

**CITY OF WOBURN
APRIL 5, 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.

Motion made and 2nd to suspend the rules to take the matter under Communication and Reports and allow his Honor the Mayor to speak, all in favor, 9-0.

A communication dated March 28, 2022 was received from former Veterans Agent, Larry Guiseppe as follows:

Mike,

I have asked Gordon to put Robert (Bob) Davis on the next council mtg agenda. Would you be so kind as to introduce him to the council as the newly appointed Director of Veterans Services by his Honor Mayor Galvin.

Bob is a lifelong Woburn resident, graduated WHS 1985, joined the USMC immediately after high school and served 1985-1989 in the Philippines, Okinawa, Korea and Japan and received an Honorable Discharge. Bob lives in North Woburn with his wife Carmen, and daughters Alyssa and Lyndsey.

Thanks, s/Larry G

Mayor Galvin stated he wanted to recognize Larry Guiseppe who was retiring. Mayor Galvin stated that Bob Davis is a lifelong Woburn resident, graduated from Woburn High School, served in the US Marines, and served as the Athletic Director at the Woburn Boys and Girls Club. Robert Davis thanked President Concannon and the City Council for allowing him to speak. Mr. Davis stated that he is a Marine Corps. Veteran and worked for 21 years at Comcast NBC. Mr. Davis stated he was honored and humbled to be here in the City of Woburn and thanked everyone for the opportunity. Mr. Davis thanked the Mayor and stated that the Council members should stop by the office anytime. Mr. Davis then wished Larry

Guiseppe the best in retirement and thank him for his service. Motion made and 2nd to return to the regular order of business, all in favor, 9-0. Motion made and 2nd that the MATTER BE RECEIVED AND PLACED ON FILE, all in favor, 9-0.

MAYOR'S COMMUNICATIONS:

A communication dated March 31, 2022 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear President Concannon and Council Members:

I am respectfully requesting time to meet at the beginning of your regularly scheduled meeting on Tuesday, April 5, 2022 at 7:00 pm to provide an update on the downtown safety plan with our design consultant, World Tech Engineering, LLC.

In addition, I am requesting time to meet at the beginning of your regularly scheduled meeting on Tuesday, April 19, 2022 at 7:00 pm to provide an update on PFAS testing results and the design of upgrades to our Horn Pond Water Treatment plant to remove PFAS from our water supply.

Thank you for your consideration on these matters.

Sincerely, s/Scott D. Galvin, Mayor

Motion made and 2nd that any and all communication be received and made part of the permanent record, all in favor, 9-0. Motion made and 2nd to suspend the rules to allow His Honor Mayor Galvin or designee to speak, all in favor, 9-0. His Honor Mayor Galvin stated that he thanked the City Council for allowing the presentation to be heard. Mayor Galvin stated that he hired WorldTech Engineering for the downtown safety project. Mayor Galvin stated that this project does a lot for the city. Mayor Galvin stated that this is on the 2025 TIP fund for \$16 million. Mayor Galvin recognized Tina Cassidy the Planning Director, and the Woburn Redevelopment Authority where the idea originated from. Mayor Galvin stated the project started off as looking for more parking and it has expanded. Mayor Galvin also wanted to thank Jay Corey the City Engineer. Rich Benevento, Principal in Charge at WorldTech Engineering thanked the City Council for being here. Mr. Benevento stated that this is a great project and that this is the first real kickoff meeting presentation. Mr. Benevento stated he was going to give the overview of the project as well as MassDOT and MPO. Mr. Benevento stated with him tonight were, Rod Emery, P.E. PTOE – Project Director / Traffic, Alan Cloutier, P.E. PTOE - Sr. Traffic Engineer, and William P. Mertz, P.E., Project Director / Highway. Mr. Benevento stated that he was going to go through the slides and discuss the Project Overview, Purpose and Need, Project Funding, Planning / Design, Public Engagement, Schedule, and leave time for a Discussion. Mr. Benevento stated the idea was to try to build a consensus, and if can leave the meeting saying the project is good they would try to achieve. Mr. Benevento stated on the Project Limits slide, it was originally just the core of Woburn Center, but that it has been expanded to all legs (road

leading off of) Woburn Center. Mr. Benevento stated that this was the Cadillac of Improvements that will be federal and state funded. Mr. Benevento stated on the Purpose and Need Slide, that it was a top 200 crash site, that complete streets principles would be applied, and would improve general roadway and sidewalk deterioration, amongst other items. Mr. Benevento stated on the Project Funding Slide, in May 2017, the Traffic Study & Alternatives Analysis was completed; in February 2018 there was a Present Findings to City; and in September 2019 the Road Safety Audit Completed, which included a score of 75, which is the highest out of all the Boston MPOs. Mr. Benevento stated this meant that this was a very important project, and that the project is on the TIP which means it will be built. Mr. Benevento stated further stated, in October 2019 – Project Submitted to MassDOT for Funding Consideration; in December 6, 2019 – MassDOT PRC Approves Project for State and Federal Funding; in March 2020 – Boston MPO Programs Project on FY25 TIP \$16,680,000 – Score 75. Mr. Benevento stated that Construction 100% State/ Federally Funded (80% Federal / 20% State) and the City Responsible for Design, Permitting and ROW. Mr. Benevento stated that on the Planning and Design Slide, that parking was very important to businesses but that it needed to be balanced with bike lanes. Mr. Benevento stated at some point decisions would need to be made to balance the factors. Mr. Benevento stated that MassDOT will have a say in this balance, and some thing can be negotiated and others cannot. Mr. Benevento stated the center should be pedestrian friendly and make it a destination instead of just where traffic goes. Mr. Benevento stated there would be improvements to transit amenities as well as street scape amenities. Mr. Benevento stated about the Planning and Design (Map) Slide, that the options were: 1. Common Street with angled parking; and 2. Common Street as a parking area. Mr. Benevento stated these plans will come back to the city, residents, and merchants to see what plan will be used. Mr. Benevento stated that currently under the Planning and Design, the city is at the Preliminary Design Phase or what is known as the 25% Design (MassDOT Pre 25% Scope). Mr. Benevento stated they are in the process of getting the pre-scoping meeting done. Mr. Benevento stated that the MassDOT 25% Design Public Hearing will be a public meeting, but it will not be the only one and WorldTech will have more than one meeting with consultation with the Mayor and City Council. Mr. Benevento stated that other improvements that are non-participating work, which are projects such as, for example, a need to fix a water main and pay to have the work done while the street is opened up, may be able to be included as well. Mr. Benevento stated certain non-participating work that the project will not pay for is burying utilities, or the cost for more expensive lighting, may have to pay for the difference in cost. Mr. Benevento stated regarding the Preliminary (25%) Design Phase, will need to be approved by MassDOT, the Boston and District office in Arlington. Mr. Benevento stated regarding the Public Engagement Slide, that the process needs to go through a while accepting state and federal funding and that the project needs to build consensus. Mr. Benevento stated regarding the Project Schedule Slide will be late fall/November is the 25% design and 90-day review. Mr. Benevento stated that the public hearing should be in April. Mr. Benevento stated regarding the MassDOT Schedule slide, that it is seven pages and very detailed, and is submitted every month. Councilor Mercer-Bruen thanked Mr. Benevento for the overview and that she is familiar with the Montvale Avenue project and New Boston Street Bridge, and believes this project is moving rather fast which is good news. Mr. Benevento stated that there needs to be a kickoff meeting with the public to see what is important to them, and once there is input, then they need to think about

the information gathered. Mr. Benevento stated that the concepts will probably be shown to the public in mid-summer. Councilor Mercer-Bruen stated to be careful of picking certain dates in the summer since more people will probably be traveling this year. Mr. Benevento stated September could also work. Mr. Benevento stated that during the 25% phase, they are not looking at the 75% work, and will look at it with an urban planner/designer. Mr. Benevento stated at each stage there needs to be a detailed estimate. Mr. Benevento stated the city can then determine if they want to pay for it or want to pay more money for nicer finishes, but there will have to be a discussion. Councilor Mercer-Bruen stated she does not want a \$1,000 dress with \$10 shoes. Councilor Gately stated that this project was in his ward and that he did not want disruptions for the businesses, and did not want the center being changed and taking the common away. Councilor Gately stated he heard about the parallel parking before, and that he was concerned about the bus stop and wanted the cut through in the city parking lot to end. Mr. Benevento stated his comments were well taken and that they want to fix the traffic. Mr. Benevento stated you cannot get to the common without taking your life into own hands. Mr. Benevento stated there will still be access to the businesses during construction, but there will definitely be an inconvenience, but hope to minimize it. Councilor Dillon stated the thought this was spot on to look with ere the crashes were located, and that money is coming from outside the city to fix. Mr. Benevento stated that it is on the FY2025 Tip which means shovels could be in the ground in FY2025, and that it will be a three-year construction period. Councilor Demers would like to help the merchants and restaurants and have residents take advantage of the ancillary parking around it. Councilor Demers stated he was concerned with the bike baths like that of Montvale Avenue widening which would defeat the purpose of all the new improvements, especially when a bike path was in the area. Mr. Benevento stated the got similar pushback from the City of Lynn on Western Avenue and Essex Street. Motion made and 2nd to place the matter on file and to return to the regular order of business, all in favor, 9-0.

NEW PETITIONS:

Petition by Lord Hobo for a Special Event Permit to allow a road race starting at 5 Draper Street and along area streets on June 19, 2022. Chris Puiia from the even production company was in attendance. Mr. Puiia stated the event will be on Sunday, June 19, 2022 and is to benefit the Greater Boston Food bank. City Clerk Higgins stated that the department heads have to sign off on the application before it is filed. Councilor Demers stated that the streets on the route are tight and to make sure the police are onsite. Councilor Mercer-Bruen stated that she does not have an issue provided that the police, fire, and other departments have seen this. Mr. Puiia stated that Lord Hobo has not publically announced the event yet until it was approved. Mr. Puiia stated that once approved they will be communicating directly to the neighborhoods of the route. Mr. Puiia stated that race is about four miles and the slowest runner should be about 45 minutes to finish the race. Mr. Puiia stated they are capping the race at 750 people. Mr. Puiia stated that they are working with Cummings Park on Washington Street to have cars park and then shuttle people over. Mr. Puiia stated there are typically 250-300 vehicles for such an event. Motion made and 2nd to APPROVE THE SPECIAL EVENT PERMIT, all in favor, 9-0.

Presented to the Mayor: April 7, 2022

s/Scott D. Galvin April 7, 2022

Petitions for renewal of Livery Licenses by the following: Boston Express Livery Service Inc., 165 New Boston Street, No. 275; and Harmony Transportation Inc., 8 Conn Street (renewal for 1 vehicle, request for 1 additional vehicle); and Petition for renewal of a Taxi Cab License for Woburn Cab Co., 100 Ashburton Avenue. Motion made and 2nd that the MATTERS BE REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND LICENSE, all in favor, 9-0.

Petition by NStar Electric Company, d/b/a Eversource Energy for grant of right in a way to relocate three poles, P591/38, P591/37, and P951/36, and to install one new pole, P951/37A, in Commerce Way. Motion made and 2nd that the MATTER BE REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by ECA NEMA Brightfields I, LLC and ECA NEMA Brightfields II, LLC requesting a minor modification of special permit issued on June 10, 2021 regarding the site plan and solar array layout, at the Industri-Plex site at 134 Commerce Way, 39 Atlantic Avenue, 132 Commerce Way, four parcels off New Boston Street, 30 Atlantic Avenue and 0 New Boston Street. Motion made and 2nd that any and all communication be received and made part of the permanent record, all in favor, 9-0. Motion made and 2nd to suspend the rules to allow the parties to speak on behalf of the petitioner, all in favor, 9-0. Appearing for the petitioner, Andrew Bunnell, General Counsel for ECA Solar, stated that the petitioner was before the City Council because subsequent changes were made due to recommendations from the Conservation Commission and EPA. Mr. Michael Redding, Director of Civil Engineering for ECA Solar, stated the petitioner was before the Conservation Commission in the fall and going through EPA changes. Mr. Redding stated he believes the changes are minor because the footprint has not been changed considerably, and the fence line is fairly much the same. Mr. Redding stated that they are actually disturbing the site less and reducing the amount of fill. Mr. Redding stated that in some cases they moved the solar panels further back from the wetlands at the request of the Conservation Commission. Mr. Redding stated there was a change to the access point to the site because of new utility poles and lights. Mr. Redding stated they had to use an existing entrance. Mr. Redding stated to improve access to the site because they cannot move the light and larger trucks would have difficulty entering the site. Mr. Redding stated that they extended the road throughout the entire site and exiting out an existing driveway on the Massport access way. Mr. Redding stated the changes were either minor tweaks of layout or accommodations for the Conservation Commission, or new road. Mr. Redding stated that the petitioner met with Lt. Foley and Inspector Nee from the Fire Department and the City Engineer Corey to review for storm water management. Mr. Redding stated there were no comments were received of any significance and they were in general concurrence of changes. Mr. Redding stated all the comments from the departments were verbal because they were onsite and that he has no formal communications. Mr. Redding stated he has one email from Jay Corey, the City Engineer, that he confirmed the

stormwater findings were sufficient, which he can provide. Councilor Mercer-Bruen stated the City Council needs communications from the department heads before approving a minor modification, but that she did not believe this was minor. Mr. Redding stated that the property was fenced off so no one could drive through the internal road. Councilor Gately stated he needed plans, that the council needed comments, and that he did not think this was minor. Mr. Redding stated that the project is still with the Conservation Commission, and wanted to update the City Council on the EPA recently approved changes. Mr. Redding stated he spoke with the Building Commissioner and the Building Commissioner instructed the petitioner to come before the City Council. City Clerk Higgins stated she spoke to the Building Commissioner and he told the City Clerk that the changes were outside his purview and had passed his standard to which he could approve. Councilor Mercer-Bruen stated she was not going to approve the minor modification tonight and until she received comments in writing. Mr. Redding stated that the existing paved driveway is surrounded by a fence for security. Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0. Motion made and 2nd that a communication be sent to the Building Department, Engineering Department, and the Fire Department requesting comments on the minor modification request for the next City Council meeting, all in favor, 9-0.

PUBLIC HEARINGS:

On the petition by True World Foods Boston LLC, 242 Salem Street, Woburn, Massachusetts 01801, for a special permit to modify Landowner's Decision and Notice of Special Permit dated December 28, 2020 as modified by Notice of Modification of Special Permit dated April 12, 2021, by amending Condition 5 limiting the property to twelve (12) box trucks and one (1) dumpster truck, and to modify to allow for overnight parking of the following commercial vehicles: nine (9) box trucks, fourteen (14) vans, and four (4) cars, at 242 Salem Street. PUBLIC HEARING OPENED: A communication dated March 10, 2022 was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: PLANNING DEPARTMENT COMMENTS ON SPECIAL PERMIT
APPLICATION FOR 242 SALEM STREET TRUE WORLD FOODS BOSTON LLC

Dear Council:

The Planning Department has reviewed the above-referenced petition which seeks to modify a previously-granted special permit (initially granted on December 28, 2020 and modified on April 12, 2021). This modification would revise (increase) the number and type of vehicles authorized to be parked on the site overnight, in accordance with the provisions of Section 5.1.57(b) of the Woburn Zoning Ordinance (WZO). A number of changes would be made to the approved site plan/Plan of Record in order to accommodate the planned overnight parking expansion. Revisions include reconfiguring/adding parking spaces, deleting/replacing landscaped areas, adding an exterior trash compactor, removing/replacing stairs, and the like.

Planning staff consulted with Building Commissioner Thomas Quinn on this Petition and offers the following collective observations/comments to the Council relative to the site plan (dated November 5, 2020 and last revised on February 16, 2022):

- All parking spaces, including the cluster of nine (9) van parking spaces along the western building façade, must be striped in accordance with Section 8.5.5 of the WZO.
- The above-referenced cluster of nine (9) van parking spaces is located immediately in front of two loading bays and adjacent to a set of stairs. The Building Commissioner has determined that two of these spaces (the two closest to the western property line) will not comply with the Zoning Ordinance and should be eliminated from the proposed site plan. As a result, the Petitioner will need to reduce the number of overnight van parking spaces he is requesting, or else find other, alternative locations for appropriately-sized spaces.
- The proposed amount of landscaped usable open space is proposed to remain the same percentage wise, but the landscaped areas to be destroyed are superior to the proposed alternative. Two grassed landscaped areas are being torn up and replaced with asphalt to accommodate more parking, and the Petitioner proposes to replace the grassed areas with a 310 sq. ft. area of crushed stone in a different location. Planning staff recommends the Council reject the notion of creating a strip of crushed stone as an acceptable alternative and instead require living plants to be used in the relocated landscaped area.
- Most of the proposed van parking spaces are, appropriately, 21' long, but two of them are not (one on the westerly façade and one on the eastern façade, both equipped with wheel stops). All van parking spaces should be a minimum of 21' long to ensure the vehicles "fit" into the spaces without overhanging other parking spaces or a right-of-way. Respectfully, the single van parking space along the westerly façade should be eliminated. It cannot meet the 5' setback requirement from the side property line if it is elongated to 21' and more importantly, two planned snow storage areas on either side of it could impair visibility significantly. This particular parking space should be eliminated and the requested number of overnight vans reduced by one (1), or else some other space (9'x21' long) should be created in a compliant location.
- The proposed single van parking space on the eastern building façade (also referenced in the paragraph above) is located in front of two conventional parking spaces and cannot be accessed if either conventional space is occupied. Its location also means the two conventional spaces cannot have wheel stops. Planning recommends this proposed van space be deleted from the plans and either the number of overnight vans reduced by one (1), or some other space (9' wide by 21' long) substituted for it. Planning also recommends the two conventional parking spaces in question be equipped with curb stops.

- Various notations on the plan indicate that changes will be made to the façade. In particular, notes indicate a set of stairs and a landing will be removed/replaced and a 15 cubic yard compactor added along the eastern façade. The Petitioner should be required to submit for review renderings of all building facades on which changes will be made.

If the Council ultimately approves the special permit request, Planning respectfully recommends the Council impose a condition requiring 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 if the Petitioner intends to paint over existing pavement markings, rather than resurface the parking lot and driveway areas. And if the Petitioner does intend to resurface the entire lot, such action is subject to review by the Engineering Department in accordance with Section 8.5.3 of the WZO.

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

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

Further, a communication dated March 31, 2022 was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 regarding “Special Permit Petition of True World Foods Boston LLC, 242 Salem Street, Woburn, Massachusetts”.

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 with him tonight was Tim Williams of Allen & Major, and from True World Foods, Adeo Atara, and Gerry Lux. Attorney Tarby stated that the petitioner is requesting a special permit to modify Landowner’s Decision and Notice of Special Permit dated December 28, 2020 as modified by Notice of Modification of Special Permit dated April 12, 2021, by amending Condition 5 limiting the property to twelve (12) box trucks and one (1) dumpster truck, and to modify to allow for overnight parking of the following commercial vehicles: nine (9) box trucks, fourteen (14) vans, and four (4) cars, at 242 Salem Street. Attorney Tarby stated that as a result of the Planning Department memorandum the petitioner is reducing the number of vans from 14 to 12. Attorney Tarby stated that the site is ADA compliant. Attorney Tarby stated that the site is located in the Industrial Park zoning district and the parking of overnight vehicles is an allowed use by special permit. Attorney Tarby stated that in 1994 the building was constructed for Charl's Ice Cream Specialties, and then Preferred Meals. Attorney Tarby stated that Preferred Meals moved to Olympia Avenue. Attorney Tarby stated the building is next to the Piazza Bridge. Attorney Tarby stated that the petitioner has 30 locations worldwide and that the Woburn locations is the local division. Attorney Tarby stated the petitioner filets tuna and salmon at the Woburn location. Tim Williams, Allen & Major Associates, stated that the plans had been updated. Mr. Williams stated that there were now 12 overnight van spots, and another plan was submitted on March

31, 2022. Mr. Williams stated that they converted the 12 box trucks to van spaces, 7 of which are in the existing loading dock. Mr. Williams stated that the parking spots are a minimum of 9' x 18', with some that may be larger. Mr. Williams stated that there is an existing paved surface, as well as a paved driveway off of the easement, with another van space. Mr. Williams stated here are 3 vans with 9 box trucks, as well as 4 vehicle spaces. Mr. Williams stated the petitioner picked up 4 overnight parking versus the 12 overnight vans. Mr. Williams stated the 12 overnight box trucks went down to 9. Mr. Williams then addressed the Planning Department comments one by one as follows: 1. The 9 clustered van parking spaces have been reduced down to 7 and all will be striped in accordance with the Woburn Zoning Ordinance; 2. The petitioner removed 2 spaces that were cutting into the landscaped area to try to get four spaces; 3. Originally True World Foods owns a square, a little bit of grass strip that would have negated them to put the 12 box trucks. The City Council, in the previous special permit, allowed the reduction in 210 sq. ft. in grass and accommodate it now over in the paved surface on the property line. Nothing had changed from the previous approval in 2020; 4. The parking spaces are striped out 9' x 18' because if there were any larger they would not meet the Woburn Zoning Ordinance. Further, they are only parking 2 vans in the spaces called into question; 5. There are curb stops all along the edge of the parking. True World Foods eliminated two curb stops for transit vans; 6. The compactor has been installed, and there is already a certificate of occupancy related to the 2020 permit. Councilor Mercer-Bruen stated that she will be meeting with Inspector Quinn and Attorney Tarby on Monday at 3:30 p.m. and that she would like the petitioner to go to committee for further discussion. Gerry Lux, the petitioner, stated that the company is shifting from trucks to vans, which are easier to maneuver, park, load and unload. Mr. Lux stated that the smaller vans cut about 1.5 hours off the delivery day, which makes the drivers happier. Mr. Lux said some of the vehicles are 6' x 14' smaller than a Toyota Camry. Mr. Lux stated he spoke with the Inspector Quinn about the parking and decided to add in vans. Mr. Lux stated the vans will be better for business and better for the drivers. Mr. Lux stated that True World Foods has been in business for over 40 years and did sushi. Mr. Lux stated they process the fish for delivery to restaurants, including local Woburn restaurants. Mr. Lux stated they deliver the fresh sushi grade tuna and salmon daily. Mr. Lux stated they get the fish from the pier. Mr. Lux stated they used to be located in Boston. Mr. Lux stated they use company own trucks that are 8 feet wide and one big truck which is 20 ft. Mr. Lux stated that all the fish is brought in, processed in the building, and goes out in the morning. Mr. Lux stated the spoils are very high quality, called gory, which the employees are left in the break room, and the rest is picked up to be processed into cat food somewhere. Mr. Lux stated at 20-foot truck picks up the spoils, which they have to treat as food for humans. Mr. Lux stated the dumpsters onsite do not contain fish, but is used for cardboard boxes. Mr. Lux stated that there are about 33 employees onsite, ranging from 30 to 35 employees. Mr. Lux stated there are 28 parking spots for employees. Mr. Lux stated some of the employees are family members and carpool. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 9-0. PUBLIC COMMENTS: None. Councilor Mercer-Bruen stated she would like this to go to the Committee on Special Permits, since some of the vans are already onsite so the petitioner is here to rectify a problem and to reinforce the rules. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON April 19, 2022, and that the matter be REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

Motion made and 2nd to suspend the rules and allow for a five-minute recess, all in favor, 9-0.

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

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: 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 Robert Tedesco, Tedesco Law Offices, P.C., 88 Main Street, Woburn, Massachusetts, 01801, stated he had proposed 17 conditions. Attorney Tedesco stated he left plans for the city engineer to review on March 21, 2022 and followed up with an email. Attorney Tedesco stated that City Engineer Jay Corey stated if he had any comments he would let Attorney Tedesco know. Attorney Tedesco stated on March 28, 2022 he went by engineering office and plans were on front desk so he took them back and did not hear about any comments. President Concannon stated he spoke with City Engineer Jay Corey and that the engineer will be preparing a memorandum. 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 April 19, 2022, that it remain in the committee on Special Permits, and a communication be sent to City Engineer Jay Corey requesting his feedback, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

COMMITTEE REPORTS:

LIAISON:

On the request by the City Solicitor to meet in Executive Session regarding Jackson Lumber v. Woburn City Council, et al, a committee report was reported out of executive session and received as follows: “to authorize the City Solicitor to enter into settlement negotiations with Jackson Lumber”. City Clerk Higgins stated that since the committee meeting minutes had not been approved yet, the City Solicitor wanted to clarify the motion to state that the special

permit should issue under the terms discussed in committee which include with conditions. President Concannon stated when the City Council in committee met in executive session with the City Solicitor and discussed settlement ideas and conditions that could be attached to special permit if settled. President Concannon stated that the City Solicitor was instructed to speak with petitioner to come to an agreement. President Concannon stated the petitioner agreed to the conditions that would be part of the special permit. Councilor Demers stated during the Liaison meeting it was a very convoluted motion agreeing to previous conditions that were presented during a special permit debate and an additional condition for any adjacent drainage issues to worked out going forward. City Clerk Higgins stated that the City Solicitor informed her that these conditions were agreed upon by the petitioner. City Clerk Higgins then read the conditions into the record as follows: 1. The Plan of Record shall be the plan entitled “Site Re-Development Plan” Woburn, Massachusetts, 36 & 40 Prospect Street, prepared for Jackson Lumber dated 3/17/21 and revised 4/20/21, 6/15/21 and 6/30/21 (3 pages); 2. The Petitioner shall replace the sewer line located on the property to manhole cover SMH-JL2 with ductile pipe as depicted on the plan of record; 3. The stormwater management design shall be in accordance with the Plan of Record, the Stormwater Management Report 36 & 40 Prospect Street dated March 17, 2021, the Addendum to Stormwater Management Report 36 & 40 Prospect Street dated June 15, 2021, the Existing Subcatchment Plan revised to 9/30/2021 (1 page) and the Construction Phase Best Management Practices revised September 30, 2021 (9 pages); 4. Subject to the Long Term Stormwater Best Management Practices Operation and Maintenance Plan for 36 & 40 Prospect Street dated December 6, 2020 and revised September 30, 2021 (5 pages); and 5. In the event that future work is proposed on the site which results in work in Prospect Street, that the petitioner will work cooperatively with the City to address any existing issues with the adjacent drainage system. Motion made and 2nd to adopt the committee report, as amended to reflect the City Solicitor was authorized to settle the matter with the five conditions, as discussed in executive session, and the will of the City Council to issue the special permit, all in favor, 9-0.

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 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

Motion made and 2nd that the COMMITTEE REPORT BE ADOPTED, all in favor, 9-0.

Presented to the Mayor: April 7, 2022

s/Scott D. Galvin April 7, 2022

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 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

Motion made and 2nd that the COMMITTEE REPORT BE ADOPTED, all in favor, 9-0.

Presented to the Mayor: April 7, 2022

s/Scott D. Galvin April 7, 2022

PUBLIC SAFETY AND LICENSE:

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

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

Motion made and 2nd that the COMMITTEE REPORT BE ADOPTED, all in favor, 9-0.

Presented to the Mayor: April 7, 2022

s/Scott D. Galvin April 7, 2022

CITIZEN'S PARTICIPATION: None.

COMMUNICATIONS AND REPORTS:

A communication dated March 16, 2022 was received from Charles O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

Council Members,

In accordance with Massachusetts General Laws Chapter 90, Section 20½, I am submitting the following parking ticket report. Figures cited below are for the Month of January 2022 to February 2022: Number of Violations Issued 116, Numbers of Violations Paid 43, Number of Violations Outstanding 71, Amount collected and submitted to Collectors Office \$6,596.60, Parking fines referred to the Handicap Commission \$1,500.00.

There is a backlog of 1595 tickets dating from January 2004 to December 2020. A 21 day late notice is sent to vehicle owners who have not paid the fine. After 28 days, if the fine still has not been paid, that information is forwarded to the Registry of Motor Vehicles for administrative action.

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

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

APPOINTMENTS AND ELECTIONS:

A communication dated March 23, 2022 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Higgins:

By the power vested in me as Mayor of the City of Woburn, under Title 20, 20-2 of the Woburn Municipal Codes, I hereby re-appoint James T. Shattuck of 220 Forest Street, Winchester, MA 01890, as the Sealer of Weights and Measures, for a two-year term, set to expire July 1, 2023, subject to City Council approval.

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON PERSONNEL, all in favor, 9-0.

A communication dated March 24, 2022 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Higgins:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Margaret Casey, 23 Wade Avenue, Woburn, MA 01801 to the Woburn Council on Aging, with a term to expire on December 31, 2024, subject to approval of the City Council.

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON PERSONNEL, all in favor, 9-0.

A communication dated March 24, 2022 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Higgins:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Rosalie Travelo, 3 William Avenue, Woburn, MA 01801 to the Woburn Council on Aging, with a term to expire on December 31, 2023, subject to approval of the City Council.

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON PERSONNEL, all in favor, 9-0.

A communication dated March 24, 2022 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Higgins:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Joanne Cahill, 122 Green Street, Woburn, MA 01801 to the Woburn Council on Aging, with a term to expire on December 31, 2024, subject to approval of the City Council.

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON PERSONNEL, all in favor, 9-0.

A communication dated March 24, 2022 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Higgins:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Jack Kelly, 20 Barbara Circle, Woburn, MA 01801 to the Woburn Council on Aging, with a term to expire on December 31, 2024, subject to approval of the City Council.

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON PERSONNEL, all in favor, 9-0.

A communication dated March 24, 2022 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Higgins:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Eleanor Collins, 19 Squanto Road, Woburn, MA 01801 to the Woburn Council on Aging, with a term to expire on December 31, 2024, subject to approval of the City Council.

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON PERSONNEL, all in favor, 9-0.

A communication dated March 24, 2022 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Higgins:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Joyce Parker, 42 Vernon Street, Woburn, MA 01801, to the Woburn Council on Aging, with a term to expire on December 31, 2022, subject to approval of the City Council.

This appointment is to fill the seat of Barbara Ridley, who recently resigned due to health challenges, and whose term expires on December 31, 2022.

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON PERSONNEL, all in favor, 9-0.

A communication dated March 24, 2022 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Higgins:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Mitzie Stein, 285 Washington Street, Woburn, MA 01801 to the Woburn Council on Aging with a term to expire on December 31, 2023, subject to approval of the City Council.

This appointment fills the seat of Geraldine Bernacke, whose term expired on December 31, 2020.

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON PERSONNEL, all in favor, 9-0.

A communication dated March 24, 2022 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Higgins:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Mary Jane Mastrodomenico, 463 Place Lane, Woburn, MA 01801 to the Woburn Council on Aging with a term to expire on December 31, 2023, subject to approval of the City Council.

This appointment fills the seat of Vincent Simeone, whose term expired on December 31, 2020.

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON PERSONNEL, all in favor, 9-0.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Be it ordained by the City Council of the City of Woburn that Title 3, Revenue and Finance, of the Woburn Municipal Code as amended, be further amended, as follows: (deletion in ~~striketrough~~, new language in **bold**)

VII DEMAND FEES – UNPAID TAXES [~~numbered as passed~~]

3-34 Demand fees - unpaid taxes

The Treasurer/Collector shall charge a fee of \$10**5**.00 for each written demand issued for unpaid real estate, personal property and excise tax, which fee is to be added to and collected as part of the tax, as authorized by M.G.L. c.60, §15, effective as of July 1, ~~2014~~ **2022**, (~~added 7/17/2014~~),

and by renumbering VIII REVOLVING FUNDS,

and that all Tables of Contents be similarly amended and renumbered.

s/President Michael Concannon
Per Request of the Mayor

Councilor Demers stated that he prefers to ask the City Treasurer for a communication instead of having him come to a meeting over a \$5.00 fee increase. Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, CHARTER AND RULES, and that a communication be sent to the City Treasurer requesting his comments on the matter for the committee meeting, all in favor, 9-0.

RESOLVED Be it Resolved, the Committee on Special Permits meet to review the special permit for Diversified Construction at 271 Salem Street due to constituent complaints regarding noise from construction material and beeping vehicles after hours.

s/Councilor Mercer-Bruen

Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 8:56 p.m.