uses. Mr. Osgood stated that Sheet 2 shows the existing conditions with entrance on Commerce Way and a right only turn out. Mr. Osgood stated on Sheet 3 shows the walk in on the

sidewalks, and the revised site plan eliminated parking to add the drive thru lane to enter from Cabot Road in center of site, which allows for six spaces before pickup window and additional six queuing spaces before the order window. Mr. Osgood stated that they have redesigned some of the parking to 19 compact spaces, eight employee parking spaces, an additional handicapped space is being added to be in compliance, added a couple of islands, and squared out the parking lot in the northeast of parking lot, the lane closest to building is one way, the main lane is a two-way lane with 24 ft. wide, that Cabot Road is still the primary entrance, the Commerce Way is a one way out right turn only, and dumpsters are located on the plan that will be fenced. Mr. Osgood stated that there are 88 existing parking spaces, and the building as it currently exists only requires 66 under zoning. Mr. Osgood stated that as this building is reconfigured for the Dunkin' Donuts and office space, only 60 spaces are required, 18 are allocated to Dunkin' Donuts, 42 are allocated to the office use, but the petitioner is still providing 66 parking spaces. Mr. Osgood stated the parking numbers are based on gross floor area, but as the planning department pointed out, the parking is supposed to be calculated on net sq. footage, which is less than gross, thus the required spaces will go down. Mr. Osgood stated on the next sheet, it shows the architectural renderings from the west entrance, the second view is looking at the drive thru, and third view is from the front looking at Commerce Way, which all show the branding of Dunkin' to be used. Mr. Osgood stated the next sheet is the layout of the door at the top is the west entrance which is the main entrance, which opens to a vestibule, and the entrance to Dunkin' will be the one door and the double door will be for the office space. Mr. Osgood stated that there is a secondary door from Dunkin's to the office lobby area where the elevator is. Mr. Osgood stated that on the turning plan, the fire truck has easy access. Mr. Osgood stated that the Traffic Impact is summarized from the 124-page study, with the description, scope, and trip generation with a weekday daily of trips of 561 total increase in trips, 1/3 of which is already in the neighborhood with conservative trip generation guidelines, there were 88 trips in peak morning, and 43 trips in the peak afternoon. Mr. Osgood stated the summary is on the final slide, which states there will be low to moderate delays at the Cabot Road and Commerce way intersection, except movements for left turns on Cabot Road which include delayed operations. Councilor Mercer-Bruen stated she spoke with Attorney Tarby and she plans on getting together at the site to see the stacking lane, that she had lots of questions on the traffic study, which she intends to have the City Engineer advise the council before committee, and that she wanted to have the restriction on Commerce Way. Mr. Osgood stated there was a do not enter sign, as well as they will make it more difficult to turn in as well. Councilor Mercer-Bruen stated people do not pay attention to signs so she wants the movement restricted. Councilor Mercer-Bruen stated that she does not think it is a bad use, but that the project needs a little more work. Councilor Ferullo stated Commerce Way is a divided highway. Councilor Mercer-Bruen stated that she wanted the inability to turn right from Commerce Way into the site. Councilor Ferullo stated that this was the first traffic survey that said there would be an increase, giving the petitioner credibility through the roof. Councilor DiMambro stated he was concerned with tractor trailers pulling onto Cabot Road to park because there is a lot of industry in the area, such as Peake and Marshalls. Councilor DiMambro stated he was also concerned with vehicles exiting drive thru to go to I-93N were going to hook right through parking lot to get back onto Commerce Way, and thinking that would be a possible problem with how traffic gets out of the site. Councilor Campbell stated this was a great location, but that she was concerned with parking and the drive thru having both ways in and out. Councilor Campbell stated that if all this parking is on the edge of the parking lot, it

is not easy to move around, very busy and not a good flow, where an accident is waiting to happen. Mr. Osgood stated that the employee parking is on the outside, and the employees get there at 5:30 a.m. and are there until 11:00 a.m. Mr. Osgood stated that the busy time is from 7:30 a.m. to 9:30 a.m., and the shift change is after the busy time, thus easier to get out of site. Councilor Campbell stated she was concerned that the drive thru being busier than originally anticipated, such as Chick-fil-A. President Concannon stated that he wants to see a visual representation on how vehicles can move. Councilor Mercer-Bruen stated that the petitioner expects traffic from 7:30 a.m. to 9:30 a.m., but that trucking works different shifts, which very well could have longer lines at different times of the day. Councilor DiMambro stated he was concerned with the office workers wrestling with traffic, foot traffic and commuter traffic and that he does not want to see arguments in the parking lot. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON February 15, 2022, and that the matter be REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

COMMITTEE REPORTS: None.

CITIZEN'S PARTICIPATION: None.

COMMUNICATIONS AND REPORTS:

A communication dated January 3, 2022 was received from Thomas C. Quinn, Jr., Building Commissioner as follows:

Re: Woburn Municipal Code Title 15 Article VIII 15-42

Dear Members of the Council:

Regarding the above referenced section of the Woburn Municipal Code, I submit the following quarterly nuisance report for the period of July 1, 2021 thru September 30, 2021.

8 Russell Court matter with City Council.

14 Hilltop Parkway demolition permit has been issued to new owners.

As always if you have any questions do not hesitate to contact me.

s/Thomas C. Quinn, Jr., Building Commissioner

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

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED

Be it ordained by the City Council of the City of Woburn that Title 15, Buildings and Construction, of the Woburn Municipal Code as amended, be further amended, as follows:

by inserting at the end of Article I, Section 15-5 Building Permit Fees, the following:

Table 110 - Schedule for Periodic Inspection of Existing Buildings
Per 780 CMR/Current Edition of Massachusetts State Building Code

Use Group	Use	Fee
A-1	Movie Theater or Theaters for Performing Arts	\$2 per seat
A-2	Restaurants or similar uses	\$100 for 0-50 seats; An additional \$2 for every seat over 50
A-3	Lecture halls, churches and places of religious worship, recreational centers, terminals, etc.	\$2 per occupant; Note: fee waived for churches/houses of religious worship
A	Special amusement buildings or portions thereof	\$2 per occupant; \$100 minimum fee
A	Clubs and Function Halls	\$200 Annual Fee
E	Educational, day care facility	\$100 for 0-50 occupants An additional \$2 for every occupant over 50; Note: Public Education: Fee waived
I-1	Group Home	\$100
I-2	Nursing Home	\$100 for 0-50 occupants; An additional \$2 each occupant over 50
I-4	Adult and/or Child Care Facility	\$100 for 0-50 occupants

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 “chairman” wherever it appears and inserting the word “chair”.

s/President Michael Concannon

City Clerk Higgins stated that when the City Solicitor and City Clerk were going over the alderman changes, they forgot about the Rules and Orders of the City Council. The City Clerk also stated that while she was going through the rules, she noticed chair and chairman were both used and decided to make them consistent. President Concannon stated that this only needs one reading. Motion made and 2nd that the ORDER BE ADOPTED, all in favor, 9-0.

Presented to the Mayor: January 20, 2022

s/Scott D. Galvin January 20, 2022

President Concannon stated that on Tuesday, January 25, 2022 from 11 am to 6 pm there will be a Special Election related to the Northeast Metropolitan Regional Vocational School new building. Woburn voters will vote at the old Wyman School at the corner of Main Street and Eaton Avenue. The City Clerk stated that the entrance is in the back of the building.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 8:43 p.m.

A TRUE RECORD ATTEST:

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