

**CITY OF WOBURN
FEBRUARY 15, 2022 – 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBER, WOBURN CITY HALL**

Roll Call

Campbell	Ferullo
Demers	Gately - Absent
Dillon	Mercer-Bruen
DiMambro	Viola
Concannon	

President Concannon recognized Councilor Ferullo for a moment of personal privilege. Councilor Ferullo stated the following:

I ask tonight that we pause to recognize retired Woburn Police Chief Phillip L. Mahoney who passed away early last week. Chief Mahoney a graduate of Waltham High School along with the Class of 1964, served in the United States Navy in the Vietnam war and settled in Woburn upon his return. Appointed to the Woburn Police Department in 1970 as a patrolman he rose quickly through the ranks of the Woburn Police Department being appointed Sergeant in 1977, Lieutenant in 1980 and Chief in 1986. He served the city of Woburn for forty-one years, the last twenty-five years as Chief, it was my honor and privilege to serve under his command for 31 of those years until I was appointed to succeed him as chief of police in the fall of 2011. During his tenure he strongly believed that his role and mission were intertwined, to being that person who was here to help. Help is that which Chief Mahoney did in every aspect of his profession and life. Phil's life was always to serve and protect, and it knew no limits. If there was anything he could do, that was in his power, be it protecting our city to serving each individual Woburnite, it was done with all the integrity, attention and honor, it deserved. I ask tonight, for a moment of silence for my friend, mentor and role model and a proud adopted son of the city of Woburn, Chief Philip L. Mahoney.

President Concannon stated he extends best wishes to the family. President Concannon stated Chief Mahoney was a tremendous citizen to the community.

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

Motion made and 2nd to suspend the rules to take the matter under Motion, Orders, and Resolutions next, all in favor, 8-0-1 (Gately Absent).

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED

Whereas, Lawrence “Larry” Guiseppe is retiring as the City of Woburn Veterans Agent after 12 years of dedicated service; and

Whereas, Larry has always gone above and beyond to ensure that all veterans in which he encounters were provided assistance, support, and outreach, including veterans of Woburn and across the Commonwealth of Massachusetts; and

Whereas, Larry during a worldwide pandemic made sure he was always available to help out veterans and was able to provide support, assistance, and outreach to veterans in need during uncertain and daunting times; and

Whereas, Larry is a lifelong resident of Woburn who upon graduation from Woburn High School in 1968 enlisted in the United States Marine Corps, in which he served a two-and-a-half-year tour in Vietnam with “M” Company, 3rd Battalion, 26th Marines, and was wounded by an enemy grenade; and

Whereas, Larry was honorably discharged in 1971 as a decorated veteran and has been awarded the Purple Heart, Presidential Citation, Cross of Gallantry, Combat Action Ribbon, and the Good Conduct Medal; and

Whereas, Larry has been an integral member and organized the “Friends of Woburn Veterans” which organizes and plans the annual Veteran’s Day program and parade in the City of Woburn; and

Whereas, Larry is a member of the George A. Campbell American Legion Post 101, a lifetime member, Quarter Master, and past Commander of the VFW Post 543 in Woburn, a member of the Marine Corp. League of Woburn, and also an integral member of the United Veterans Council; and

Whereas, Larry is a loving husband to his wife Patricia, proud father of Lauren and Lindsay, and devoted grandfather to Nicholas, Catherine, and Victoria;

Now, therefore, Be It Resolved, that the City Council of the City of Woburn hereby recognizes the exemplary and distinguished career of Woburn Veterans Agent Larry Guiseppe and his contributions in improving the quality of life for veterans in the City of Woburn and the Commonwealth of Massachusetts, thanks him for his service to the city and country, and extends the best wishes of the community for a long, happy, and well-deserved retirement.

s/President Concannon, Councilor Ferullo, Councilor Campbell, Councilor Gately, Councilor Dillon, Councilor Demers, Councilor Mercer-Bruen, Councilor DiMambro, and Councilor Viola.

President Concannon stated that Councilor Viola was going to read the order into the record. President Concannon stated that Larry Guiseppe was in attendance. Councilor Viola then read the order into the records. Motion made and 2nd that the RESOLVE BE ADOPTED, all in favor, 8-0-1 (Gately Absent). President Concannon stated that he extends Mr. Guiseppe his best wishes and thanked him for sticking around until his replacement was found. President Concannon stated he wished Mr. Guiseppe the best in retirement.

Presented to the Mayor: February 17, 2022 **s/Scott D. Galvin February 17, 2022**

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

MAYOR'S COMMUNICATIONS:

A communication dated February 10, 2022 was received from His Honor the Mayor Scott D. Galvin as follows:

RE: RECENTLY-ADOPTED CHANGES TO STATE LAW REGARDING HOUSING
 AND ZONING

Dear Council:

I respectfully request time at upcoming city Council meeting to address you briefly about changes to a zoning law last year that impact Woburn and many other communities.

Chapter 358 of the Acts of 2020 was adopted in 2021 and included a new section 3A to Mass. General Laws chapter 40A, the Zoning act. The new law requires communities serviced by the MBTA to have at least one zoning district of "reasonable size" in which multi-family housing is allowed by right, and which meets other criteria set forth in statute.

Though attendant regulations are still being drafted and may change before final adoption, at the moment the law and regulations would require Woburn to have a zoning district that:

- Allows multi-family development as a "by right" land use (e.g. not by special permit), and which is not age-restricted but rather suitable for families with children;
- Is at least fifty (50) acres in size and located either within a half-mile of the Anderson/Woburn Transportation Center or some other area "of concentrated

development, including town and city centers and other existing commercial districts;”

- Allows a density of at least fifteen (15) dwelling units per acre (subject to further limitations that may be imposed by the Wetlands Protection Act and/or title 5 of the state environmental code); and
- Has the capacity to support at least 2,631-3,508 housing units*

By statute, the penalty for failure to comply with this new law would be a prohibition on applying for certain State grants in the future. Those include the MassWorks Infrastructure Development Program, Local Capital Project funds, and all grants associated with the Housing Choice Initiative.

The intent of the law is to spur multi-family housing in all communities that have or benefit from MBTA service. Respectfully, it is my opinion that Woburn has already more than done its part in that regards. Roughly, 2,400 housing units have been approved for construction in various locations across the City in just the last seven or so years, with more than 1,500 of those units located within a half mile of the Anderson/Woburn station. None of the production “counts” under the new law.

I would like to have City Solicitor Ellen Callahan Doucette and Planning Director Tina Cassidy join me in making a brief presentation to you on this subject at an upcoming meeting in the very near future. I look forward to the discussion.

Motion made and 2nd that the communication be received and made part of the permanent record, all in favor, 8-0-1 (Gately Absent). Motion made and 2nd that the matter be referred to the Committee on Ordinance, Charter and Rules as-a-whole, all in favor, 8-0-1 (Gately Absent). President Concannon stated he spoke with the Mayor and that the Mayor would like the City Solicitor, and the Planning Director to a committee meeting to discuss. President Concannon stated that the meeting should take place in the next couple of weeks.

NEW PETITIONS:

Petition for approval pursuant to M.G.L. Ch. 268A, Sec. 20(b) of contract for snowplowing services by Dennis Stone. Motion made and 2nd that the AUTHORIZATION TO PROVIDE PERSONAL SERVICES PURSUANT TO M.G.L. CH. 268A, SEC. 20(b) be APPROVED, all in favor, 8-0-1 (Gately Absent).

Petition by Reliable Property Management Services, LLC for a special permit pursuant to the 1985 City of Woburn Zoning Ordinance, as amended, Section 5.1, Subsection 57b for accessory storage and overnight parking of up to 40 commercial vehicles, and Subsection 43 for open or outside storage of new or used building materials or equipment, relating to the operation of a fence assembly and manufacturing business, at 211 New Boston Street.

Motion made and 2nd that the MATTER BE REFERRED TO PUBLIC HEARING, all in favor, 8-0-1 (Gately Absent).

PUBLIC HEARINGS:

On the petition by Skyworks Solutions, Inc., to amend an inflammable license, for N-Methyl2pyrrolidone Class B 4x350 gallons in IBC container to N-Methyl2pyrrolidone 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. PUBLIC HEARING OPENED: Motion made and 2nd that any and all communications be received and made part of the permanent record, all in favor, 8-0-1 (Gately Absent). Appearing for the petitioner was Sherri Gaudette, Sr. Environmental Health & Safety Engineer at Skyworks Solutions, Inc., and Chuck Rollins, Facilities Manager. Ms. Gaudette stated that Skyworks currently has the inflammable for N-Methyl2pyrrolidone Class B but want to substitute it for the Kwik Strip. Ms. Gaudette stated the Kwik Strip is less of a health hazard. Ms. Gaudette stated that eventually Skyworks wants to switch over 100 percent to Kwik Strip. Ms. Gaudette stated that until then, Skyworks wants the option to have a combination of both until the quality engineering is worked out. Ms. Gaudette stated that there will be less truck traffic at the location, and that it is better to health. Clerk Higgins stated the fire department did sign the application. Motion made and 2nd to open the public hearing, all in favor, 8-0-1 (Gately Absent). PUBLIC COMMENTS: None. Motion made and 2nd to close the public hearing, all in favor, 8-0-1 (Gately Absent). Motion made and 2nd that the matter be approved. Before a vote was called, there was a motion made and 2nd to amend the underlying motion to include that “any existing conditions on the current permit be retained”, all in favor, 8-0-1 (Gately Absent). On the main motion, as amended, all in favor, 8-0-1 (Gately Absent).

Presented to the Mayor: February 17, 2022 **s/Scott D. Galvin February 17, 2022**

On the 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 February 8, 2022 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, Loco Donuts, LLC, 36 Commerce Way, Woburn, Massachusetts

Dear Ms. Higgins:

I respectfully request that the public hearing on the above matter scheduled for February 15, 2022 be continued to the City Council meeting scheduled for March 1, 2022. The petition is still in the Special Permits Committee for further review. If you need any further information, please do not hesitate to contact me. Thank you.

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

Further, a communication dated February 15, 2022 was received from Sgt. Stokes, of the Woburn Police Department as follows:

Good morning Vincent,

There was only one crash at the Cabot road and commerce way intersection over the last calendar year. Further, I do not recall any major crashes at that intersection nor have we fielded any complaints on any traffic related concerns. Hope this helps.

Regards,
Sgt. Stokes

Motion made and 2nd that any and all communications be received and made part of the permanent record, all in favor, 8-0-1 (Gately Absent). Councilor Mercer-Bruen stated that Attorney Tarby for the petitioner asked if the meeting could be continued to March 15, 2022 instead of March 1, 2022. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 8-0-1 (Gately Absent). PUBLIC COMMENTS: Appearing for the petitioner, Attorney Anne Reynolds, Rubin and Rudman LLP, 53 State Street, Boston, Massachusetts 02109, stated she was filling in for Attorney Tarby. Attorney Reynolds stated that Attorney Tarby was alright with the March 15, 2022 continuance. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON March 15, 2021, all in favor, 8-0-1 (Gately Absent). Councilor Mercer-Bruen then read the communication from Sgt. Stokes into the record. Motion made and 2nd to that the communication be received and made part of the permanent record, all in favor, 8-0-1 (Gately Absent).

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

COMMITTEE REPORTS:

FINANCE:

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

ORDERED That the sum of \$895,000.00 be and is appropriated as so stated from Overlay Reserve Acct# 01-322000 \$895,000.00 to Stabilization Fund Acct# 750048-483011 \$750,000.00, Assessors Appraisals Acct# 0113757-571001 Real

Property \$40,000.00 Valuation Services \$60,000.00, and Assessors Personal Property Acct# 0113757-584042 \$45,000.00.

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

s/President Michael Concannon

Motion made and 2nd that the COMMITTEE REPORT BE ADOPTED, all in favor, 8-0-1 (Gately Absent).

Presented to the Mayor: February 17, 2022 s/Scott D. Galvin February 17, 2022

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

ORDERED That the sum of \$1,000,000.00 be and is appropriated as so stated from Unreserved Fund Balance Acct# 01-359000 \$1,000,000.00 to SPED Stabilization Fund Acct# 704049-4971000 \$1,000,000.00.

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

s/President Michael Concannon

Motion made and 2nd that the COMMITTEE REPORT BE ADOPTED, all in favor, 8-0-1 (Gately Absent).

Presented to the Mayor: February 17, 2022 s/Scott D. Galvin February 17, 2022

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

ORDERED That the sum of \$10,000,000.00 be and is appropriated as so stated from Unreserved Fund Balance Acct# 01-359000 \$10,000,000.00 to General Stabilization Fund Acct# 704049-4971000 \$10,000,000.00.

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

s/President Michael Concannon

Motion made and 2nd that the COMMITTEE REPORT BE ADOPTED, all in favor, 8-0-1 (Gately Absent).

Presented to the Mayor: February 17, 2022 **s/Scott D. Galvin February 17, 2022**

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

ORDERED That the sum of \$28,000.00 be and is appropriated from the Cemetery Interest Fund and distributed as follows for Fiscal Year 2022: \$8,000.00 to New Equipment Acct. 0149058-586600, \$8,500.00 to Equip/Bldg Maint Acct. 0149054-543000, \$2,500.00 to Tools/Supplies Acct. 0149054-546100, \$9,000 to Burial Sections Acct. 0149058-586601.

I hereby approve the above: s/John Sawyer, Chairman, Cemetery Commission

I hereby recommend the above: s/Scott D. Galvin, Mayor

I have reviewed the above: s/Charles E. Doherty, City Auditor

s/President Michael Concannon

Motion made and 2nd that the COMMITTEE REPORT BE ADOPTED, all in favor, 8-0-1 (Gately Absent).

Presented to the Mayor: February 17, 2022 **s/Scott D. Galvin February 17, 2022**

ORDINANCE, CHARTER AND RULES:

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

ORDERED

Be it Ordained by the City Council of the City of Woburn, that the Woburn Municipal Code, as amended, be further amended by inserting into Title 12, Streets, Sidewalks & Public Places, a new Article XV, Regulation of RoadWork in Operable Unit No. 1 of the Industri-Plex Superfund Site as follows:

XV. REGULATION OF ROADWORK IN OPERABLE UNIT NO. 1 OF THE INDUSTRI- PLEX SUPERFUND SITE

15-1 Purpose

To regulate work activities in roadway areas with Institutional Controls established for Operable Unit No. 1 of the Industriplex Superfund Site, as set forth in the “Record of Decision, Industri-Plex Superfund Site, Woburn, Massachusetts,” dated September 30, 1986 (the “ROD”), said ROD being on file at the EPA Region I Record Center

located at Five Post Office Square, Boston, Massachusetts. The Institutional Controls maintain the protectiveness of the Industri-Plex Operable Unit No. 1 remedy and establishes restrictions on excavation, construction and maintenance or other intrusive activities in Class A Land, Class B Land, Class C Land and/or Class D Land, as defined in the January 2018 Model Notice of Activity and Use Limitation (NAUL), Operable Unit No. 1, Industri-Plex Superfund Site. A copy of the January 2018 Model NAUL is attached to the Regulations for Roadwork as Appendix I.

15-2 Permit Required

A permit issued by the Department of Public Works shall be required for any work performed in road rights of way within Industri-Plex Operable Unit No. 1, including along Merrimac Street, New Boston Street, Atlantic Avenue, Commerce Way and Presidential Way, that are designated as Class A Land, Class B Land, Class C Land or Class D Land, on the plan entitled “Plan of Restricted Areas (Record Boundaries, Ties to Survey Control and Restricted Areas Delineation) R.O.W./ Roads, Lot IC-47, Woburn, Massachusetts dated April 27, 2020 prepared by Fieldstone Land Consultants, PLLC”. A copy of such plan is available for review in both the Department of Public Works and the Engineering Department.

15-3 Authority to Promulgate Regulations

In furtherance of this ordinance, the Superintendent of Public Works in consult with the City Engineer, shall promulgate regulations pursuant to which permits are to be issued for work to be performed in Operable Unit No. 1 including, application fees.

15-4 Compliance with DPW Regulations

Any permit issued hereunder shall be in compliance with the regulations issued by the Department of Public Works in consultation with the Engineering Department. Such regulations shall incorporate the health and safety and related requirements that are documented in the January 2018 Model NAUL with respect to work within road rights of way situated in Operable Unit No. 1 of the Industri-Plex Superfund Site in order to comply with the provisions of the consent decree entered on April 24, 1989 by the United States District Court for the District of Massachusetts in the matter styled *United States v. Stauffer Chemical Company et al.*, Civil Action No. 89-0195-MC, and the Commonwealth of Massachusetts v. *Stauffer Chemical Company et al.*, Civil Action No. 89-0196-MC.

s/President Michael Concannon
Per Request of the Mayor

Clerk Higgins the City Solicitor submitted an amended version relating to a change in the date of plan to read after “dated April 27, 2020” to include “revised November 12, 2021”. Motion made and 2nd that the COMMITTEE REPORT, AS AMENDED, BE ADOPTED, all in favor, 8-0-1 (Gately Absent).

Presented to the Mayor: February 17, 2022 **s/Scott D. Galvin February 17, 2022**

PUBLIC SAFETY AND LICENSE:

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

Petition for renewal of Second Class Motor Vehicle License by Anchor Auto Sales, 3 Breed Avenue.

Motion made and 2nd that the COMMITTEE REPORT BE ADOPTED, all in favor, 8-0-1 (Gately Absent).

Presented to the Mayor: February 17, 2022 **s/Scott D. Galvin February 17, 2022**

CITIZEN’S PARTICIPATION: None.

COMMUNICATIONS AND REPORTS: None.

APPOINTMENTS AND ELECTIONS: None.

President Concannon stated that the City Council members were wearing ribbons to support the Woburn Memorial High School embRace Club efforts to honor Black History Month. President Concannon stated that the embRace Club is a diverse and inclusive group of Woburn Memorial High School students of different races, immigration statuses, religions, cultures, ethnicities, sexual orientations, gender identities, ability statuses, and political affiliations, and provides a safe space for challenging discussion and topics that affect the lives of students of color and their peer allies. President Concannon stated that their goal is to spread awareness as well as attend and host events on issues surrounding race, culture, heritage, social justice efforts, equity, and more.

Motion made and 2nd to ADJOURN, all in favor, 8-0-1 (Gately Absent). Meeting adjourned at 7:20 p.m.

A TRUE RECORD ATTEST:

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