

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

Roll Call

Campbell	Ferullo
Demers	Gately
Dillon	Mercer-Bruen
DiMambro	Viola
Concannon	

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

MAYOR’S COMMUNICATIONS:

A communication was received from His Honor Mayor Galvin dated November 11, 2022 as follows:

Dear President Concannon and Council members:

In accordance with section 12 of The City of Woburn Charter, enacted by virtue of special legislation approved as Chapter 374 of the acts of 1888, and revised by the legislature by Chapter 172 of The Acts of 1897, I am calling for a Special meeting of The Woburn City Council to be held on Thursday, December 1, 2022 at 6:00 pm.

The purpose of the meeting is for the City Council to hold its annual tax classification hearing. At this hearing, the council will consider whether to shift a portion of the tax levy from residential taxpayers to commercial, industrial and business personal property taxpayers. The City Council will vote to determine the relative tax burden to be borne by each class of property by selecting a “residential factor”. The Board of Assessors will present informational material materials to assist the council in its deliberations.

Sincerely, s/ Scott D. Galvin, Mayor

ORDERED That the sum of \$1,076,370.25 be and is hereby appropriated as so stated:

To: Mayor’s Salary Adjustment \$1,076,370.25
Acct# 0112151-511019

Purpose: Pending Contract Settlements

FY 23 Funding

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

ORDERED That the sum of \$171,059.00 be and is hereby appropriated as so stated:

To: Police Reserves \$171,059.00
Acct# 0121051-512700

Purpose: Reservist Training

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

ORDERED That the sum of \$150,000.00 be and is hereby appropriated as so stated:

To: Mayor's Utility Account \$150,000.00
Acct# 0112152-521100

Purpose: Utility Rate Increases

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

NEW PETITIONS:

Petitions for renewal of First Class Motor Vehicles Sales Licenses by the following: Woburn Foreign Motors, Inc., 394 Washington Street; C.N. Wood Enviro, LLC, 200 Merrimac Street; C.N. Wood Company, Inc., 200 Merrimac Street; and Woodco Machinery, Inc., 22 North Maple Street.

Petitions for renewal of Second Class Motor Vehicles Sales Licenses by the following: Oliver M. dba McDermottroe Auto Sales, 229 Lexington Street; George's Auto Body of Woburn, Inc., 19 Jefferson Avenue, #C; Nicolas Saba dba Montvale Service, 289 Salem Street; Robert McSheffrey dba Bob McSheffrey Auto Sales, 880 Main Street; Southside Associates, Inc. dba Burke's Garage, 71 Main Street; Donald J. Socorelis dba Woburn Glass Co., 243 Main Street; Ollie's Service Center, 310 Main Street; Tracy M. Batten dba Tracy's Auto Sales, 62R Winn Street; Murray's Enterprises, Inc. dba Murray's Auto & Truck Sales, 89 Winn Street; and Woburn Gas & Service, Inc., 545 Main Street.

Petition by Chhear Hang, 66 Kent Road, Lynn, Massachusetts 01904, for special permit and site plan review pursuant to Section 5.1(29) and Section 12 of the WZO, to allow for a fast food restaurant, at 317 Main Street a/k/a 315 Main Street.

A communication dated November 7, 2022, was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Suite 502, Woburn, Massachusetts 01801 as follows:

Re: Request for Minor Modification to Landowner's Decision and Notice of Special Permit dated December 3, 2020, as modified by Notice of Modification of Special Permit dated October 12, 2021/Lahey Hospital & Medical Center, 8 Presidential Way, Woburn, Massachusetts (the "Decision")

Dear Ms. Higgins:

Please be advised that I represent Lahey Hospital & Medical Center in connection with the above-referenced matter. On behalf of my client I respectfully request that Condition 3 of the Decision be modified to allow for a further extension of one (1) year to December 3, 2023 for the drive thru COVID-19 testing facility at 8 Presidential Way, Woburn, Massachusetts.

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 request for a one (1) year extension for the COVID-19 Test Facility is a minor modification that does not affect the overall layout of the site as well as all of the existing conditions.

On behalf of my client I respectfully request that the City Council approve the request for a one (1) year extension to December 3, 2022 as a minor modification. If you need any additional information please contact me. Thank you.

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

A communication dated November 9, 2022, was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Suite 502, Woburn, Massachusetts 01801 as follows:

Re: Request for Minor Modification to Landowner's Decision and Notice of Special Permit dated November 17, 2021, as modified by Notice of Modification of Special Permit dated February 11, 2022, Seaver Properties LLC, 7 Dexter Avenue, Woburn, Massachusetts (the "Decision")

Dear Ms. Higgins:

Please be advised that I represent Seaver Properties LLC in connection with the above-referenced matter. On behalf of my client I respectfully request that the Decision be amended by amending Condition (2f) which states: "Prior to the applicant's request for an occupancy permit, temporary or permanent, for any of the structures and/or dwelling units on the premises, the following offsite mitigation shall be completed by the Petitioner and approved by the City Engineer." 2(f) "At the intersection of Merrimac Street and School Street, the Petitioner shall construct a perpendicular intersection at Merrimac Street and School Street, as shown on a plan entitled "Concept Plan Roadway Widening, Merrimack Street, School Street, Woburn, Massachusetts." prepared by the City of Woburn Engineering Department, 10 Common Street, Woburn, Massachusetts 01801 dated December 5, 2018.

The proposed amendment is as follows: 2(f) "Prior to the issuance of the occupancy permit, temporary or permanent for the final unit, or October 31, 2023 whichever is earlier, the Petitioner shall complete the required work at the intersection at Merrimack Street and

School Street substantially as shown on the plan entitled “Intersection Reconstruction Plan Merrimack & School Streets Woburn, MA 01801” prepared by ALAN Engineering L.L.C. 118 Winn Street, Suite 209, Woburn, MA 01801 (the “Reconstruction Plan”).

I have included herewith ten (10) copies of the above Decision, the Reconstruction Plan and the Concept Plan prepared by the City Engineering Department referenced in Condition 2(f).

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 proposed revision to Condition 2(f) above is a minor modification as noted above that does not affect the overall buildout of the site.

On behalf of my client I respectfully request that the City Council approve the proposed to Condition 2(f) as a minor modification. If you need any additional information please contact me. Thank you.

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

PUBLIC HEARINGS:

On the petition by National Grid for a grant of right in a way to install approximately 1900 feet of 2-inch, plastic gas main in New Boston Street for both new and replacement mains as shown in and accordance with plans.

On the petition by National Grid for a grant of right in a way to install approximately 60 feet of 4-inch, plastic gas main in Grape Street to connect to an existing main in Albany Street as shown in and accordance with plans.

On the petition by Verizon New England, Inc. for a grant of right in a way to install: (1) four (4) four-inch conduits approximately 244 feet from existing manhole 204A to the DOT/City jurisdiction line at the intersection of Montvale Avenue and Hill Street; and (2) four (4) four-inch (4") conduits approximately seven hundred six (706) feet in length with two (2) manholes on Hill Street. Starting from the DOT/City jurisdiction line at the intersection of Montvale Avenue and Hill Street place $\pm 60'$ southeasterly to proposed manhole, MH1, then an additional $\pm 350'$ of conduit to proposed manhole, MH2. From MH2 place $\pm 96'$ of conduit easterly to the private property line of 1 Hill Street and then an additional $\pm 200'$ of conduit to be placed southeasterly to the private property line at the end of Hill Street. PUBLIC HEARING OPENED: A communication dated October 27, 2022, was received from Anthony Marini, Right of Way Manager, Verizon, 85 High Street, 3rd Floor, Pawtucket, Rhode Island 02860 as follows:

RE: Petition for Verizon job # 1A5PK8F
Montvale Ave and Hill St Woburn, MA

Dear Jay Duran,

This memo is in response to your questions regarding Verizon's proposed conduit installation on Montvale Ave and Hill Street for service to the Vale Project. The four conduits are the same four conduits previously approved for Comcast. I have added the plan prepared by Stantec to the petition package and noted that these are the same group of conduits on our petition plan. Please let me know if you have any additional questions or concerns.

Sincerely, Anthony Marini Right of Way Manager

Further, a communication dated October 27, 2022, was received from Anthony Marini, Right of Way Manager, Verizon, 85 High Street, 3rd Floor, Pawtucket, Rhode Island 02860 regarding "petition for Verizon job # 1A5PK8F Montvale Ave and Hill Street, Woburn, MA"

Further, a communication dated October 27, 2022, was received from Jay Duran, Superintendent, Department of Public Works as follows:

Lindsay,

Based upon the foregoing I recommend approval, as long as the Stantec Plan and Mr. Marini's memo are incorporated into the GOL to clearly memorialize that the same 4 conduits as the GOL for Comcast will be utilized.

Jay

On the petition by Marcelo Goncalves Gonzaga, 708 Main Street, Woburn, Massachusetts, 01801, for a special permit pursuant to Section 5.5 of the 1985 City of Woburn Zoning Ordinance, as amended, to bring in additional fill for a retaining wall, at 708 Main Street. PUBLIC HEARING OPENED: A communication dated November 2, 2022, was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: SPECIAL PERMIT APPLICATION FOR EARTH FILLING ACTIVITIES AT 708 MAIN STREET Marcelo Gongalves Gonzaga

Dear Council:

The Planning Department has reviewed the above-referenced Special Permit Petition which seeks authorization under Section 5.5 of the Woburn Zoning Ordinance (WZO) to import approximately 360 cubic yards of fill to the property at 708 Main Street. The fill has already been brought to the site and was used to re-grade the backyard. This Petition was filed with the Council as a result of enforcement action taken by the Inspectional Services Department. That office found that not only did the work take place without proper permitting but also that some of it encroaches onto land owned by an abutter without the abutter's apparent knowledge.

The lot is not in a Groundwater Protection District or within a 100-year floodplain, according to the City's GIS system. It is, however, adjacent to land owned by the Middlesex Canal Historical Society and in fact the unauthorized encroachment mentioned above was made into the Canal Society's land.

Planning staff discussed the Petition with Building Commissioner Tom Quinn, and the following are our collective comments.

1. The application package includes an August 17, 2022 letter from ALAN Engineering to the property owners which states that "*...the regrading of the rear yard did not alter prior drainage flow patterns and will not adversely impact the (sic) any abutting properties.*" Planning staff defers to the City's Engineering Department in terms of confirming or refuting that assertion.
2. Two plans were submitted with the Petition, both drawn by Ed Farrell. The plan dated October 12, 2022 appears not to be an "existing conditions" plan as the title indicates, but rather a proposed remediation plan in that it shows the retaining wall and (most of the) fencing being relocated onto the Petitioner's property to "cure" the recent encroachments. The Council should require the plan's title be corrected so that it can be properly cited in any decision. The Council should also consider imposing a condition on any grant of the special permit which condition requires the relocation of the retaining wall and fence onto the Petitioner's property.

3. The October 12, 2022 plan appears to show one of the fence posts will remain as an encroachment on the abutting property (the northernmost post along the rear property line). It too should be moved onto the Petitioner's property so that all encroachments are in fact "cured". The plan would need to be revised to reflect this change.
4. The retaining wall is 3' high and the fence is 6' high. Neither was built with a permit, which was required and should have been obtained. If the fence is placed on top of the retaining wall, the combination of the two will result in a fence that exceeds the maximum fence height limit of 6' (Section 5.3.4. of the WZO). The Petitioner or her engineer should consult with the Inspectional Services Department to obtain direction on how the wall and fencing can be placed in a way that avoids creating a zoning violation. That solution should be reflected on the proposed Plan of Record prior to a Council decision on the Petition.
5. Construction of the retaining wall, installation of the fencing, and the re-grading that altered the lot's grades by as much as 3' all took place within close proximity to a resource under the jurisdiction of the Conservation Commission. The Petitioner should contact the Commission immediately, and before any more work is done on site, to determine if a permit from the Commission is needed.
6. Photographs provided with the Petition graphically illustrate the extent to which children at the day care are in routine and intimate contact with soil in the backyard. The pictures beg the question as to whether the fill that was brought onto the site is comprised of acceptable material. The Petitioner should be required to document where the fill came from and that it is clean material.

Thank you for the opportunity to comment on this Petition. Please do not hesitate to contact me if you have any questions about these comments.

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

On the petition by Atlantic Power Cleaning Corp., 92 Merrimac Street, Woburn, Massachusetts 01801, for a special permit to modify the Landowner's Decision and Notice of Special Permit dated May 29, 1997 and Section 5.1(57b) of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for an increase in the indoor accessory storage of commercial vehicles from eight (8) to twelve (12), with all of said commercial vehicles being stored overnight inside an approximately 4,022 square foot addition to the existing building(s) on the Property, at 92 Merrimac Street. PUBLIC HEARING OPENED: A committee report from the Committee on Special Permits was received "ought to pass" subject to the following conditions: 1. The Petitioner shall construct and improve the Site as substantially described on the Plan of Record, which for this project shall be "Proposed Site Plan, Aqua Industrial Holdings, 92 Merrimac Street, Assessor's Map 09, Lot 01, Block 01, Woburn, MA 01801" dated September 12, 2022, revised October 18, 2022, prepared by

Commonwealth Engineering Inc., 27 Cambridge Street, Suite 106, Burlington, MA, 01803, and (hereinafter the “Site Plan”) and elevation plan dated October 17, 2019, prepared by Jason Gove Architect, 5 Autumn Lane, Gloucester, MA 01930, 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. The petitioner shall install lighting on the locus that is dark sky compliant; 3. There shall be a 6-foot fence with a lattice top installed along the easterly boundary of the property line closest to North Maple Street; 4. All storage trailers shall be removed upon completion of the new building and before any occupancy permits, temporary or otherwise, are issued; 5. The landscaping shall conform to the Site Plan; and 6. All vehicles associated with the business must be registered in the City of Woburn.

On the petition by Rumsford Linscott, LLC, 200 West Cummings Park, Woburn, Massachusetts 01801, for special permit pursuant to Section 7.3 of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for a single-story building addition totaling 4,994 gross square feet to a preexisting nonconforming structure, at 35 Cabot Road.

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 November 7, 2022, was received from John E. Corey, Jr. P.E., City Engineer as follows:

Subject: 216 New Boston Street Special Permit

Our memorandum of October 13, 2020, indicated that there were concerns on the hydraulic capacity of the 20 inch VC sewer in New Boston St. that would serve the subject development as well as the upstream development at 316 New Boston St. Since that time, we have in concert with the DPW had several meetings with the applicants engineer, our sewer consultants and the MWRA to find a solution to the concerns.

Based on these meetings, we have determined the following:

- 1) As Built plans of the 20 inch VC sewer indicate that the existing sewer has more than ample hydraulic capacity to serve the existing uses as well as the planned developments. The applicant's engineer has indicated that they will substantiate that this is true with invert data along the pipe. Flow meter data supplied by the applicants engineer indicates that flow in the existing 20 inch VC sewer is 1 to 2 inches which would corroborate that this is true. (See Attachment 1)
- 2) There are two crossings of the MWRA interceptor that encroach into the flow line of their pipe. This conflict was known when the sewer was constructed in 1959. The MWRA indicated that these two crossings can be removed and that the sewer connections can be permitted as local sewer connections in conjunction with an M8 permit. This will restore the full capacity of the MWRA sewer. The MWRA supports this and will assist in the M8 process. (See Attachment 2)

Based on the foregoing, the following conditions will allow the project to go forward:

- The developer shall obtain actual field survey of sewer inverts and calculate the actual hydraulic capacity of the existing 20 inch VC sewer.
- The developer shall work with the MWRA to obtain an M8 permit to eliminate the two sewer cross overs and obtain local sewer connection status for the 20 inch sewer connections that would remain.
- The developer shall pay all costs and perform all work necessary to complete the items noted above. These costs shall be in addition to the infiltration/inflow mitigation fee.

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

Attachments 1 and 2

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 November 7, 2022, was received from John E. Corey, Jr. P.E., City Engineer as follows:

Subject: 216 New Boston Street Special Permit

Our memorandum of October 13, 2020, indicated that there were concerns on the hydraulic capacity of the 20 inch VC sewer in New Boston St. that would serve the subject development as well as the upstream development at 316 New Boston St. Since that time, we have in concert with the DPW had several meetings with the applicants engineer, our sewer consultants and the MWRA to find a solution to the concerns.

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- 4) There are two crossings of the MWRA interceptor that encroach into the flow line of their pipe. This conflict was known when the sewer was constructed in 1959. The MWRA indicated that these two crossings can be removed and that the sewer connections can be permitted as local sewer connections in conjunction with an M8 permit. This will restore the full capacity of the MWRA sewer. The MWRA supports this and will assist in the M8 process. (See Attachment 2)

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- The developer shall work with the MWRA to obtain an M8 permit to eliminate the two sewer cross overs and obtain local sewer connection status for the 20 inch sewer connections that would remain.
- The developer shall pay all costs and perform all work necessary to complete the items noted above. These costs shall be in addition to the infiltration/inflow mitigation fee.

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

Attachments 1 and 2

On the 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; and 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.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

COMMITTEE REPORTS: None.

CITIZEN’S PARTICIPATION: None.

COMMUNICATIONS AND REPORTS: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That the City Council Regular Meeting for December 20, 2022 shall begin at 6:00 p.m.

s/President Michael P. Concannon

RESOLVED That the Committee on Special Permits meet with representatives of Lawless Inc. relative to a special permit issued on January 4, 2022 for the property located at 196 Lexington Street concerning compliance with conditions of the special permit.

s/Councilor Charles Viola

RESOLVED That a communication be sent to the City Engineer requesting an update on the timing of lights causing traffic back up on Washington Street near Cedar/Salem.

s/Councilor Darlene Mercer-Bruen

Motion made and 2nd to ADJOURN.