

**CITY OF WOBURN  
MARCH 15, 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	

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

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**MAYOR’S COMMUNICATIONS: None.**

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**NEW PETITIONS:**

Petition by Transaction Corporate Shuttles Inc., 5 Wheeling Avenue, for renewal of Common Carrier License.

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Petition by James L. McKeown Boys & Girls Club of Woburn for a Special Event Permit to allow a road race and health walk starting at Charles Gardner Lane and along area streets on May 1, 2022.

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Petition by DCD Nucar Womar, LLC, 40 Winn Street, request to update name on First Class Motor Vehicle Sales license to DCD Nucar Woma, LLC Nucar Lannan Chevrolet of Woburn.

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Petition by Montvale Land LLC requesting to amend Sections 13 and 28 of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for offsite directional signage and solar photovoltaic systems in the Technology and Business Mixed Use Overlay District.

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**PUBLIC HEARINGS:**

On the petition by NStar Electric Company, d/b/a Eversource Energy for grant of right in a way to install one new joint owned pole, P549/4, in Highland Avenue for service to 8 Highland Avenue.

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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 committee report was received “ought to pass” with the following findings and conditions: CONDITIONS: 1. The Petitioner shall construct and improve the Site as substantially described on the Plan of Record which for this project shall be “Proposed Site Plan, 36 Commerce Way, Assessor’s Map 15, Lot 01, Block 01, Woburn, MA 01801” dated October 6, 2021, revised January 17, 2022, revised February 3, 2022, revised February 25, 2022 prepared by Ranger Engineering Group Inc., 13 Red Roof Lane, Suite 203, Salem, N.H. 03079 (hereinafter the “Site Plan”) although design adjustments and modifications generally associated with: (i) preparing so-called “working drawings” or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan; 2. All dumpsters shall be enclosed, by means of a fence, wall, or landscaping in compliance with the Woburn Zoning Ordinances. In addition, rodent control measures in connection with any dumpsters shall be in place and maintained; 3. The hours of operation shall be from 6 a.m. to 11 p.m. seven days a week; 4. Employee parking shall be designated along the westerly boundary of the Property as shown on the Site Plan; 5. Signage shall be installed identifying all compact parking spaces; 6. A “Right Turn Only” sign shall be installed at the curb cut on Commerce Way; 7. A “Do Not Enter” sign shall be installed at the curb cut on Commerce Way; 8. The exit curb cut onto Commerce Way shall be designed to discourage any right turn into the site from Commerce Way; 9. The entrance to the drive thru shall be painted on the pavement as shown on the Site Plan and maintained in good condition in perpetuity; 10. The Petitioner shall file a Snow Management Plan with the Building Department prior to the issuance of its occupancy permit. All recommendations of the Building Commissioner in a memo dated March 4, 2022, must be incorporated into this special permit; 11. All parking spaces except for those assigned to Dunkin Donuts employees shall be numbered and lined and maintained in good condition in perpetuity; 12. All parking spaces assigned to Dunkin Donuts employees along the rear lot line shall be designated by signage; 13. The daily delivery of donuts must occur between 12 a.m. – 4 a.m. Weekly delivery of supplies via tractor-trailer must occur between 4-5:30 a.m. or 6-9 p.m.; 14. All signage shall comply with Section 13 of the Zoning Ordinance, and all setbacks shall comply with Section 6 of the Zoning Ordinance; 15. Queuing of vehicles shall not be allowed to block travel along Cabot Road. The Petitioner shall install a “Do Not Block Roadway” sign

at the Cabot Road entrance; 16. In the event that the queuing of vehicles becomes a problem a police detail will be required. Said police detail shall be coordinated with the Chief of Police for the City of Woburn upon request of the Building Commissioner; 17. The premises shall be cleaned of all trash six times per day; 18. The Petitioner shall provide two (2) covered trash barrels at its entrance to its premises; 19. This Special Permit is granted to Loco Donuts LLC only and is not transferrable; 20. Mitigation for this Special Permit shall be the following: (a) The installation of a Flashing Pedestrian Beacon on Washington Street across from Marilyn Court. Installation of this device shall occur prior to the issuance of occupancy permits, temporary or otherwise; (b) Payment for a one-year extension of the City of Woburn's License with Ocean State Signal Company; and (c) The purchase of a "performance plus" unit for one intersection in the area of the Property; 21. Directional markings for the drive-through lane must be kept in good and readable condition; 22. The dumpster shall be emptied in accordance with city ordinance; and 23. All construction debris shall be cleared at the end of every work day; FINDINGS: 1. The proposal through the conditions made part of the special permit provides reasonable and appropriate safeguards to the area; 2. The proposal eliminates a two-way curb cut onto Commerce Way by prohibiting right turns into the property and restricting the curb cut to right turns only exiting the property; and 3. The proposal has been reviewed by Engineering and the Building departments.

Further, a communication dated March 10, 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:

Enclosed please find for filing ten (10) copies of the revised plan entitled "Proposed Site Plan, 36 Commerce Way, Assessor's Map 15, Lot 01, Block 01, Woburn, MA 01801" dated October 6, 2021, revised February 25, 2022, revised March 8, 2022 prepared by Ranger Engineering Group Inc., 13 Red Roof Lane, Suite 203, Salem, NH 03074. The Plan has been updated to include revisions requested from Council members at the Special Permits Committee meeting on March 7, 2022.

If you have any questions, please do not hesitate to contact me. Thank you for your assistance in this matter.

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

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On the petition by Reliable Property Management Services, LLC, 283 Salem Street, Woburn, Massachusetts 01801, for 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. PUBLIC HEARING OPENED: A communication dated March 10, 2022 was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: SPECIAL PERMIT APPLICATION FOR FENCE MANUFACTURING AND ASSEMBLY BUSINESS AT 211 NEW BOSTON STREET / Reliable Property Management Services, LLC

Dear Council:

The Planning Department has reviewed the above-referenced Petition which seeks special permits to **(a)** permit overnight parking for up to forty (40) "...commercial motor vehicles, vans, pick-up trucks, trucks and the like", in accordance with Section 5.1(57b) and **(b)** allow "open or outside storage of new or used building materials or equipment..." in accordance with Section 5.1(43) of the Woburn Zoning Ordinance (WZO), all in association with "...the operation of a fence assembly and manufacturing business". The project also involves demising the existing building into six (6) separate spaces, five (5) of which would presumably be rented or sold to other companies/tenants. This planned interior construction does not require additional special permits per se, although future use(s) of the spaces may. Building Commissioner Tom Quinn assisted with this review.

We offer the following comments:

1. The Petitioner's application indicates that its operation includes manufacturing and assembly of fencing, but the parking calculations provided do not incorporate any parking spaces for the manufacturing use. The site plan should be revised to identify and quantify the area of the building that will be used for manufacturing, and then parking spaces, at the ratio of 1 space for every 400 net square feet of manufacturing space, must be incorporated into the calculation.
2. The storage/parking of up to forty (40) commercial vehicles on site overnight will require that additional parking be provided. Specifically, one (1) on-site parking space must be provided for every employee expected to drive to work, park his/her personal vehicle on site, and then leave in a company vehicle to work at some other location. The Petitioner should be required to provide estimates of the number of employees on the largest work shifts and other information on this point.

With the employee count information, the plan must then be revised to clearly identify the locations of the forty (40) parking spaces that will be dedicated to overnight commercial vehicle storage so the Building Commissioner can use it for future zoning/permit enforcement checks. The parking/zoning table on the plan must also be revised to incorporate these commercial overnight parking spaces. Lastly, the Council should ensure that the parking spaces proposed for the overnight commercial vehicles are large enough to accommodate them. While vans and pick-up trucks will

fit into a typical 9'x18' parking space, the Petition indicates outside vehicles will also include trucks other than pick-up trucks, and "the like". Those vehicles may not fit within standard parking spaces, depending on their size. Detailed information on all vehicles should be provided.

3. The proposed snow storage area in the extreme southeastern corner of the property will be useless due to its inaccessible location behind a large area planned as outside vehicle, equipment, and materials storage. The Petitioner should revise the site plan to provide areas that will actually be accessible for snow storage and the Engineering Department should then be asked to verify that the snow storage areas shown on the plan will in fact have the capacity to handle the amount of snow storage expected to be needed. If the special permit is granted, the Petitioner should be required to file with the Inspectional Services Department a copy of the final version of the plan showing approved snow storage areas.
4. The proposed floor plans raise at least two issues:
  - a. The use of various floor spaces needs to be more clearly defined/described to evaluate whether enough parking is being provided on site, not only for the Petitioner's planned uses but also for the 4-5 additional future tenants the Petitioner apparently hopes to attract. By way of illustration, the plans show the Petitioner has 4,668 sf of floor area devoted to simply "reliable fence shop". Is some/all of this area going to serve as storage and/or fence manufacturing space, as the application suggests? If so, the plans should be revised to quantify the amount of floor area for each of those uses. The parking summary indicates there will be a total of 6,803 sf of office space in the building, but the areas on the plan identified as office space total only 432 sf. Even if the space labeled "future tenant space" is presumed to be 100% office use, it would only total 5,205 sf.
  - b. The plan calls for creation of five (5) other shops/tenant areas in the building aside from the space the Petitioner would occupy. The Petitioner seems to have calculated the parking requirement for those spaces based on the assumption that all five shops would be warehouse uses with small amounts of office space. It is very possible the Building Commissioner would disagree with that assumption once more detailed information on each tenant was available. Unless specific tenant information can be provided now, it is imperative the Petitioner understands that future occupancy of that floor space by any tenant is not guaranteed.
5. Elevation plans of the building should be provided for review, particularly since some exterior demolition is proposed and other changes (e.g. separate doors for each demised subtenant space) are likely.
6. It may be advisable to seek comment from the Fire Department relative to this plan. The Department may have concerns about its ability to access significant portions of this structure from the exterior, given the Petitioner's plans to use what are now open

areas and a driveway on three sides of the building for material, equipment and snow storage instead.

7. A plan notation indicates the existing exterior lighting scheme will remain unchanged and will continue to be provided by existing so-called “pack” units on the exterior building walls. However, the locations of those lighting fixtures are not shown on the plans and should be added. The Petitioner should also provide a lighting plan for all parking areas on the site so the Council can ensure there is sufficient site illumination. In addition, Planning recommends the Council require all exterior lighting fixtures to be “Dark Sky” compliant.
8. The Council should ask whether the Petitioner intends to do any regrading or surfacing of the paved portions of the site. If so, any such work requires approval from the City’s Engineering Department, in accordance with Section 8.5.3. of the WZO;
9. The Council should inquire whether any environmental permits will be needed for any of the planned uses or tenants. For instance, if any equipment or vehicles using gasoline are to be stored inside a building, the space will need to be equipped with an oil and water separator.
10. No signage has been proposed as part of this filing. Any signage shall be subject to a separate application and permitting process through the Inspectional Services Department.
11. If the Council ultimately approves the special permit request, Planning respectfully recommends the Council impose two conditions:
  - Prohibit the company, its employees and customers from parking vehicles of any kind on streets in the vicinity, and also prohibit the company, employees and customers from parking vehicles of any kind on abutting or nearby lots, unless such off-site parking arrangement complies with applicable provisions of the WZO; and
  - Require the Petitioner to submit a written operations plan for incorporation into the Special Permit decision by reference that sets out the frequency with which parking space lines, directional/regulatory pavement markings, and any other pavement markings will be periodically refreshed after initial installation. This condition is especially important given the Petitioner’s apparent intent to paint over existing pavement markings, rather than resurface the parking lot and driveway areas.

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

Respectfully, s/Tina P. Cassidy, Planning Director

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**UNFINISHED BUSINESS OF PRECEDING MEETING: None.**

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**COMMITTEE REPORTS:**

**FINANCE:**

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

Order to transfer the sum of \$255,343.18 from Mayor Salary Adjustment Account to Fire Regular Salary Account for the purpose of Contract Settlement and Commitments Fire Department FY 2022 – FY 2024.

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**PUBLIC SAFETY AND LICENSE:**

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

Petition by WMK, LLC dba Mobility Works, 299 F&H Washington Street, for renewal of First Class Motor Vehicles Sales License.

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

Petition by M&L Transit Systems Inc., 60 Olympia Avenue, for renewal of Common Carrier License.

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**CITIZEN’S PARTICIPATION: None.**

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**COMMUNICATIONS AND REPORTS: None.**

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**APPOINTMENTS AND ELECTIONS: None.**

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**MOTIONS, ORDERS AND RESOLUTIONS:**

**ORDERED**

Be it ordained by the City Council of the City of Woburn that Title 12, Streets, Sidewalks and Public Places, of the Woburn Municipal Code as amended, be further amended, by revising Article IV, Excavations,

Section 12-15 Digging up or obstructing ways – Permit required as follows: (deletions in ~~strikethrough~~, additions in **bold**)

C. Regulation ~~for~~ **of Utility**, Street and Sidewalk Openings

1. Fees:

a) A ~~\$200.00~~**\$100.00** (~~one~~ **two** hundred dollar) non-refundable application fee is required.

~~b) A \$500.00 (five hundred dollar) certified check refundable deposit is required and will be held until the municipal contractor completes the permanent patch and payment is received. Interest on retained money is considered to be the property of the City of Woburn. Trenches not inspected due to the failure of the permittee to properly notify the Department of Public Works, shall be subject to loss of deposit and/or repeat of reconstruction procedures.~~

and that the remaining subsections be renumbered accordingly, and that all Tables of Contents to be similarly amended and renumbered.

s/President Michael Concannon  
Per Request of the Mayor

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ORDERED

Be it ordained by the City Council of the City of Woburn that Title 13, Public Services, of the Woburn Municipal Code as amended, be further amended, by revising Article II, Water System, Section 13.2.33 Cross Connection Control, Subsection B. Cross Connection Control – General Policy, as follows: (additions in **bold**)

2. Responsibility

The Woburn Department of Public Works shall have the authority to oversee and enforce the Cross Connection Control Program.

The Department of Public Works shall be responsible for the protection of the public distribution system from contamination or pollution due to the backflow or back siphonage of contaminants through water service connections. If, in the judgment of the Department of Public Works a backflow prevention device is needed



for the safety of the water system, the Department or its designated agent shall give notice in writing to the appropriate Owner to install an approved backflow prevention device at each service connection to his premises and/or on a particular process within the facility.

The Owner shall be responsible for maintaining his water system in a manner which will not cause a hazard to other users of the potable water system by either eliminating cross connections or properly installing a backflow prevention device in conformance with this bylaw. Once directed, the Owner shall install such approved device at his own expense, and failure, refusal or inability on the part of the Owner to install said device within the allowable time, shall constitute a ground for disconnecting water service to the premises until such device has been properly installed. The maximum time allowed for the installation of a required device is outlined in Section C of this bylaw.

All administrative costs associated with the operation of the City of Woburn Cross Connection Control Program will be supported by a fee of **\$75.00 per device** for submittals on survey results, plan approvals, testing results, and permitting of testable devices. The Woburn City Council reserves the right to set ALL fees require for the implementation and operation of a successful cross connection control program.

All costs associated with the mandated cross connection control survey are the direct responsibility of the Owner of the premises being surveyed and/or the individual(s) leasing or renting such property. In the absence of clearly assigned responsibility the Owner of the premises shall be held responsible.

s/President Michael Concannon  
Per Request of the Mayor

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RESOLVED

Whereas, when Mass Highway District 5 installed flashing signs on Salem Street, the grinding of the street to prep for repaving was not done; and

Whereas, Woburn was alerted by Mass Highway District 5 that the paving would commence the first week in November 2021;

Now, therefore, Be it Resolved, that a communication be sent to Mass Highway District 5 requesting the status of the Salem Street repaving from the new bridge to Cedar Street.

s/Councilor Mercer-Bruen

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RESOLVED

Be it Resolved, that a communication be sent to Mass Highway District 5 asking for an update on the completion of Montvale Avenue widening project.

s/Councilor Mercer-Bruen

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Motion made and 2<sup>nd</sup> to ADJOURN.