

**CITY OF WOBURN
JULY 19, 2022 – 6:30 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	

This meeting was originally scheduled for July 12, 2022, at 6:30 p.m. and was rescheduled to July 19, 2022, at 6:30 p.m.

President Concannon stated that he was glad that Councilor Gately was present with the City Council. Councilor Gately stated that he was thankful for everything the members did, and the cards and letters that they sent. Councilor Gately stated it meant a lot to him and his family and his wife.

The City Council had a moment of silence for the sudden and unimaginable losses for Councilor Dillon's loved one and Councilor Gately's loved one.

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 July 7, 2022, was received from His Honor the Mayor Scott D. Galvin as follows:

Michael Concannon, City Council President
Members of Woburn City Council

I am pleased to submit the 5 Year Capital Improvement Plan (FY 2023-FY 2027) to the city council, which provides important measured investments in our buildings, equipment, infrastructure, sustainability and community. The total CIP cost is \$89,613,758 and includes a number of funding sources including, grants and state funds in excess of \$33,691,000, the issuance of new general fund debt in the amount of \$9,515,200 and the issuance of new water and sewer debt in the amount of \$22,910,000. The plan also provides for "pay as you go"

requests of \$ 12,591,558, including \$4.2 million for FY 2023 from the stabilization fund account. There is also the provision \$2,000,000 in ARPA funds to design the PFAS water treatment plant and \$90,000 to design the reconstruction of Well A-2.

The largest expenditure in the CIP is \$20,000,000 for the design and construction of upgrades at the Water Treatment Plant, which will remove PFAS from our water in compliance with MA DEP regulations and upgrade Well-B. The final design will be completed by April of 2023 and construction of the PFAS treatment plant should be finished by December of 2024 (approximately 17 months). We anticipate three sources of funding, including \$ 2 million in ARPA funds, \$2 million in grant funding and \$16 million in SRF loan funding. This substantial capital expenditure will result in a water rate increase in FY 24.

In addition to the upgrades at the Water Treatment Plant to remove PFAS from our water, there is continued investment over the 5 Year CIP in public works infrastructure and equipment needed to maintain city property, utilities and clean safe water. The CIP plan provides \$4 million for water main relining and \$1 million for the reconstruction of Well A-2, both to be funded thru the issuance of new debt service in the water/sewer enterprise fund.

We will continue with aggressive sewer repair and relining in the amount of \$7,870,000, which will help to reduce extraneous inflow/infiltration into our sewer system and reduce our MWRA sewer assessment. We will receive \$1,492,500/year in grant funding and \$475,000 /year in interest free loans from The MWRA to pay for this capital initiative. We will continue to invest in street paving and intersection improvements over the next five years using our pavement management system as a guide. The 5 year CIP provides for \$11,387,000 in funding consisting of Chapter 90 funds, complete streets grant funding and annual city appropriations.

In addition, we are scheduled to receive \$16,680,000 in State and Federal funds in FY 25 for the Woburn Common Roadway and Intersection improvements project. This project will improve safety and traffic circulation and make the downtown more pedestrian friendly. I have also included \$350,000 in FY 24 for engineering design fees to move this project to Part B of the 25% design phase.

Public safety funding for the Police Department in FY 2023 will exceed \$400,000 with a continued commitment to energy efficient Hybrid cruisers, firearms upgrades and advanced communication software. The CIP also provides continued investments in the Woburn Fire Department. In FY 2023, the CIP provides funding for the acquisition of a new ambulance, Ladder Truck and turnout gear.

The CIP provides \$950,000 in funding to The School Department in FY 2023 for technology upgrades, replacement of the turf on the practice field at WMHS, and dugouts for the girls softball team. The 5 year CIP is likely to change significantly upon the completion of the \$600,000 district wide capital needs feasibility study funded with Elementary and Secondary School Emergency Relief Funds (ESSER), which is currently out to bid

There are a number of projects aimed at mitigating the impacts of climate change and improving our resiliency. These include the Shaker Glen Project, The Horn Pond Fish Ladder and The Hurd Park Site. Design funding for each project has been provided by grants, including \$236,000 for Shaker Glen, \$183,000 for the Fish Ladder and \$735,000 for Hurd Park. In addition, the city has received grant funding for the construction of the Fish Ladder in the amount of \$900,000 and for Shaker Glen totaling \$2,000,000 in FY 24. We have also funded \$50,000 for the 2nd year of a 5 year \$275,000 city wide tree planting program.

The 5 Year CIP continues our commitment to providing residents with increased passive and active recreational opportunities, with the aforementioned Shaker Glen and Hurd site initiatives, which combined represent 45 acres of open space for our residents to enjoy. In addition, we have included funds to resurface the Green Street basketball courts, to resurface the street hockey rink at Leland Park and for new improved lighting at Leland. There is also funding to begin planning for the city's first skateboard park.

Furthermore, there is an appropriation of \$650,000 which will be combined with a state grant of \$400,000 to construct a splash park to replace the Green Street pool and upgrade the bathrooms. There is also a funding request in the amount of \$125,000 to match a \$125,000 legislative earmark spearheaded by Rep. Haggerty to upgrade the playground at Ferullo Field. An additional \$125,000 earmark secured by our legislative delegation will be used to upgrade the pocket park in Woburn Center.

I look forward to discussing the 5 Year CIP and the FY 2023 appropriation request of \$ 4,196,640 for "pay as you go" capital in committee. Please feel free to contact me if you have any questions.

Sincerely, s/Scott D. Galvin, Mayor

Motion made and 2nd that the communication BE RECEIVED AND MADE PART OF THE PERMANENT RECORD, and the MATTER BE REFERRED TO THE COMMITTEE ON FINANCE, all in favor, 9-0.

ORDERED That the sum of \$4,196,640.00 be and is hereby transferred as so stated

From:	Stabilization Fund Acct# 704059-596100	\$4,196,640.00
To:	Various Capital Projects See Attached Breakdown	\$4,196,640.00

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

CAPITAL BUDGET FY23

Project Title	Department	FY2023
I. Voting machines	City Clerk	\$96,000.00
I. Voting Marking booths	City Clerk	\$55,000.00
TOTAL	\$151,000.00	
I. Leland Park testing	Engineering	\$20,000.00
I. Engineering Department Survey Equipment	Engineering	\$26,000.00
I. Hurd Demo	Engineering	\$75,000.00
I. MS -4 Stormwater consultant	Engineering	\$200,000.00
TOTAL	\$321,000.00	
I. Software upgrade	Fire	\$40,000.00
I. Turnout Gear	Fire	\$64,000.00
TOTAL	\$104,000.00	
I. Cisco Phone System	Information Technology	\$50,000.00
I. End User Technology Equipment Refresh	Information Technology	\$50,000.00
I. WAN Network Equipment	Information Technology	\$150,000.00
I. Copier Replacement	Inspectional Services	\$14,000.00
I. Desktop Printer Replacements	Inspectional Services	\$1,500.00
I. Vehicle Replacement	Inspectional Services	\$40,000.00
TOTAL	\$305,500.00	
I. City wide Tree planting	Mayor	\$50,000.00
TOTAL	\$50,000.00	
I. Utility pickup	Parks	\$60,000.00
TOTAL	\$60,000.00	
I. Planning Dept. copier	Planning	\$10,000.00
TOTAL	\$10,000.00	
I. AXON Taser X-7 Electronic Control Device Project	Police	\$36,140.00
I. Cruiser Replacement	Police	\$180,000.00
I. NEXGEN Public Safety Solutions CAD System	Police	\$140,000.00
I. Smith & Wesson, M&P 9mm New Firearms Transition	Police	\$94,000.00
TOTAL	\$450,140.00	
I. 1 Ton Dump Replacement	Public Works	\$80,000.00
I. Sidewalk/ Trackless Equipment replacement	Public Works	\$300,000.00
I. Utility Pickup Truck Replacements	Public Works	\$120,000.00
I. Street paving	Public Works	\$635,000.00
TOTAL	\$1,135,000.00	
I. Ferullo Field Playground	Recreation	\$125,000.00
I. Leland Lights	Recreation	\$30,000.00
I. Leland Park Street Hockey Rink Resurfacing & Repair	Recreation	\$10,000.00
I. Shamrock Basketball Court Resurfacing	Recreation	\$35,000.00
I. Skateboard Park Design / Construction	Recreation	\$10,000.00
I. Spray Park/Bathrooms Green Street	Recreation	\$650,000.00
TOTAL	\$860,000.00	
I. H.S Turf practice field / Girls softball field dugouts	Schools	\$500,000.00
I. Technology Updates	Schools	\$250,000.00
TOTAL	\$750,000.00	
TOTALS FY23 Capital Budget		\$4,196,640.00

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

ORDERED Be it Ordained by the City Council of the City of Woburn, that the Woburn Municipal Code, as amended, be further amended by revising Title 2, Article VII, 2-41 Human Resources Director; Planning and Direction of Personnel Program as follows (deletion in ~~strike through~~, revision in **bold**):

Section 3. ~~Personnel~~ **Human Resources** Department

A. Establishment

There shall be in the City of Woburn a ~~Personnel~~ **Human Resources** Department, the head of which shall be the ~~Personnel~~ **Human Resources** Director.

B. Appointment and Qualifications of the ~~Personnel~~ **Human Resources** Director

The ~~personnel~~ **human resources** director shall be qualified for this appointment by reasons of previous education, training and experience and shall be appointed by the ~~City Council~~ **Mayor**.

s/President Michael P. Concannon
Per Request of the Mayor

Motion made and 2nd that THE MATTER BE LAID ON THE TABLE, all in favor, 9-0.

ORDERED Be it Ordained by the City Council of the City of Woburn, that the Woburn Municipal Code, as amended, be further amended by revising Title 2, Article XVIII, Compensation of Officers and Employees as follows (deletion in ~~strike through~~, revision in **bold**):

2-180 Base Salaries

Water Treatment Plant Manager \$104,559.02
\$118,457.50

and that such increase be effective July 1, 2022.

s/President Michael P. Concannon

Per Request of the Mayor

Motion made and 2nd that THE MATTER BE LAID ON THE TABLE, all in favor, 9-0.

NEW PETITIONS:

Petition by the Church of the Living God, 1 Mountain Road, Ste 2, Burlington, Massachusetts 01803, for special event permit for a music concert on August 8, 2022, at Horn Pond Ice House Park. The City Clerk stated that the petitioner filed an updated letter requesting that a rain date of August 9th be added and that the start time be changed to 6:00 p.m. Marianne Girouard, 49 Arlington Road, stated they are having a Christian concert of live and contemporary music. Motion made and 2nd to APPROVE THE SPECIAL EVENT PERMIT, all in favor, 8-0-1 (Campbell Abstained).

Presented to the Mayor: July 21, 2022

s/Scott D. Galvin July 21, 2022

Petition by C.N. Wood Enviro LLC, 200 Merrimac Street, Woburn, Massachusetts 01801, for a special permit to amend Landowner’s Decision and Notice of Special Permit dated August 6, 2020, and Section 7.3 of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for alteration of nonconforming structure to provide for a roof over the existing concrete slab, at 200 Merrimac Street. Motion made and 2nd that the MATTER BE REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by TDC Development Group, LLC, 125 High Street, Boston, Massachusetts 02110, to amend the 1985 City of Woburn Zoning Ordinance, as amended, to add new Section 32 Life Sciences and Business Overlay District (LBOD) located at Woburn Assessors’ Map 29, Block 01, Lot 2; Map 29, Block 01, Lot 3; Map 29, Block 01, Lot 4; and Map 29, Block 01, Lot 5. Motion made and 2nd that the proposed LBOD zoning ordinance amendment and the proposed LBOD zoning map amendment BE REFERRED TO ONE COMBINED PUBLIC HEARING, all in favor, 9-0.

Petition by TDC Development Group, LLC, 125 High Street, Boston, Massachusetts 02110, to amend the zoning map for the four parcels of land known as Middlesex Canal Park (29-01-02), Middlesex Canal Park (29-01-03), 25 Middlesex Canal Park (29-01-04), 15 Middlesex Canal Park (29-01-05), together containing approximately 32.96 acres of land as shown on a plan entitled “Zoning Amendment Plan” dated July 6, 2022 from the B-I zoning district to Life Sciences and Business Overlay District (LBOD) proposed zoning district. Motion made and 2nd that the proposed LBOD zoning ordinance amendment and the proposed LBOD zoning map amendment BE REFERRED TO ONE COMBINED PUBLIC HEARING, all in favor, 9-0.

A communication dated July 7, 2022, was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Request for Minor Modification to Landowner's Decision and Notice of Special Permit dated October 11, 2012 issued to Great Saves Concepts #30, LLC d/b/a Firehouse Subs, 103 Commerce Way, Woburn, Massachusetts (the "Decision")

Dear Ms. Higgins:

Please be advised that I represent Poke Hot LLC of 82 Brook Road, Weston, Massachusetts in connection with the above-referenced matter. On behalf of my client I respectfully request that Poke Hot LLC be allowed to replace Great Saves Concepts #30, LLC d/b/a Firehouse Subs as the Petitioner.

I have included herewith ten (10) copies of the following:

1. The Decision;
2. Menu of Firehouse Subs
3. Menu of Poke Hot

Section 11.12 of the 1985 City of Woburn Zoning Ordinance entitled Modification of Special Permits defines a "Minor Modification" as follows:

A Minor Modification is one which will result in insignificant changes to the project. The following changes are examples of revisions that may be deemed to be Minor Modifications by the SPGA for purposes of this section (**this list is not intended to be inclusive**):

1. Minor adjustments in the location of buildings.
2. Minor adjustments to parking, landscaping or other site details that do not affect the overall buildout of the site;
3. Reductions of less than five percent (5%) in the amount of landscaped usable open space.
4. Minor adjustments that do not affect the number of housing units;
5. Minor adjustments that do not materially affect any housing units set aside as affordable housing units.
6. Minor adjustments to interior building floor plans that do not increase the number of required parking spaces.
7. Minor adjustments to approved façade plans and building elevations.
8. Minor adjustments to underground utility infrastructure.

The replacement of Great Saves Concepts #30, LLC with Poke Hot, LLC is a minor modification. Poke Hot LLC will operate a fast food restaurant that serves Poke bowls which

are fresh fish on top of salad or rice and dumplings that are made from steam and fried dumplings. Firehouse Subs served specialty subs, “build your own subs”, chili, soup and chopped salads topped with various meats. Both restaurants serve soft drinks. Poke Hot’s meals will be healthy, high quality Japan inspired meals. As with Firehouse Subs the customer can take food to go or enjoy it within the restaurant.

On behalf of my client I respectfully request that the City Council approve the change as a minor modification. If you need any additional information please contact me. Thank you.

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

Motion made and 2nd that the 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 petitioner to speak on the matter, 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 he is here on behalf of Poke Hot LLC to replace Great Saves Concepts #30, LLC. Attorney Tarby stated that this was one of the pad sites at the Target location. Attorney Tarby stated that with the filing he provided the original special permit, as well as menus for both restaurants. Attorney Tarby stated both are similar in concept. Attorney Tarby stated that Section 11.12 defines a minor modification, and that none of the examples apply to the situation. Attorney Tarby stated that the space will be identical to Firehouse subs, there are no approved plans and side elevations, and stated this is a minor modification. Attorney Tarby stated that the petitioner serves poke bowls, fresh fish and rice dishes and Firehouse provided specialty sandwiches. Attorney Tarby stated that the petitioner is Japanese inspired, and customers can sit inside or take the food to go. Councilor Mercer-Bruen stated she takes no exception to this. Councilor Mercer-Bruen stated she is not a fan of minor modification but that she takes no exception if all the remaining conditions are in place. Upon inquiry from Councilor Gately, Attorney Tarby stated that the only changes will be to the interior to reflect the petitioner concept and that the hours of operation are already in the special permit. Councilor Gately stated she has no issue with request and wished the petitioner good luck. Motion made and 2nd to return to the regular order of business, all in favor, 9-0. Motion made and 2nd to APPROVE THE MINOR MODIFICATION with the condition that all existing conditions remain in effect, all in favor, 9-0.

Petition by Verizon New England Inc., 63 High Street, Danvers, Massachusetts 01970, to remove Provision No. 2 from conditions for grant of right in a way in Montvale Avenue as approved by City Council on May 3, 2022. Motion made and 2nd to suspend the rules and allow petitioner to speak, all in favor, 9-0. Appearing for the petitioner, Stan Usovicz, State Government Affairs for Verizon, 63 High Street, Danvers, Massachusetts 01923, stated with him he had Daniel Morse, Network Engineer, Dracut, Massachusetts 01850. Mr. Usovicz stated that Verizon had one project before the city council for the placement of a pole on Montvale Avenue with a condition attached related to the moving of wires on Warren Avenue. Mr. Usovicz stated there are other companies’ equipment located on the poles and Verizon does not have the authority to move them. Mr. Usovicz stated Verizon is working

with the other utilities on the Warren Avenue issue. Mr. Usovicz stated that the DPW Superintendent is fully aware of what is taking place. Mr. Usovicz stated he does not want to disregard the request, but that it is a shared responsibility in conjunction with all those on the pole and the DPW. Mr. Usovicz stated Verizon has moved the lines as far up as they can go on the poles until the electrical lines are moved up higher for the others to go up. Mr. Usovicz stated if Eversource moves its lines up higher, then the other utilities can. Councilor Demers stated it is a pet peeve of his when one business wants to do work and does not complete the project and then moves on to the next project. Councilor Demers stated Verizon should be communicating with the other companies and the DPW to get this done. Councilor Demers stated this could have been handled a different way and much faster. Mr. Usovicz stated that it is clearly the case not having to get it done. Mr. Usovicz stated he is the personal contact for Verizon, if there are any questions and he will try to resolve. Mr. Usovicz stated he is the Community Affairs contact and would leave his business cards. Councilor Gately stated Verizon never answers the phone, and there are double and broken poles that never get responded to. Councilor Gately stated that the only way to get you here is with the conditions put on Verizon's requests. Mr. Usovicz stated that Verizon has moved its wires as far up on the pole as they can. Councilor Gately stated that there is a half pole there for eight or nine years. Mr. Usovicz stated for the whole street the line needs to move up and that by protocol the last one on is the last one off the pole. Mr. Usovicz stated he can provide the double pole report to the city council with the date the pole was reported. Councilor Gately stated that he had a list of double poles approximately six years ago. Mr. Usovicz stated he will send the updated list. Councilor Gately stated that he is not buying in unless he sees something happen. Councilor Mercer-Bruen stated that it would be absolutely foolish to remove the condition and that she has no intention of taking it off. Councilor Mercer-Bruen stated that this has been going on for far too long and that the fellow utility companies get the same and are just as bad. Councilor Mercer-Bruen stated she appreciates Verizon to coming to the meeting, but she will not support this request under no circumstances. Councilor Ferullo stated that at Beach Street and Mishawum Road there is a pole that was struck 12 years ago, and it took 12 hours to fix the issue, and nine hours just to get someone on site. Councilor Viola stated he echoed Councilor Mercer-Bruen that there are too many double and half poles. Councilor DiMambro stated that he cannot support the request as there are double, triple poles and bolts across town. Councilor DiMambro stated that at Merrimac Street and School Street there are dangling wires. Upon inquiry from Councilor Dillon, Mr. Usovicz stated that there is equipment for the general power company, communication companies, fire alarms and municipal streetlights. Mr. Usovicz stated he prefers to get the double pole list which would be a good starting point. Councilor Dillon stated when he walks to lower his blood pressure, he sees all the double poles and his blood pressure actually goes up. Mr. Usovicz stated that this is a shared responsibility and there is a database the utilities use to show who is next to go. Councilor Ferullo stated that the one area is at a V-intersection and school buses cannot drive by. Councilor Dillon stated it amazes him that there is not a smoother process. Mr. Usovicz stated there is a database, once Comcast enters work done, then it notifies us that the ball is in our court. Mr. Usovicz stated it is only effective if everyone is updating and maintaining accurate records. Mr. Usovicz stated he understands the frustration as he was previously a mayor and city council member in another community. Mr. Usovicz stated he has been in touch with Eversource, but that he cannot speak for Eversource. Mr. Usovicz stated Verizon has been working with the DPW Superintendent.

Upon inquiry from Councilor Campbell, Mr. Usovicz stated that the database is the coordinating of schedules, and he cannot speak to the timing of other companies, but that someone does keep track. Councilor Campbell states that Verizon should constantly be contacting Eversource. Mr. Usovicz stated he nor Verizon have no control over Eversource. Councilor Mercer-Bruen stated that the Building Commissioner, DPW Superintendent, police, and city council all have issues, and this is absolutely ridiculous. Councilor Mercer-Bruen stated that the statehouse tried to fix this, but it is stuck in a drawer somewhere. Councilor Mercer-Bruen stated there is no motivation to fix the issue if the condition is taken off and that the city council should not take one more minute on this. Councilor Gately stated that Condition No. 2 should not be removed. Motion made and 2nd to return to the regular order of business, all in favor, 9-0. Motion made and 2nd to DENY THE REQUEST, all in favor, 9-0.

PUBLIC HEARINGS:

On the petition by Boston Gas dba National Grid for grant of right in a way to install approximately 354 feet of 4-inch, plastic gas main in East Dexter Avenue from an existing gas main in North Maple Street. PUBLIC HEARING OPENED: a communication dated July 8, 2022 was received from Jay Duran, Superintendent, Department of Public Works as follows:

Subject: National Grid- East Dexter Avenue

Pursuant to National Grid's request to install a new gas main on East Dexter Avenue, I offer the following. This petition is necessary to service the new development for Seaver Construction from North Maple Street near the intersection of Merrimack Street. We have been working with Seaver Construction and their engineer to come up with a reasonable solution all of which presents utility conflicts in one form or another. This latest plan will connect from North Maple Street and run along the top or northerly side of the right of way. The plan is to traverse along the newly paved road and then move under the curb and into a newly designed ADA compliant sidewalk. There are overflow structures in the street that would have to be avoided by going at least 5 feet away from the edge of the structures. It is imperative that they not be allowed to go over said structures. More detail should be provided by the design engineer at these structure locations. If these setbacks can be adhered to during construction, I would be satisfied. In addition, the applicant and National Grid will have to work closely with Eversource on at least one pole relocation which presents a challenge. Other issues are an old 2 inch iron main which will have to be removed as well as crossing the 3 new service lines to Knight Street that will have to be field located and the 5 foot clearance provided.

This plan was provided last evening and National Grid has not approved this at the time of this memo preparation. National Grid must also clearly mark out the proposed location of the main for field review to ensure there are no detrimental impacts on the adjacent water or sewer mains and obtain a permit to perform this installation prior to excavation. The paving in East Dexter Avenue is brand new and must be restored with a 2 inch grind and inlay for a

distance of 25 feet beyond the disturbance of the roadway in each direction. DPW would like to reserve the right to extend this further if necessary. In addition, there will be a disturbance to the adjacent driveway which will have to be restored to a proper grade acceptable to the abutter. Any disturbed curbing must be restored to DPW specifications and all sidewalk work is the responsibility of the developer. This is a work in progress which is typically not allowed. However, this is a unique situation that I feel comfortable working with the developer's Project Manager to come up with an installation that will work for all parties. Please feel free to call me with any questions or concerns on this matter.

Motion made and 2nd that all communications be received and made part of the permanent record, all in favor, 9-0. Appearing for the petitioner, Diana Cuddy, Operations Support for National Grid, 40 Sylvan Rd, Waltham, Massachusetts 02451 stated there are no concerns from the comments about the project and that they are the stewards for the work and that client will be paying for it. Councilor DiMambro stated that this is quite a big project and that the DPW Superintendent does not the lines going over the water mains. Ms. Cuddy stated she agrees with that and that this is not a complicated project but that it is just crowded. Ms. Cuddy stated that the big issues is drainage, and they are going with a 5 inch line. Ms. Cuddy stated they ran the plans by the engineer and that the customer is doing the paving of the sidewalk and ADA compliant ramp. Upon inquiry from Councilor DiMambro, Ms. Cuddy confirmed that 1 East Dexter driveway will be put back. Councilor Gately stated he agreed with the DPW Superintendent, and that National Grid should watch out for the utilities and have a 2 inch overlay. Ms. Cuddy stated that the independent contractor does the paving, and the customer is Seaver Construction. Councilor Gately stated that National Grid is on the hook if the work does not get done by the contractor. Ms. Cuddy stated National Grid collects money upfront or they make the customer do the work. Upon inquiry from Councilor Mercer-Bruen, President Concannon stated there is a bond to make sure the work gets done. Councilor Gately stated the bond is usually at least for 80% of the work. 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 closed, all in favor, 9-0. Motion made and 2nd that the GRANT OF RIGHT IN A WAY BE APPROVED subject to the conditions as outlined in the DPW Superintendent memorandum dated July 8, 2022 as follows: 1. In order to avoid overflow structures in the street, the Petitioner shall remain at least 5 feet away from the edge of the structures. The Petitioner shall not go over said structures; 2. The Petitioner shall work with Eversource to relocate one pole; 3. The Petitioner shall remove an old 2 inch iron main, as well as crossing the 3 new service lines to Knight Street that will have to be field located and the 5 foot clearance provided; 4. The Petitioner shall clearly mark out the proposed location of the main for field review to ensure there are no detrimental impacts on the adjacent water or sewer mains and obtain a permit to perform this installation prior to excavation; 5. The paving in East Dexter Avenue is brand new and the Petitioner shall restore the pavement with a 2 inch grind and inlay for a distance of 25 feet beyond the disturbance of the roadway in each direction. DPW reserves the right to extend this further if necessary; 6. The Petitioner shall restore to a proper grade acceptable to the abutter the disturbance to the adjacent driveway. Any disturbed curbing must be restored to DPW specifications and all sidewalk work is the responsibility of the developer, all in favor, 9-0.

Presented to the Mayor: July 21, 2022

s/Scott D. Galvin July 21, 2022

Motion made and 2nd to take the next two matters collectively, all in favor, 9-0.

On the petition by CCF New Boston Property Company LLC, 185 Dartmouth Street, Suite 402, Boston, Massachusetts 02116, for Special Permits pursuant to Section 5.1(30b); Section 5.1(41a); Section 5.1(53), Section 8.3.1, and Site Plan Review pursuant to Section 12.2.4 to allow for a two (2) story building containing approximately 133,738 sf of net floor area with the following uses: Office (approximately 39,229 sf); Manufacturing (approximately 33,514 sf); and Lab Use (approximately 58,845 sf) with accessory high hazard use and the parking of ninety-two (92) vehicles on an adjacent lot located at 225 Merrimac Street, at 216 New Boston Street. PUBLIC HEARING OPENED: A communication dated June 30, 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 Petitions, CCF New Boston Property Company LLC, 216 New Boston Street/225 Merrimac Street, Woburn Massachusetts

Dear Ms. Higgins:

I respectfully request that the public hearings on both the above matters scheduled for July 12, 2022 be continued to the City Council meeting scheduled for August 16, 2022. The peer review contracts have been finalized by the City Engineer but the peer reviews have not yet commenced. If you need any further information, please do not hesitate to contact me. Thank you.

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

Motion made and 2nd that 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 the petitioner is requesting a continuance because the peer reviews are under way and the contracts were just returned. Attorney Tarby stated that in order to proceed, the peer reviews must be completed. 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 August 16, 2022, all in favor, 9-0.

On the petition by CCF New Boston Property Company LLC, 185 Dartmouth Street, Suite 402, Boston, Massachusetts 02116, for Special Permits pursuant to Section 5.1(30b); Section

5.1(41a), and Site Plan Review pursuant to Section 12.2.4 to allow for a four (4) story building containing approximately 174,812 sf of net floor area with the following uses: office (approximately 67,056 sf) and Lab Use (approximately 100,584 sf), as well as the Petitioner is proposing to construct a parking garage to accommodate approximately 451 parking spaces, at 225 Merrimac Street. PUBLIC HEARING OPENED: A communication dated June 30, 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 Petitions, CCF New Boston Property Company LLC, 216 New Boston Street/225 Merrimac Street, Woburn Massachusetts

Dear Ms. Higgins:

I respectfully request that the public hearings on both the above matters scheduled for July 12, 2022 be continued to the City Council meeting scheduled for August 16, 2022. The peer review contracts have been finalized by the City Engineer but the peer reviews have not yet commenced. If you need any further information, please do not hesitate to contact me. Thank you.

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

Motion made and 2nd that 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 the petitioner is requesting a continuance because the peer reviews are under way and the contracts were just returned. Attorney Tarby stated that in order to proceed, the peer reviews must be completed. 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 August 16, 2022, all in favor, 9-0.

On the petition by Robert D. Gaudet & Sons Cleaning Services Inc. d/b/a Service Master by Gaudet, 90 Blueberry Hill Road, Woburn, Massachusetts 01801, for a special permit from Section 7.3 of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for the alteration of the preexisting nonconforming use (moving and storage warehouse business) and nonconforming structure to allow for: 1. Service use in connection with the operation of a business office under Section 5.1 (31); 2. the overnight parking of ten (10) commercial vehicles on the premises, consisting of five (5) cargo vans, (3) box trucks, and two (2) pick up trucks under Section 5.1 (57b); 3. a service use area in excess of twenty (20%) percent of the gross floor area of the principal structure; and 4. The continuation of the existing nonconforming structure related to parking setbacks, buffer zone compliance, loading door fronting on Blueberry Hill Road, and interior parking landscaping, at 90 Blueberry Hill Road. PUBLIC HEARING OPENED: President Concannon stated the city council had not received a planning department letter. Appearing for the petitioner, Attorney Joseph R.

Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801, stated the property is located in the IP zoning district and the existing building was constructed in 1979 as a warehouse with various moving and warehouse uses, and now by Piece by Piece moving and storage. Attorney Tarby stated that the Gaudets are a longtime Woburn family business and operating in Woburn since 1989. Attorney Tarby stated that Robert Gaudet, from the class of 1972, started the business and originally operated out of the family's home on Locust Street from 1989 to 1997. Attorney Tarby stated in 1997 they moved to 12 Montvale Avenue and in 2004 they moved to 6 Jefferson Avenue. Attorney Tarby stated the petitioner has an agreement to purchase the property at 90 Blueberry Hill Road subject to approval of the special permit. Attorney Tarby stated two of the children are running the business now. Attorney Tarby stated the petitioner are residents of Woburn and customers are in the community. Attorney Tarby stated the company comes in and cleans after fire, water, or mold damage. Attorney Tarby stated they have 14 full time employees with 10 commercial vehicles consisting of (5) cargo vans, (3) box trucks, and two (2) pick-up trucks. Attorney Tarby stated the overnight parking will be to the right side of the property. Attorney Tarby stated the hours of operation will be from 7:30 a.m. to 6:00 p.m. Monday through Friday and will be open on emergency basis on the weekends. Attorney Tarby stated that an example of an emergency is if a resident comes home and finds that a pipe has burst, and house has been flooded. Attorney Tarby stated the vans are loaded before closing the night before they open. Attorney Tarby stated the current business onsite is quite busy, and the petitioner's business model will eliminate this. Attorney Tarby stated the only storage onsite is for supplies and equipment. Attorney Tarby stated when they clean furniture, the petitioner picks up the furniture and then delivers it back to the customer, thus customers will not be onsite. Attorney Tarby introduced Cheryl Gaudet, the President and owner of the company. Ms. Gaudet stated that she is the owner of Service Master, and they have deep routes in Woburn. Ms. Gaudet stated her husband was born at the Choate, and they purchased a home on Locust Street in 1985. Ms. Gaudet stated that they purchased a franchise in 1987, and that two of her four sons run the business, with one employee who is like her son. Ms. Gaudet stated they bought their first property, the liquor store at 12 Montvale Avenue and they maintained for 24 years the easement and stairs and they sold that building in 2020. Ms. Gaudet stated that in 1996 they purchased the building at 6 Jefferson Avenue near Barker Lumber, which they maintained and enhanced. Ms. Gaudet stated her husband died three years ago and it was hope to continue the business in Woburn with the second generation. Ms. Gaudet stated that they have been here fore 35 years and have had zero complaints or issues with the neighbors and they want 90 Blueberry Hill Road in order to continue to grow. Tim Williams, Allen & Major Associates, Inc., stated the site is a 1.87-acre parcel with approximately 16,000 steel frame building. Mr. Williams stated the council may recognize the site from the Hill Hockey days. Mr. Williams stated they will make it a counterclockwise travel onsite, with a minimum of 12-foot-wide drive aisles with 24 spots onsite, 10 of which will be used for overnight parking. Mr. Williams stated the existing bay doors will remain. Mr. Williams stated that the handicapped spaces and a couple other spaces in the little nook out front. Mr. Williams stated that there will be new sidewalks, and a new set of stairs. Mr. Williams stated he is working with the petitioner, what was decided the 10 overnight parking spots and were made to accommodate the various vehicle sizes. Mr. Williams stated the first two spots will be 10 x 25, which are larger, and adjacent to that are four spots that are 9 x 20 spots, and along the back are four spots that are 9 x 19. Mr. Williams stated that the parallel

and remaining parking spots will be the standard 9 x 18. Mr. Williams stated that the guardrail will be at the back of the property, new landscaping in front, with a small retaining wall for 12-foot travel aisle. Mr. Williams stated that there is a 3,200 square foot snow in the front in the easement. Mr. Williams stated they have not received any comments from the City DPW or Planning Departments. Mr. Williams stated they heard of ongoing drainage issues, but the grade falls off of Blueberry Hill Road onto the site, and then falls over. Mr. Williams stated they are aware the lower portion floods considerably. Mr. Williams stated the runoff comes from Blueberry Hill Road, Pigeon Road, Holton Street, and portions of Fox Road. Mr. Williams stated the drainage is a bigger issue than just 90 Blueberry Hill Road site. Mr. Williams stated they can work with DPW and Engineering to identify the issue and based on GIS outfalls dump to the back of the property. Attorney Tarby stated he has proposed conditions to submit for the record. Motion made and 2nd to receive the proposed conditions and make them part of the permanent record, all in favor, 9-0. Councilor Gately stated this building is in his ward, that he is very familiar with the site and its issues, and that 90% of the drainage does end up on this property. Councilor Gately stated he would like this company in this location to give stability to the area, and to clean it up and put a guardrail up. Councilor Gately stated there is a 25-to-35-foot drop in the back of the property. Mr. Williams stated they have not identified the size of the dumpster, but they have identified the location will be in the back on a concrete pad and screened. Mr. Williams stated that it is a level area in the back, but that they will need a retaining wall and stockyard fence. Mr. Williams stated that this will be out of the way of the movement of the fire truck and business traffic. Mr. Williams stated that the trucks are only a little bigger than the normal size spots. Councilor Gately stated he had no issue with this project and that it is better for neighborhood. Councilor Gately stated that the vehicles need to go out Green Street and this is a good outfit and a good location for them to stay. Upon inquiry from Councilor Campbell, Attorney Tarby stated there no customers should be onsite. Councilor Campbell stated she love the guardrail as it is much needed. Attorney Tarby stated that the 10 overnight spots are in addition to the 24 spots on the site. Councilor Campbell stated this will not cause a lot of traffic. Councilor Mercer-Bruen stated she takes no except to the business and that it can stay in Woburn. Councilor Mercer-Bruen stated that she spoke with the Building Inspector, and she had some concern with striping of the parking lot, and she suggests adding an 8th Condition that the parking lot shall be maintained and stripped annually. Attorney Tarby stated that vehicles will be marked with the company logo. Councilor Mercer-Bruen stated she would like to amend Condition 4 to add all company vehicles will be marked with the company logo. Attorney Tarby stated that proposed Condition 1 has the site plan of record in it and that the guardrail is on the site plan of record. Councilor Mercer-Bruen stated the Building Inspector had raised on issue with water, and she wanted that if there is a conclusion that there is issue with the water related to the site, she wanted the petitioner and the department heads to solve the problem. Mr. Williams stated he can meet with the City Engineer and DPW Superintendent for stormwater management and work with them. Mr. Williams stated this is a bigger conversation and solution to fix this. Councilor Mercer-Bruen stated she wanted to add another condition that the petitioner is willing to work with the City Engineer and DPW Superintendent to address any drainage issues related to this site. Councilor Dillon stated that this is a great project and that the Traffic Commission is trying to watch Green Street and want them to know the rules out here. Councilor Dillon stated he would support this. City Clerk Higgins stated that there was no Planning Department

Comment letter, but that a lot of projects came in all at once. Councilor Ferullo stated that these vans are smaller and can go left onto Green Street. 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 that the Woburn City Council makes the following FINDING PURSUANT TO SECTION 7.3 of the Woburn Zoning Ordinances: The proposed use by the Petitioner is consistent with the past use of the property and is not substantially more detrimental than the existing nonconforming use to the neighborhood, all in favor, 9-0. Motion made and 2nd to add to the proposed conditions, condition No. 8: The parking lot shall be maintained and stripped annually; condition No. 9: Petitioner is willing to work with the City Engineer and DPW Superintendent to address any drainage issues related to this site; and to amend Condition No. 4 to add “and all company vehicles will be marked with the company logo”, all in favor, 9-0. Motion made and 2nd to GRANT THE SPECIAL PERMIT with the 9 conditions as follows: 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” dated June 2, 2022, prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01801 (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; 3. The Petitioner shall post signs within its offices requesting that its employees obey the rules of the road while traveling on City of Woburn streets and to use caution while traveling on Nashua Street to and from Holton Street; 4. The Petitioner’s commercial vehicles shall not use the section of Nashua Street between Draper Street and Holton Street when traveling to and from the site and all company vehicles will be marked with the company logo; 5. That the commercial vehicles parked on the site shall be limited to ten (10) vehicles: five (5) cargo vans; three (3) box trucks; and two (2) pick-up trucks; 6. All commercial vehicles shall be registered in the City of Woburn; 7. All commercial vehicles exiting the premises shall turn left toward Holton Street and shall not use Blueberry Hill Road; 8. The parking lot shall be maintained and stripped annually; and 9. Petitioner is willing to work with the City Engineer and DPW Superintendent to address any drainage issues related to this site, all in favor, 9-0.

On the petition by Iryana Market and Saeed Rajavi, 444 Main Street, Woburn, Massachusetts 01801, request for a special permit pursuant to the 1985 Woburn Zoning Ordinance, as amended, Section 5.1(29) to allow for restaurant, fast food, at 442-444 Main Street. PUBLIC HEARING OPENED: A communication dated July 5, 2022, was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: PLANNING DEPARTMENT COMMENTS ON SPECIAL PERMIT
APPLICATION FOR 444 MAIN STREET IRYANA MARKET / SAEED RAJABI

Dear Council:

The Planning Department has reviewed the above-referenced Special Permit application which requests permission to allow for a fast food restaurant at the above-referenced location, in accordance with Section 5.1[29] of the Woburn Zoning Ordinance (WZO). The property is zoned Downtown Business (B-D) and therefore such use is permitted by City Council Special Permit, subject to Site Plan review requirements (Section 12). No exterior construction is proposed in connection with this application. Instead, re-configuration/renovation of interior space is proposed.

The applicant is seeking to add a hooded grill in order to sell hot food in addition to the basic daily grocery and specialty items they currently supply. With the addition of the hot grill, they intend to expand their business to include catering services of Mediterranean and Middle Eastern foods.

Planning staff offers the following questions and comments for the Council's consideration:

- The proposed use (RESTAURANT, FAST FOOD) requires both a special permit in accordance with Section 5.1(29) of the Zoning Ordinance as well as site plan review in accordance with Section 12 (see Notes to Section 5.1, Table of Use Regulations). The application references the required special permit but does not specifically request site plan review/approval.
- Unless authorized by a subsequent Special Permit, the hours of operation of this establishment must be between 6:00 a.m. and 11:00 p.m., in accordance with Note 16 to Section 5.1, Table of Use Regulations.
- Section 8.3 allows, by right, commercial enterprises to rely on municipal off-street parking lots to meet the parking requirements of the zoning ordinance (e.g. no special permit is needed). Although the application is silent on the issue of parking, it is presumed that the business will rely on the Walnut Hill parking lot to provide parking for employees and customers in addition to the city parking lot at Campbell and Union Streets, which are within 500' of the business.
- The issue of trash storage and its regular pickup seems particularly important given that food waste will compose a portion of the business's trash. The application does not indicate if there is a dumpster at the rear of the store that will be used by the restaurant to safely store the refuse and prevent health issues. A site plan should be submitted which identifies the location of the Dumpster (if any) that will be used by this business, and the Council should consider referring the plan to the Fire Department for review and comment, since the Fire Department is the entity that

regulates Dumpsters in accordance with Title 8, Article VII, Section 8-17 of the Woburn Municipal Code (general regulations for Dumpsters).

- The plan included with the application indicates that there is a rear access door. Will that door be used by employees and delivery personnel to load and unload inventory? Will delivery trucks drive to the rear of the building via the driveway, or will delivery trucks park on Main Street and goods walked to the rear access door by employees? If goods will be offloaded on Main Street because the narrow driveway precludes truck access, the Council should include a condition in any approval prohibiting delivery-related activities from interfering with use of the sidewalk by pedestrians (i.e. blocking the sidewalk with boxes or dolly ramps). There should also be a condition prohibiting stock and foodstuffs from being delivered through the front door, in order to further lessen the possibility/extent of sidewalk conflict. The Council should also consider restricting/limiting the hours of deliveries to those that are outside of peak pedestrian times, if in fact deliveries will be made via a truck parked on the street.

If members of the Council have any questions or concerns regarding the foregoing, please feel free to contact me.

Respectfully, s/Tina P. Cassidy, Planning 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 Benjamin B. Tariri, 183 State Street, Suite No. 2, Boston, Massachusetts 02109, stated the petitioner is an existing business that would like to add a grill to its store. Attorney Tariri stated that the petitioner sells cold cuts and now wants to do some grilling. Attorney Tariri stated that the concern about site plan review, he already provided a site plan. City Clerk Higgins stated site plan review is a procedural matter. President Concannon stated that the comment about site plan review is procedural and that it can be added to the petition. Attorney Tariri stated that the hours of operation are 9 a.m. to 9 p.m. and the business uses street parking. Attorney Tariri stated there is no sit down eating and the food will be strictly for takeout. Attorney Tariri stated they have a four-yard dumpster in the back and all deliveries enter from the rear and not the front. Upon inquiry from Councilor Gately, Attorney Tariri stated all the buildings get access from the back and the employees park there. Attorney Tariri stated the four-yard dumpster is strictly for his business. Attorney Tariri stated that customers can use the Walnut Street parking if necessary or overflow. Attorney Tariri stated there are three parking spots in the back just for the petitioner. Attorney Tariri stated there will be no rooftop dining. Upon inquiry from Councilor Ferullo, Attorney Tariri confirmed that this is the building with the grate in the front of it. Upon inquiry from Councilor Viola, Attorney Tariri stated the gas grill will be vented through the hood and there is a system for fire. Attorney Tariri stated the petitioner will coordinate with the building and fire department. Councilor Demers stated that businesses need to adapt because of the pandemic and that this used to be his ward but now believes it is in Councilor Dillon's ward. Councilor Demers stated he has had no complaints. Councilor Dillon stated the petitioner needs to follow the conditions by the planning board. 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. There was a motion made and 2nd to grant the petition with the planning board conditions. Before the motion was called to a vote, President Concannon stated he wanted to make sure the conditions were clear for the City Clerk. City Clerk Higgins stated that there are usually proposed conditions in the planning board memorandum, but that it is not as clear here, and she asked that the city council be more specific. Councilor Demers stated there is no need to put on specific conditions that were not called out for regarding hours of operations. President Concannon stated if there was anything else should be added for a condition. Councilor Gately stated he wanted a condition that the petitioner receive approval from the fire department. City Clerk Higgins stated you may want to discuss conditions before putting it to a vote. At that time the motion and 2nd to grant the petition with the planning board conditions was withdrawn. Councilor Dillon stated that Condition No. 1 should be that the petitioner is subject to the necessary approvals by city departments as required by Woburn Zoning Ordinances, and Woburn Municipal Codes. Councilor Viola stated that he wants the petitioner to clean the hood of the grill monthly so no grease buildup. Councilor Dillon stated that is part of the health department. Councilor Demers stated the petitioner needs to abide by the Board of Health, not something that is more strict. Councilor Demers stated the City Council needs to be weary of adding stricter conditions on to something that is already scheduled. Councilor Viola stated he would withdraw his proposed condition. City Clerk Higgins stated she could amend proposed Condition No. 1 to include as well as fire codes, and health codes. Councilor Campbell stated Condition No. 2 should be stock and foodstuffs are prohibited from being delivered through the front door, in order to further lessen the possibility/extent of sidewalk conflict. Councilor Ferullo stated he is concerned that some of these conditions may be stricter than what the neighbors have. Councilor Campbell stated they have had that condition before having deliveries in the back. President Concannon stated Condition No. 3 should be petitioner shall submit a site plan which identifies the location of the Dumpster that will be used by this business. Upon request by Councilor Demers, City Clerk Higgins read the following three conditions into the record: 1. That the Petitioner is subject to the necessary approvals by city departments as required by Woburn Zoning Ordinances, Woburn Municipal Codes, as well as fire codes, and health codes; 2. Stock and foodstuffs are prohibited from being delivered through the front door, in order to further lessen the possibility/extent of sidewalk conflict; and 3. Petitioner shall submit a site plan which identifies the location of the Dumpster that will be used by this business. Motion made and 2nd to GRANT THE SPECIAL PERMIT and SITE PLAN REVIEW with the following three (3) conditions: 1. That the Petitioner is subject to the necessary approvals by city departments as required by Woburn Zoning Ordinances, Woburn Municipal Codes, as well as fire codes, and health codes; 2. Stock and foodstuffs are prohibited from being delivered through the front door, in order to further lessen the possibility/extent of sidewalk conflict; and 3. Petitioner shall submit a site plan which identifies the location of the Dumpster that will be used by this business, all in favor, 9-0.

On the petition by U-Haul Co. of Massachusetts and Ohio, Inc., 31 Olympia Avenue, Woburn, Massachusetts 01801, for special permit pursuant to Section 7.3 and site plan

review under Section 12 of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for: 1. a modification of Special Permits dated September 1, 2011 and July 9, 2015; 2. the alteration of the existing nonconforming use and structure under Section 7.3 to allow for a one story addition containing approximately 19,831 gross square feet of gross floor area for the storage of U-Boxes, an increase of U-Boxes from 816 to 1200, and an increase in self-storage units from 802 to 1202; 3. Site Plan Review under Section 12 since there is an increase of gross floor area in excess of 5,000 square feet (19,831 square feet); and 4. the construction of the addition within the Flood Plain District under Section 9, at 31 Olympia Avenue. PUBLIC HEARING OPENED: A communication dated July 5, 2022, was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: PLANNING DEPARTMENT COMMENTS ON APPLICATION FOR MODIFICATIONS TO A PREVIOUSLY-GRANTED SPECIAL PERMIT AUTHORIZING U-HAUL FACILITY AT 31 OLYMPIA AVENUE / U-Haul Co. of Massachusetts and Ohio, Inc.

Dear Council:

The Planning Department has reviewed the above-referenced Special Permit application which requests permission make several modifications to the Plan of Record approved in connection with a Special Permit granted on September 11, 2011 and modified on July 9, 2015. Modifications/requests consist of constructing a new 19,831 sq. ft., one-story addition to the existing building in order to allow for the storage of so-called U-Boxes; authorization to increase the number of allowed U-Boxes from 816 to 1,200; and authorization to increase the number of self-storage units from the current 802 to 1,202. Special permits pursuant to Section 7.3 (Non-Conforming Uses) and 9 (Floodplain District) will be needed as will Site Plan Review pursuant to Section 12 of the Woburn Zoning Ordinance (WZO).

Planning staff hosted a department meeting with the Petitioners on Tuesday, July 5, 2022. Attendees included the Engineering, Fire, Planning, and Inspectional Services departments. Written comments were also provided by staff for the Conservation Commission. The Commission noted that some of the work being proposed will fall within areas under the Commission's jurisdiction, and therefore the Petitioners will be required to file with the Commission for permission to conduct the work. The Commission also noted that site work is planned in very close proximity to the limits of the FEMA floodplain. It recommends special care be taken to ensure the Petitioner does not fill any portion of the site that is within a floodplain, or store any materials, including snow, within the floodplain itself.

The following additional comments and recommendations were made during the department meeting:

- The Engineering Department noted that the submitted drainage calculations appeared acceptable but that it did have several traffic-related questions it needed to pose to the Petitioner's traffic engineer. Comments on drainage and traffic will be submitted by the Engineering Department separately from this comment letter;

- The project triggers review under the City’s Development Impact Assessment and Mitigation Ordinance (Section 18 of the WZO). The Engineering Department will provide additional comments and recommendations on mitigation under separate cover;
- The Fire Department expressed concerns with at least one aspect of the intended interior floor use. The Petitioner intends to stack multiple U-Boxes on top of each other as a matter of routine, and the Fire Department is concerned the potential impact of this practice on firefighting capability. In the event a fire breaks out in a storage box on the lower levels, the boxes on the upper level will act as barriers and prevent the water from fire sprinklers from ever reaching the lower level. In those circumstances, the fire can spread laterally along the lower level of storage boxes;
- The proposed plans show new, additional water and sewer lines being extended into the site, but the Petitioner indicated he had not consulted with either the Department of Public Works or the Engineering Department to determine if a second, metered line can be added. The Petitioner is urged to do so before a decision is made on the Special Permit, since plan revisions may be needed after consultation;
- There is concern that the number of vehicles on the site occasionally or routinely exceeds the maximum number of 75 that has been previously authorized. Adding additional floor space will only exacerbate the potential for infractions. Inspectional Services staff recommends the Council require an “operations and maintenance” plan of sorts, which plan clearly specifies how vehicles will be managed to ensure numbers don’t exceed the maximum permitted; and
- All refuse disposal containers must be sited so that they comply with all zoning setback requirements and be adequately screened.

Please feel free to contact me if you have any questions or need additional information.

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

Further, a communication dated July 18, 2022, was received from John E. Corey, Jr. P.E., Woburn City Engineer, as follows:

Subject: 31 Olympia Ave. – U Haul Special Permit

We have reviewed the site plan for the above referenced project along with the supporting documents that included a drainage study, trip generation report and development impact statement.

We find that the applicant has addressed on site drainage issues and we have minor concerns over additional traffic. We would propose that the applicant provide mitigation in the amount of \$8,500 for the installation of an Applied Information Field Monitoring Unit in the general project area.

There appeared to be an issue with a second water service however the engineer indicated that they were working with the Water Department on the matter.

I trust the foregoing information suffices for your needs. Should you have any questions or comments, please do not hesitate to contact this office.

Motion made and 2nd that all communications be received and made part of the permanent record, all in favor, 9-0. Further, a communication was received from Craig J. Ziady, General Counsel, Cummings Properties, 200 West Cummings Park, Woburn, Massachusetts 01801, regarding "U-Haul Co. of Massachusetts ("Applicant"), 31 Olympia Avenue, Woburn, MA; Application for Modification to Special Permit." Motion made and 2nd that the communication 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 will be providing updated plans. Attorney Tarby stated that they have received the communication from Cummings Properties, and the petitioner and Cummings Properties will have a meeting onsite. Attorney Tarby stated that 31 Olympia Avenue is located in the Industrial Park and in the early 1960s it was a mattress store, and then Charrette business. Attorney Tarby stated the petitioner is seeking to modify a special permit dated September 1, 2011 the City Council granted a special permit to U-Haul from Charrette and another special permit was issued in July 9, 2015. Motion made and 2nd to suspend the rules and take 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. Attorney Tarby stated that the special permit was for the rentals for U-Haul which allowed for 816 U-Boxes, exterior storage of 75 pieces of rental equipment, and 802 storage units. Attorney Tarby stated that the petitioner is seeking approval of a one-story addition approximately 19,831 gross square feet of gross floor area, which are mostly for the U-Boxes which have been stored outside. Attorney Tarby stated the petitioner wants to increase the number of U-Boxes from 816 to 1,200 and to increase the number of self-storage units from the current 802 to 1,202. Attorney Tarby stated he wanted to submit a response to the planning board comments and that Derek Roach from Vanasse & Associates, Inc. will then be giving a presentation. Motion made and 2nd to accept the communication dated June 19, 2022, from Allen & Major Associates, Inc., all in favor, 9-0. Tim Williams, Allen & Major Associates, Inc., stated there is 8.13 acres and are proposing approximately 19,831 gross square feet of gross floor area addition being proposed. Mr. Williams stated there will be an addition and the parking lot will be restriped and add additional loading docks. Mr. Williams stated there will be four new proposed garage bay loading doors in order to utilize storage space. Mr. Williams stated they added a dumpster, and another dumpster will be located at the top of the site. Mr. Williams stated there will be a 12 x 40 overhead loading door. Mr. Williams stated moving south there are three existing loading docks that will now be three bays. Mr. Williams stated the parking lot will be restriped to create a two-way traffic entering and exiting the site off Normac Road. Mr. Williams stated they are in the 100-foot buffer of the wetlands they will need to file a Notice of Intent with the Conservation Commission. Mr. Williams stated regarding stormwater management they want to add drainage system that will comply with the Mass Stormwater Handbook and Woburn Regulations. Mr. Williams stated that they will need new utility gas main and new electrical lines coming from existing

overhead pole. Mr. Williams stated that the petitioner will need to sawcut into Normac Road for the gas line. Mr. Williams stated the site will have four new pedestal lights, 9 wall packs, and photometric plan, with no light will spill to adjacent to the property. Mr. Williams stated the snow storage can be stockpiled in the existing lot next to the interstate. Mr. Williams stated that the full truck movement is clockwise around the building. Mr. Williams stated he was then going to read the petitioners comments to the planning board comments. Mr. Williams stated Comment 1 Applicant Response: The Applicant's traffic and civil/drainage engineers have discussed the Project impacts with the Woburn City Engineer who has indicated their concerns have been addressed. Mr. Williams stated that the City Council did receive a letter from the City Engineer and he was satisfied. Mr. Williams stated Comment 2 Applicant Response: The Applicant's traffic engineer has coordinated with the Woburn City Engineer on traffic mitigation for the Project. The Woburn City Engineer has provided a letter indicating the proposed mitigation is acceptable. Mr. Williams stated that he is going to let Vanasse touch upon this aspect. Mr. Williams stated Comment 3 Applicant Response: U-Haul understands the concerns of the fire department and plans to work methodically through this concern with our Fire Protection Company. We will review all options to be able to reduce any dangers in the event this happens. We plan on having some detectors to ensure we can reduce the risk of any dangers. Along with this we will ensure that we have the right sprinkler system to combat a fire as quickly as possible. Mr. Williams stated this building is going to be separate from the main building, which is sitting in the existing loading dock. Mr. Williams stated this building is three feet lower than the original building. Mr. Williams stated that the main and sewer are connecting through the original building. Mr. Williams stated Comment 4 Applicant Response: The applicant has removed the additional water and sewer lines extended into the site. The proposed building addition will be served by the existing water and sewer services. See attached revised utility plan. Mr. Williams stated originally the buildings were disconnected, but since they are now married together, the applicant will be using existing services. Mr. Williams stated Comment 5 Applicant Response: See attached U-Haul equipment/vehicles organization and management sketch of the lot. The proposed layout minimizes vehicles to 70 pieces of equipment on the lot. From an electronic standpoint (U-Haul management software) we have imposed a lot-limit of 70 pieces of equipment. This will automatically turn off the location from receiving anymore pieces of equipment. Setting it to 70, will keep us under 75 which will also allow room for error just in case. The store management team has been informed that we need to abide by this layout and updating our software will ensure we don't go over the allowed amount of 75. Mr. Williams stated that Normac Road is adjacent to the offramp of Route 128 and you can see all the vehicles along the offramp. Mr. Williams stated they are permitted to have 75 but will limit this to 70. Mr. Williams stated Comment 6 Applicant Response: The dumpster locations have been added to the plans. See attached revised layout and materials plans. Mr. Williams stated the petitioner has addressed all concerns from the Planning Department's July 5th memorandum. Derek Roach, Vanasse & Associates, Inc., stated he did the trip generation analysis and used land use code 151 mini warehouse. Mr. Roach stated there is an increase of box units from 1,600 to about 2,400, which is an increase of 800 units. Mr. Roach stated he ran both numbers and got a net increase for site of 150 weekday daily trips, with 10 during peak, 13 during evening, and 130 daily on Saturday, and 21 on Saturday midday. Mr. Roach stated this gives a max increase of peak hours is 21. Mr. Roach stated for comparison, that the signal at Olympia Avenue/Washington Street intersection is 45 cycles

per hour, which is an additional trip very two light cycles. Mr. Roach stated this is a small amount of trips. Mr. Roach stated he is happy to take questions. Councilor Mercer-Bruen thanked the presenters. Councilor Mercer-Bruen stated there is a lot of moving parts and that this is a pretty big expansion. Councilor Mercer-Bruen stated that this is a big ask since the rules are not being followed and that she wants this to go to Special Permits Committee. Councilor Mercer-Bruen stated there were very specific concerns from the City Engineer Memo and that he recommends the petitioner provide \$8,500 towards an applied traffic signals. Councilor Mercer-Bruen stated she is looking for the complete development impact statement from the city engineer and what the total development cost is going to be from the petitioner. Attorney Tarby stated that \$8,500 was not suggested by the petitioner, it was provided by the City Engineer. Councilor Mercer-Bruen stated that she has not heard from the Conservation Commission yet and she is not comfortable until they have done so. Councilor Mercer-Bruen stated that the stacking of boxes and the explanation from U-Haul to solve issue from the fire department is not going to cut it unless detailed plan and signature of the fire department. Attorney Tarby stated that Lt. Foley of the Fire Department has been down. Councilor Mercer-Bruen stated regarding Cummings Properties concerns, she would like to participate in that meeting. Councilor Mercer-Bruen stated she was concerned with two-way traffic onsite and the way the site looks when you are on the highway. Attorney Tarby stated that two-way traffic is referring to Normac Road and access easement. Councilor Mercer-Bruen stated that it is going down Olympia Avenue behind the Cummings building and before Genesis. Attorney Tarby stated Cummings Properties is asking to provide traffic out and no entrance signs. Mr. Williams stated that the parking lot will be striped for two lane movement internally. Councilor Mercer-Bruen stated that the map looks much better then when actually driving by the site. Councilor Mercer-Bruen stated the Toyota building is a beautiful building. Councilor Mercer-Bruen stated that the petitioner needs to make adjustments to clean up and organize the site as it looks messy. Councilor Mercer-Bruen stated she is not totally opposed to the project. Councilor Gately stated he did not completely understand the changes and that the petitioner needs to contact DPW and Engineering Department. Mr. Williams stated there have been extensive discussions with both department heads. Mr. Williams stated the original plan had a new detached building, which the departments were not happy with, thus now the water and sewer will be from the old building and then there will be a new gas line. Upon inquiry from Councilor Gately, Mr. Williams stated the boxes are various sizes: 4 x 8; 8 x 10 and are based on needs. Mr. Williams stated there will be a big giant room and provisions were made to drive into the building to unload the storage rooms. Upon inquiry from Councilor DiMambro, George White, U-Haul Woburn, stated that the U-boxes are 5 x 8, and the storage rooms are completely different. Mr. White stated that the U-boxes come off a truck and are contactless delivery and are shipped from different states or locally, and U-Haul uses a forklift to move them. Mr. White stated with the new building the truck can pull in and the U-boxes can be offloaded with a forklift. Mr. White stated there is ventilation, and they are stacked 5 boxes high. Councilor Dillon stated he went by and saw that the front of the building was nicely landscaped, the east side had a lot of equipment nicely organized, and the west side had 20 to 30 boxes out that were all mismatched. Councilor Dillon stated it looked good except for those boxes and would like that visual to be improved. Upon inquiry from Councilor Mercer-Bruen, Mr. White stated because of the contactless component, the U-boxes have exploded. Mr. White stated they are not over capacity, but that they want to make it more efficient with

the forklift being able to drive into the building. Mr. White stated that that there is currently not enough time, and the capacity is 2,000 pounds. Councilor Mercer-Bruen stated that it seems to be more about how the company handles that. Attorney Tarby stated that as part of the process, the petitioner had a meeting with Planning Director, Lt. Poole and Nee from the Fire Department, the Building Inspector, and City Engineer to review the proposal and provide feedback. Upon inquiry from Councilor Mercer-Bruen, City Clerk Higgins stated that the Planning Director usually assembles the comments from different departments and incorporates into her letter to the City Council. 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 wanted a committee meeting on this matter and that she would be missing the next two Mondays. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON August 16, 2022, AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

On the petition by ECA NEMA Brightfields I, LLC and ECA NEMA Brightfields II, LLC, 282 Moody Street, No. 202, Waltham, Massachusetts 02453, request for special permit and site plan review pursuant to the 1985 Woburn Zoning Ordinance, as amended, Section 12 and Section 26, to modify existing 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. PUBLIC HEARING OPENED: A communication dated July 5, 2022, was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: PLANNING DEPARTMENT COMMENTS ON APPLICATION FOR MODIFICATIONS TO A PREVIOUSLY-GRANTED SPECIAL PERMIT AUTHORIZING CONSTRUCTION OF SOLAR FIELDS AT 39 ATLANTIC AVENUE AND 134 COMMERCE WAY / ECA NEMA Brightfields I LLC and ECA NEMA Brightfields II LLC

Dear Council:

The Planning Department has reviewed the above-referenced Special Permit application which requests permission make several modifications to the Plan of Record approved at the time a Special Permit was granted on June 10, 2021. Modifications consist of relocating the proposed driveway on Atlantic Avenue in order to avoid conflicts with recently-installed utilities and minor site work associated with the relocation; and relocating various solar panels in both the southern and northern solar arrays in order to accommodate the wishes of the Woburn Conservation Commission, either to safeguard the 25' No Disturb Zone around several wetlands resources or to minimize site disturbances and changes to the cap surface.

Planning staff hosted a department meeting with the Petitioners on Tuesday, July 5, 2022. Attendees included the Engineering, Fire, Planning, and Inspectional Services departments. City staff confirmed that the plan filed with the Council is up to date and accurately reflects

current, existing lot lines. The Petitioner also stated that all needed EPA approvals have been obtained.

The following comments and recommendations were made during the department meeting:

- A significant number of solar panels are being relocated to an area immediately adjacent to the driveway leading from the Anderson/Woburn Regional Transportation Center to Commerce Way. The existing light poles along this driveway are owned by MassPort and many appear to be in questionable (poor) condition. Inspectional Services and Fire Department personnel are concerned with the condition of the poles at present as they present a potential safety risk to both humans and equipment, including the planned solar array.
- A Knox Box, Knox Padlock, or similar device meeting the Fire Department's approval should be required on every gate at every point of access, to ensure/facilitate ease of access by the Fire Department when needed.
- The Council should consider imposing a condition of approval that requires the Petitioner's management team and its contractor to provide access and mitigation training for Fire Department personnel, prior to "energizing" the proposed fields for use. The condition should also require the Petitioner to provide additional training to City personnel any time there is an update/upgrade or change to the solar photovoltaic installation that might impact emergency responses to the site.

If you have any additional questions please feel free to contact me.

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

Motion made and 2nd that all communications be received and made part of the permanent record, all in favor, 9-0. Appearing for the petitioner, Andrew Bunnell, General Counsel for ECA Solar, 282 Moody Street, Waltham, Massachusetts 02453, stated they are here again for the solar arrays at the Industrial plex Woburn site with updates to the original special permit issued in July 2021. Mr. Bunnell stated he has met with the department heads; they believe that the comments are reflective and accurate of the meeting in the Planning Board Director's letter. Michael Redding, P.E., Director of Civil Engineering, ECA Solar, stated they took into consideration all the comments and went back to the original plan fairly to it. Mr. Redding stated the only significant changes they had was to relocate the driveway along Atlantic Avenue because of infrastructure being installed, so they updated the driveway. Mr. Redding stated the road alignment is slightly modified for that entrance but ends up where that previous design had it. Mr. Redding stated as far as that lower parcel, the Phase I area, it pretty much stays the same, but the array panel layout has been modified to allow a different panel size to improve the location to not allow a steeper slope to minimize grading and disturbance done at the site. Mr. Redding stated the northern parcel changes were made to accommodate concerns of the Conservation Commission to move away from steeper slopes and the wetlands. Mr. Redding stated some changes with alignment with new utility poles, with some that cut across the field and existing driveway which will now be removed to put

the arrays. Mr. Redding stated that Eversource wanted a gravel pathway in southern area the lot to get to the poles, which comes off the existing driveway, to provide 24-hour access. Mr. Redding stated these were all the major change provided to date. Upon inquiry from Councilor Gately, Mr. Bunnell confirmed he met with DPW and Engineering departments, as well as Conservation. Mr. Bunnell stated that there were no restrictions, and the petitioner has an approved Order of Conditions from the Conservation Commission. Councilor Gately stated there is nothing that is jumping out at him from the last time. Mr. Bunnell stated the petitioner looked at the poles in the letter and one pole needs some care, but it is operated by MassPort, and the petitioner will let them know. Councilor Mercer-Bruen stated the petitioner has been here a lot, and that she would like to add some conditions: 1. The date of the site plan of record is June 8, 2022; 2. The Petitioner shall be responsible for the disposal of solar panels or equipment that become obsolete in perpetuity; 3. The Petitioner shall attach the approval letters from the EPA, Woburn Conservation Commission, and Woburn Fire Department to the petition; 4. A Knox Box, Knox Padlock, or similar device meeting the Fire Department's approval shall be required on every gate at every point of access, to ensure/facilitate ease of access by the Fire Department when needed; 5. The Petitioner's management team and its contractor shall provide access and mitigation training for Fire Department personnel, prior to "energizing" the proposed fields for use. In addition, the Petitioner shall provide additional training to City personnel any time there is an update/upgrade or change to the solar photovoltaic installation that might impact emergency responses to the site. Mr. Redding stated to energize the facility, the petitioner needs to get final approval from Eversource. Mr. Redding stated at that point the petitioner will provide training, which is usually a one-time event with key officials there and then provide written guides. Mr. Redding stated if the petitioner were to change something they would train on the changes. Mr. Redding stated the petitioner wants local officials trained on that and to be comfortable with it. Councilor Mercer-Bruen stated the petitioner did a great job and thanked the petitioner for their patience. Mr. Bunnell thanked the council for its comments. Upon inquiry from Councilor DiMambro, Mr. Bunnell confirmed the petitioner maintains the site. 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 grant the special permit and site plan review with the five conditions as outlined. Before the vote was called, there was a motion made and 2nd to add a sixth condition: All conditions of the existing special permit shall remain in effect, all in favor, 9-0. On the main motion as amended - Motion made and 2nd to GRANT THE SPECIAL PERMIT and SITE PLAN REVIEW with the following six (6) conditions: 1. The date of the site plan of record is June 8, 2022; 2. The Petitioner shall be responsible for the disposal of solar panels or equipment that become obsolete in perpetuity; 3. The Petitioner shall attach the approval letters from the EPA, Woburn Conservation Commission, and Woburn Fire Department to the petition; 4. A Knox Box, Knox Padlock, or similar device meeting the Fire Department's approval shall be required on every gate at every point of access, to ensure/facilitate ease of access by the Fire Department when needed; 5. The Petitioner's management team and its contractor shall provide access and mitigation training for Fire Department personnel, prior to "energizing" the proposed fields for use. In addition, the Petitioner shall provide additional training to City personnel any time there is an update/upgrade or change to the solar photovoltaic installation that might impact emergency

responses to the site; and 6. All conditions of the existing special permit shall remain in effect, all in favor, 9-0.

On the petition by McDonald's Real Estate Company, 110 N. Carpenter Street, Chicago, Illinois 60607, request for a special permit pursuant to the 1985 Woburn Zoning Ordinance, as amended, Section 7.3 and Section 9, to allow for a modification to the Site Plan of Record dated December 2, 2011 within the Floodway as follows: 1. Relocation of the trash enclosure; 2. Reconfiguration of the existing full access drive to an entrance only drive which reconfiguration was previously approved as part of the Vale/Hill Street widening project; 3. New full access drive, previously approved as part of the Vale/Hill Street widening project; 4. The existing exit lane flowing against the drive-thru traffic to be removed and the landscape area to be expanded; 5. Replacement of existing utility pole transformer and new connection to underground conduits; and 6. Connection to public sidewalk, [please see Sheet C-301 entitled: "Proposed Layout Exhibit" dated April 20, 2022, as revised on June 7, 2022, prepared by Bohler, 352 Turnpike Road, Southborough, Massachusetts 01772], at 333 Montvale Avenue. PUBLIC HEARING OPENED: Motion made and 2nd that all communications be received and made part of the permanent record, all in favor, 9-0. City Clerk Higgins stated there is no Planning Board Letter yet. Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801, stated he had Eric Dubrule with Bohler Engineering with him. Attorney Tarby stated this is a request to modify the site plan of record dated December 2, 2011 which includes: Relocation of the trash enclosure; Reconfiguration of the existing full access drive to an entrance only drive which reconfiguration was previously approved as part of the Vale/Hill Street widening project; New full access drive, previously approved as part of the Vale/Hill Street widening project; The existing exit lane flowing against the drive-thru traffic to be removed and the landscape area to be expanded; Replacement of existing utility pole transformer and new connection to underground conduits; and Connection to public sidewalk out onto Hill Street. Attorney Tarby stated it is nonconforming, because in 1970 fast-food was allowed by right, and now it is allowed by special permit in the B-I zoning district. Attorney Tarby stated this project is directly connected to the Hill Street Reconstruction Project which the City Council already approved. Attorney Tarby stated that November 12, 2019, redevelopment agreement requires in phase one to provide two exit lanes with one entrance lane. Attorney Tarby stated on June 16, 2021, there was a street widening agreement entered into by Woburn, MassDOT, McDonalds, and Montvale Land, LLC. Attorney Tarby stated the parties all granted easements and traded land to allow for the Hill Street traffic mitigation to be completed, which included: the widening of Hill Street, the construction of a new commuter parking lot, which is bigger, paved, and spaces lined. Attorney Tarby stated this also allows a full access driveway in the rear of the property. Attorney Tarby stated traffic will just be in, not in and out, and then they will go out Hill Street. Attorney Tarby stated all entrances to the commuter lot. Eric Dubrule, Bohler Engineer, stated the project will improve the internal site circulations to resolve concerns. Mr. Dubrule stated there existing conditions are as follows two driveways on Montvale Avenue, entrance only, and Hill Street, full access drive. Mr. Dubrule stated all the traffic comes from the front to the rear and exit back onto Hill Street. Mr. Dubrule stated that the

confliction causes congestion. Councilor Campbell asked if the plans could be lifted on the easel. Councilor Mercer-Bruen stated she was not sure if anyone could see that. Upon inquiry, Attorney Tarby stated the plan they are looking at is C3-01 was in their packet to look at. Mr. Dubrule stated prior approval allowed full access driveway was added to the rear of property to allow for an exit. Mr. Dubrule stated they are removing that conflict point to alleviate traffic. Mr. Dubrule stated they are adding landscaping to the site, relocating the trash corral, restriping property, and the counterclockwise movement will now be clockwise to help circulation of the drive thru. Councilor Mercer-Bruen state she would like a condition that all spaces will be painted and maintained annually, anybody can tell that site is difficult to move around. Councilor Mercer-Bruen stated she would like to see the comments. Upon inquiry from Councilor Demers, Attorney Tarby stated the Montvale Avenue access point will remained opened. 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. Before the motion was called to a vote, Councilor Demers stated that the matter should either be sent to committee or laid on the table. Attorney Tarby stated that he assumed this project was part of the agreement. Councilor Demers stated he was not made aware of this agreement. Upon inquiry, City Clerk Higgins sated that she did not know the schedule. At this time both the motion and 2nd regarding closing the public hearing were withdrawn. Councilor Gately stated he did not want to stop on toes. Councilor Mercer-Bruen stated she would reach to the department heard before the meeting in August. Councilor Campbell stated that she would like to see the comments before she votes on it. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON August 16, 2022, all in favor, 9-0.

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 \$246,738.31 be and is hereby transferred as so stated

From:	Mayor Salary Adjustment / FY2023	
	Acct# 0112151-511019	\$246,738.31
To:	Various Department Salaries	\$246,738.31
Purpose:	Contract Settlement & Commitments	
	Teamsters Contract Settlement FY2023	

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

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

s/President Michael P. Concannon

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

Presented to the Mayor: July 21, 2022

s/Scott D. Galvin July 21, 2022

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

ORDERED That the sum of \$29,000.00 be and is hereby transferred as so stated

From:	Stabilization-Affordable Housing	
	Acct# 704159-596100	\$29,000.00
To:	Planning Consultant/Peer Review	\$29,000.00
	Acct# 0117252-530500	

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

s/President Michael P. Concannon

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

Presented to the Mayor: July 21, 2022

s/Scott D. Galvin July 21, 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 Title 2, Article XXVII, Section 2-180 of the 1989 Woburn Municipal Code, as amended, be further amended as follows:

1. That the base salary of the City Auditor be amended to \$110,998.84;
2. That the base salary of the City Clerk be amended to \$91,287.41;
3. That the base salary of the Clerk of City Council be amended to \$12,698.88;
4. That the base salary of the Clerk of Board of Registrars of Voters be amended to \$12,698.88;

5. That the base salary of the Human Resources Director be amended to \$107,768.35;
6. That the base salary of the Library Director be amended to \$107,111.69;
7. That the base salary of the City Solicitor be amended to \$108,707.80;
8. That the base salary of the Superintendent of Public Works be amended to \$132,680.95; and
9. That this section shall be effective July 1, 2021.

Be it further Ordained by the City Council of the City of Woburn that Title 2, Article XXVII, Section 2-180 of the 1989 Woburn Municipal Code, as amended, be further amended as follows:

1. That the base salary of the City Auditor be amended to \$113,218.82;
2. That the base salary of the City Clerk be amended to \$93,113.16;
3. That the base salary of the Clerk of City Council be amended to \$12,952.86;
4. That the base salary of the Clerk of Board of Registrars of Voters be amended to \$12,952.86;
5. That the base salary of the Human Resources Director be amended to \$109,923.72;
6. That the base salary of the Library Director be amended to \$109,253.92;
7. That the base salary of the City Solicitor be amended to \$110,881.96;
8. That the base salary of the Superintendent of Public Works be amended to \$135,334.57; and
9. That this section shall be effective July 1, 2022.

Be it further Ordained by the City Council of the City of Woburn that Title 2, Article XXVII, Section 2-180 of the 1989 Woburn Municipal Code, as amended, be further amended as follows:

1. That the base salary of the City Auditor be amended to \$115,483.20;
2. That the base salary of the City Clerk be amended to \$94,975.42;
3. That the base salary of the Clerk of City Council be amended to \$13,211.92;
4. That the base salary of the Clerk of Board of Registrars of Voters be amended to \$13,211.92;
5. That the base salary of the Human Resources Director be amended to \$112,122.19;
6. That the base salary of the Library Director be amended to \$111,439.00;
7. That the base salary of the City Solicitor be amended to \$113,099.60;
8. That the base salary of the Superintendent of Public Works be amended to \$138,041.26; and
9. That this section shall be effective July 1, 2023.

s/President Michael P. Concannon

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

Presented to the Mayor: July 21, 2022

s/Scott D. Galvin July 21, 2022

PUBLIC SAFETY AND LICENSE:

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

Transfer of Second-Class Motor Vehicle Sales License from Capelo’s Auto Service, Inc. dba J.C. Auto Sales to JFSO Auto Sales, LLC at 84-86 Winn Street.

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

Presented to the Mayor: July 21, 2022

s/Scott D. Galvin July 21, 2022

LIAISON:

Review and Potential Approval of Settlement Agreement for NAI Entertainment Holdings LLC v. Woburn City Council.

Motion made and 2nd to receive and make part of the permanent record the following Settlement Agreement, all in favor, 9-0.

SETTLEMENT AGREEMENT

NAI Entertainment Holdings LLC (“NAI EH”) and the City Council of the City of Woburn (the “Council”) enter into this Settlement Agreement (the “Agreement”) as of this ___ day of July, 2022 (the “Effective Date”). NAI EH and the Council are collectively referred to herein as the “Parties.”

RECITALS

WHEREAS, NAI EH owns certain real property located at 25 Middlesex Canal Park Drive, Woburn, Massachusetts (the “Property”), consisting of approximately 37.3 acres, with the improved portion of the Property identified as Parcel 11 (“Parcel 11”) and Parcel 12 (“Parcel 12”) as shown on the plan entitled “Showcase Cinemas 25 Middlesex Canal Park Drive Woburn, Massachusetts” dated June 10, 2016, last revised August 8, 2016, and prepared by Allen & Major Associates, Inc. (the “Site Plan”); and

WHEREAS, in 1994, National Amusements Inc. (“National”), NAI EH’s predecessor in title and the former operator of the Showcase Cinema located on the Property, received a special permit (the “Special Permit”) pursuant to an Agreement for Judgment with the

Council dated May 6, 1994 (the “Agreement for Judgment”), filed in Land Court proceeding Miscellaneous Case No. 137292; and

WHEREAS, the Special Permit contained 33 conditions and one “General Condition,” which provided that “for such time as National, its heirs, successors or assigns, uses any portion or part of the Site for purposes of a movie theater or cinema, National, . . . will not build upon, develop and/or make another use of the Site, or any portion or part thereof, in any manner or form whatsoever except as and for a movie theater or cinema and motor vehicle parking incidental thereto. . .”; and

WHEREAS, on or about October 18, 2016, the Council granted, in part, NAI EH’s application to modify the Special Permit to delete Condition No. 17, which had required the construction of sidewalks and installation of lighting from Main Street along Middlesex Canal Park. The modification decision also provided that, “[e]xcept as modified herein, all other conditions of the [Special Permit] shall remain in full force and effect.”; and

WHEREAS, on or about January 27, 2017, NAI EH filed a petition (the “Petition”) to further modify the Special Permit; and

WHEREAS, through the Petition, NAI EH sought to (1) make the Site Plan the plan of record with respect to the Property and (2) make the General Condition applicable to Parcel 11 only; and

WHEREAS, after hearing, the Council denied the Petition through a Decision of Denial (the “Decision”) which was filed with the Woburn City Clerk on March 9, 2017; and

WHEREAS, on about March 27, 2017, NAI EH filed a lawsuit against the Council in the Land Court for the Commonwealth of Massachusetts, bearing the caption *NAI Entertainment Holdings LLC v. Woburn City Council, et al.*, Land Court Docket No. 17 MISC 000162 (DRR) (the “Lawsuit”); and

WHEREAS, in the Lawsuit, NAI EH appealed the Decision and sought an order annulling the Decision and approving relief requested in the Petition, while, for its part, the Council defended the Decision and denied that NAI EH was entitled to any of the relief it sought; and

WHEREAS, on or about January 7, 2020, the Land Court issued an order referring the Lawsuit to mediation; and

WHEREAS, after mediation the Parties’ continued to have settlement discussions, , and in order to avoid the further costs, delay and risks of litigation, the Parties have agreed to settle the Lawsuit pursuant to the terms of this Agreement.

NOW THEREFORE, in consideration of the mutual promises and undertakings contained herein, and for good and other valuable consideration recited herein, the receipt and sufficiency of which are acknowledged, the Parties agree as follows:

1. Amendment of Special Permit: The Special Permit shall be amended as follows:

- a. The Plan of Record shall be the Site Plan entitled “Showcase Cinemas 25 Middlesex Canal Park Drive Woburn, Massachusetts” dated June 10, 2016, last revised August 8, 2016, and prepared by Allen & Major Associates, Inc., which shall become the Plan of Record for purposes of the Agreement for Judgment and any Special Permit issued by the City Council in connection with the Agreement for Judgment.
- b. The General Condition will not be applicable to Parcel 12 after the Effective Date.
- c. The General Condition will continue to remain applicable to Parcel 11 after the Effective Date.
- d. Except as modified herein, all other conditions of the Special Permit shall remain in full force and effect.

2. New Special Permit Required for Future Use of Parcel 12: Notwithstanding any language to the contrary contained in the 1985 City of Woburn Zoning Ordinance, as amended, any future use of Parcel 12, except a use by NAI EH for a cinema and motor vehicle parking incidental thereto, shall require a special permit; provided, however, that if NAI EH markets and proposes to sell Parcel 12 for development and use as an assisted-living facility, any such future proposed use shall not require a special permit, but will be subject to site plan review, with such site plan review to be conducted by the City Council and not the City Planning Board or other municipal board.

2. Conservation Commission Approval Regarding Parcel 12: Any future development and use of Parcel 12 will be subject to any approvals required by the City of Woburn Conservation Commission.

3. Drainage System Work on Property: The Parties agree that performance of the drainage system work identified in Exhibit A hereto (the “Drainage Work”) is necessary and appropriate at the Property. The Drainage Work will be performed as follows:

- a. NAI EH will arrange for the payment and performance of Drainage Work relating to the drainage system servicing Parcel 11. However, NAI EH will not be responsible for the payment or performance of any such Drainage Work relating to Parcel 11 unless and until Parcel 12 has been sold and permitted for development, and only once such development is actually underway.
- b. In connection with any sale and permitted development of Parcel 12, NAI EH will contractually ensure that the developer of Parcel 12 is responsible for the

payment and performance of any Drainage Work relating to the drainage system servicing Parcel 12.

- c. The Drainage Work relating to the drainage system(s) servicing both parcels will be coordinated to the extent reasonably appropriate.
- d. The foregoing Drainage Work, as defined, is in addition to and separate from any routine maintenance and cleaning of the drainage system(s) that NAI EH may perform at the Property and nothing in this Agreement affects any Party's rights or obligations in connection with such routine maintenance and cleaning.

4. Amendment of Agreement for Judgment: The Parties will seek approval from the Land Court to amend the Agreement for Judgment, and to issue any related order(s), to incorporate and effectuate the terms of this Agreement.

5. Dismissal of Lawsuit: After the Land Court issues an Order Amending the Agreement for Judgment, the Parties will take any further steps necessary to close the Lawsuit.

6. No Admission of Liability. Each of the Parties acknowledge that this Agreement is a compromise of a disputed claim and that the undertakings agreed to hereunder shall not be construed as an admission of any liability by either Party.

7. City Council Approval at Public Meeting: This Agreement shall not become effective unless and until it is voted upon and approved at a duly scheduled and constituted meeting of the City Council and such a vote is a condition precedent to any Party's further performance hereunder.

8. General Provisions:

- a. This Agreement shall be binding on and will inure to the benefit of the Parties hereto and their respective successors and assigns.
- b. A determination that any provision or provisions of this Agreement is invalid, illegal or otherwise unenforceable in any respect in any instance shall not affect the validity, legality or enforceability of any other provision or provisions of this Agreement.
- c. This Agreement may be executed in identical counterparts, each of which shall be deemed an original, and each of which shall constitute one and the same instrument. A facsimile or electronic copy of a signature is valid as an original.
- d. The Parties hereto agree that the Agreement constitutes the entire agreement between the Parties relating to the subject matter of the Agreement and that

there are no other agreements, understandings, representations or warranties made or given, except as expressly set forth herein. All prior agreements, understandings, letters and/or communications relating to the subject matter of the Agreement shall be null and void and shall be superseded by the Agreement, except as expressly set forth herein. This Agreement may not be changed orally, but only by an agreement in writing, duly executed by or on behalf of the Party or Parties against which enforcement of any waiver, change, modification, consent, or discharge is sought.

- e. This Agreement shall be governed by and construed according to the laws of the Commonwealth of Massachusetts.
- f. The Parties acknowledge that they have executed this Agreement voluntarily and of their own free will and that each has had the opportunity to seek the advice of legal counsel in connection with the negotiation, preparation and review of this Agreement and that they fully understand the scope and effect of each provision contained herein.

[Signatures appear on following page.]

IN WITNESS WHEREOF, each of the Parties has set his or its hand and seal as of the date set forth above.

NAI Entertainment Holdings LLC

By:
Its:
Duly Authorized

City Council of the City of Woburn

By: Michael Concannon, Councilor-at-Large
Its: President
Duly Authorized: July 19, 2022

Councilor Demers stated he wanted to give the highlights of the process for the benefit of the public. Councilor Demers stated NAI petitioned to change existing conditions to subdivide,

which was denied. Councilor Demers stated NAI sued for the ability to subdivide or remove condition restricting that. Councilor Demers stated the Council was advised by the City Solicitor that NAI's standing would be found sympathetically by a judge due to the changes on their business model and industry. Councilor Demers stated the Council directed the City Solicitor to settle with terms requiring any and all proposals, including those allowed by right, to be subject to the special permit process. Councilor Demers stated that the settlement also codifies NAI's responsibility for drainage work that needs to be addressed along all parcels owned by or subdivided by NAI such as detention ponds, outlet pipes, cleaned catch basins, hydraulic controls on detention ponds to be inspected, repaired, and replaced as necessary. Motion made and 2nd that the City Council enter into the Settlement Agreement with NAI Entertainment Holdings LLC in Land Court Miscellaneous Case No. 137292, and that the Councilor Concannon as President of the City Council, be authorized to sign the Settlement Agreement on behalf of the City Council. Before the motion was called to a vote, Councilor Dillon stated the appreciated Councilor Demers going over this because it is important for the public to know that a lot of work went into this, including community meetings, and City Council meetings. Councilor Dillon stated we will see if this is a perfect deal, but that he thinks this is the best thing for the community at this point. Councilor Viola thanked Councilor Demers and stated that this is the right thing and allows the City Council to allow what is going in that area. Councilor Gately stated he has no problem singing on, but he is not getting bullied with anything with people. Councilor Gately stated he holds this against them. Councilor Gately stated you made an agreement end of story and now the owners want us to bow down. Councilor Gately stated he is not doing that, he wants the owners to keep their promises and the City Council should not agree. On the main motion - Motion made and 2nd that the City Council enter into the Settlement Agreement with NAI Entertainment Holdings LLC in Land Court Miscellaneous Case No. 137292, and that the Councilor Concannon as President of the City Council, be authorized to sign the Settlement Agreement on behalf of the City Council, all in favor, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - No; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes; MOTION PASSES.

CITIZEN'S PARTICIPATION: None.

COMMUNICATIONS AND REPORTS

A communication dated June 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 May 2022: Number of Violations Issued 228, Numbers of Violations Paid 113, Number of

Violations Outstanding 109, Amount collected and submitted to Collectors Office \$19,040.00, Parking fines referred to the Handicap Commission \$3,600.00.

There is a backlog of 1587 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.

A communication dated July 1, 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 April 1, 2022 thru June 30, 2022.

8 Russell Court Owner has communicated with office and has started to clean exterior grounds, site is being monitored weekly for progress.

43-45 Church Street owner failed to comply with Court Order on resolving fines, a criminal complaint has been filed with court.

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 pursuant to the Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6, the

Police Chief is hereby authorized to dispose of the following vehicles and equipment which the Police Chief has determined is of no value to the department and which no other department has expressed an interest in obtaining.

<u>Year</u>	<u>Make/Model</u>	<u>VIN</u>
2004	Toyota Sienna	5TDZA23C14S167105

s/President Michael P. Concannon

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

Presented to the Mayor: July 21, 2022 **s/Scott D. Galvin July 21, 2022**

ORDERED Be it Ordained by the City Council of the City of Woburn, that pursuant to the Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6, the Superintendent of the Parks Department is hereby authorized to dispose of the following vehicles and equipment which the Superintendent of the Parks Department has determined is of no value to the department and which no other department has expressed an interest in obtaining.

<u>Year</u>	<u>Make/Model</u>	<u>VIN</u>
2005	Ford F-350	2FAFP71W85X118720
2002	GMC 3500	1GDJK34U82E225426
1999	Ford F-350	2FDKF38GXSCA69263
1995	Jacobsen Mower	

s/President Michael P. Concannon

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

Presented to the Mayor: July 21, 2022 **s/Scott D. Galvin July 21, 2022**

ORDERED Be it Ordained by the City Council of the City of Woburn, that pursuant to the Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6, the Superintendent of Public Works is hereby authorized to dispose of the following vehicles and equipment which the Superintendent of Public Works has determined is of no value to the department and which no other department has expressed an interest in obtaining.

<u>Year</u>	<u>Make/Model</u>	<u>VIN</u>
2006	Ford Crown Vic	2FAFP71W56X110074
2006	Ford F-350	1FDWF31536EC60405
2001	Ford Taurus	1FAFP53U61A170446
1999	Ford F-350	1FDWF37L4XEA90918
2008	Ford Taurus	1FAHP27W98G132607
2002	Ford F-350	1FTSF31L72EA42950
2006	Ford Crown Vic	2FAFP71WX6X113388
2001	Chevrolet Tahoe	1GNEK13V81J266334
1985	Hyster Forklift	

s/President Michael P. Concannon

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

Presented to the Mayor: July 21, 2022

s/Scott D. Galvin July 21, 2022

ORDERED That the City Council Regular Meeting scheduled for September 6, 2022 is hereby canceled due to the state primary election.

s/President Michael P. Concannon

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

Presented to the Mayor: July 21, 2022

s/Scott D. Galvin July 21, 2022

Motion made and 2nd to suspend the rules and allow for the following two late filing to be added to the Order of the Day, all in favor, 9-0.

ORDERED That the sum of \$218,775.12 be and is hereby transferred as so stated

From:	Mayor's Salary Adjustment Acct# 0112151-511019	\$218,775.12
To:	Various Department	\$218,775.12

SEIU – DPW, Cemetery & Parks Contract Settlement

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

s/President Michael P. Concannon

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

ORDERED That the sum of \$20,000.00 be and is hereby transferred as so stated

From: Traffic Safety & Infrastructure \$20,000.00

To: ACCT# 360058-588405
4 Presidential Way

Study of Truck Traffic on Commerce Way

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

s/President Michael P. Concannon

Upon inquiry from Councilor Mercer-Bruen, City Clerk Higgins stated the request came from the mayor's office. Councilor Mercer-Bruen stated she would reach out to the mayor to see what this request is exactly for. Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON FINANCE, all in favor, 9-0.

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

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:20 p.m.

A TRUE RECORD ATTEST:

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