

**CITY OF WOBURN
DECEMBER 20, 2022 – 6:00 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	

President Concannon had a moment of silence for Mary Laing and Beulah Burnett. President Concannon stated he wanted to have a moment of silence for two woman who contributed greatly to Woburn. President Concannon stated Mary Laing worked for the Woburn Council of Social Concern for over 35 years, most recently as Director of Public Relations and Fundraising, and passed away on December 6, 2022. President Concannon stated Mrs. Burnett was long time member of the Board of Registrars of Voters President Concannon stated that former City Clerk Bill Campbell stated she was a very dedicated to the position and was always there to help before, on, and after Election Day. President Concannon stated she passed away today. President Concannon thanked the woman for their services to the city and send condolences to their families.

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE, all in favor, 9-0.

MAYOR'S COMMUNICATIONS:

ORDERED Be it Ordained by the City Council of the City of Woburn that the Woburn Municipal Code, as amended, be further amended by deleting in its entirety, Title 5, Article XVIII. Marijuana Establishments, Section 5-89 Forbidden.

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

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

NEW PETITIONS:

Petition for renewal of First Class Motor Vehicles Sales Licenses by Gordon Colonial, Inc. dba Colonial Cadillac, 201 Cambridge Road. Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND LICENSE, all in favor, 9-0.

Petitions for renewal of Second Class Motor Vehicles Sales Licenses by the following: E & C Auto Brokers, LLC, 505 Main Street; McSheffrey's-SE, LLC dba McSheffrey's of the South End, 75 Main Street; and Michael R. Celata, II dba Central Automotive, 275 Salem Street. Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND LICENSE, all in favor, 9-0.

Petition for new Livery License for Myra Transportation, 200 Bedford Road, Apt. 4F. Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND LICENSE, all in favor, 9-0.

Petition by Sydney Barrucci, 60 Kilby Street, Woburn, Massachusetts 01801, for a special permit pursuant to the 1985 Woburn Zoning Ordinance, as amended, Section 5.1(33b), to allow muscular therapy, at 100 Sylvan Road a/k/a 100 Trade Center, Suite G-700. Motion made and 2nd that the MATTER BE REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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. PUBLIC HEARING OPENED: A communication dated December 2, 2022 was received from Diana Cuddy, Operations Support, Gas-NE, National Grid, as follows:

Good Afternoon Lindsay,

My apologies that both of these Grants have been continued over the past several months.

As you know I applied at the end of August for both. Days before the October hearing, I received an email requesting a site visit for both locations along with full markouts from DPW. By that time, we had several issues impeding our ability to get the site visit coordinated. Not only is October/November our busiest months in the construction season - trying to get everything all set before the winter moratorium - but there are complexities with these jobs (especially New Boston Street) that require coordination with state agencies. As a result, this on-site meeting request is what is delaying the progression of setting the hearing date. For many reasons It has taken several weeks to coordinate this but now that our

construction season is winding down, I have been assured that the NGrid Supervisor for each job will be able to meet on site with the DPW Director this month.

Regarding New Boston Street, this is a more complex project in terms of timing. We will have to move an existing main to accommodate a MASSDOT road relocation project both in terms of grade and elevation. We have been meeting onsite with the State's Construction Supervisor to discuss the timing. Once this phase of work is completed, we can go in to the second phase of the job which is to extend the main into a new street that will feed a future subdivision. This is the new main that the GOL is for. The road that this main will be installed in does not exist yet, and may not exist for 18 months. The grade is changing several feet and they are building a retaining wall.

Regarding Grape Street, this is more straightforward and could go separately.

Again, I apologize for the delay and please feel free to share any of this with the City Council along with my apologies.

Thank you Lindsay.

City Clerk Higgins stated this is the same letter that was received for the Grape Street petition. Motion made and 2nd that the communication be received and made part of the permanent records, all in favor, 9-0. 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 January 17, 2023, all in favor, 9-0.

On the petition by PPC Event Services, Inc., 36 Cabot Road, Woburn, Massachusetts 01801, for a special permit to allow for: (1) a modification to the Landowner's Decision and Notice of Special Permits dated August 11, 2011, and January 26, 2012 to update the plan date; (2) an increase in the overnight parking of commercial vehicles from forty-four (44) to seventy-eight (78) pursuant to Section 5.1(57b) of the 1985 City of Woburn Zoning Ordinance, as amended; and (3) the approval of office space of approximately 24,095 square feet pursuant to Section 5.1(30b) of the 1985 City of Woburn Zoning Ordinance, as amended, at 36 Cabot Road. PUBLIC HEARING OPENED: A committee report from the Committee on Special Permits was received "back for action". 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, 500 Unicorn Park Drive, Woburn, Massachusetts 01801, stated the petitioner met with the Special Permit Committee on December 12th, and the committee sent out a recommendation back for action. Attorney Tarby stated the only open issues was to have all 36 leased vehicles and remainder of the owned vehicles registered/garaged in the City of Woburn. Attorney Tarby stated the client worked hard to get all of them registered so that the excise tax would be paid to Woburn. Attorney Tarby he wanted to submit two documents on is a list of all 36 vehicles with proof of registration, and copies of actual excise tax bills or registrations. Motion made and 2nd that

the documents be received and made part of the permanent record and a copy of such is sent to the Tax Collector's office for their records, all in favor, 9-0. Attorney Tarby stated there are two proposed conditions: one is related to the site plan being October 24, 2022 as revised December 1, 2022, and the other one is that all conditions set forth in the Landowner's Decision and Notice of Special Permit dated August 11, 2011 as modified on January 26, 2012 shall remain in full force and effect unless modified by this Decision. Councilor Mercer-Bruen stated she has no issue with this and that she would suggest moving on the matter with those conditions in place. 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 SPECIAL PERMIT BE GRANTED, 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 "Site Layout Plan" dated October 24, 2022 revised December 1, 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; and 2. All conditions set forth in the Landowner's Decision and Notice of Special Permit dated August 11, 2011 as modified on January 26, 2012 shall remain in full force and effect unless modified by this Decision, all in favor, 9-0.

On the 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. PUBLIC HEARING OPENED: A communication dated December 6, 2022, was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: PLANNING DEPARTMENT COMMENTS ON SPECIAL PERMIT APPLICATION FOR 317 MAIN STREET / CHHEAR HANG

The Planning Department has completed its review of the above-referenced Petition, which proposes to establish a fast food establishment at 317 Main Street, in space that was once occupied by a flooring company but more recently had been used as part of an abutting, larger restaurant space. The Petitioner would re-demise the space to create a new eating establishment at 317 Main. The property is zoned B-D (Downtown Business) which allows fast food restaurants by special permit in accordance with Section 5.1(29) of the Woburn Zoning Ordinance (WZO).

Planning staff reviewed the application with Inspectional Services Director Tom Quinn and offers the following comments:

1. In accordance with Note 16 to Table 5.1 applicable to Section 5.1(29), the establishment's hours of operation would be limited to 6:00 a.m. to 11:00 p.m. unless the City Council authorizes additional hours beyond these via Special Permit;
2. The provisions of Section 18 of the WZO entitled Development Impact Assessment and Mitigation will apply to this Petition if the Council deems the work to be a Substantial Alteration or Improvement as defined in Section 18.3 of the WZO, or if ten (10) or more additional parking spaces are needed to ensure the new use complies with the provisions of the WZO. The Petitioner will have to provide more information in order to determine whether the additional parking space threshold is being met (see more below);
3. The plans should be revised to include floor area calculations for use by the Inspectional Services Department in confirming parking requirements and conducting permitting inspections.
4. Note #4 under the Zoning information on Sheet T-1 indicates the use will require twelve (12) parking spaces. This is likely an increase in the number of spaces previously required by /provided for the former flooring company. What is the net increase in the number of spaces? If more than ten (10), mitigation will be required.

A plan should be provided that **(a)** shows the location of any off-street parking spaces being provided or **(b)**, if the Petitioner is planning to rely on a municipal parking lot to provide the needed parking spaces, identifies the municipal lot the Petitioner believes can provide adequate parking for the use as outlined in Section 8.3 of the WZO and indicates the linear distance between the new establishment and that municipal parking lot, or **(c)** proves that no additional off street parking spaces are needed. Councilors should note that if there will be a reliance on one or more municipal parking lots to provide some or all of the required parking, then the Council must make a finding relative to availability and adequacy per Section 8.3.3 of the WZO, and also secure payment for same as provided by Section 8.4;

6. The issue of trash storage and its regular pickup seems particularly important given that food will comprise at least a portion of the trash generated by the business. Sheet T-1 shows a Dumpster being provided on a separate lot around the corner on High Street, about 250' from the establishment's entrance. Planning staff urges the Council to determine the logistics of how this remote location will serve as a trash storage area for this business, particularly since there doesn't appear to be any trash storage area(s) within the establishment itself. Does the Petitioner envision having an employee walk each trash bag to the Dumpster as each bag is generated?

On a related note, no details have been provided to determine whether the trash receptacles will be screened from view;

7. A plan note on Sheet T-1 indicates: *“Deliveries are once per month, only dry goods. No fresh fruit, vegetables or milk products. Deliveries can be made from street or from Dumpster/parking area.”* There are several comments to make on this point:
 - a. The Council should consider discouraging deliveries from the street and instead encourage use of the remote lot referenced in Paragraph #5 above. Although this arrangement would require delivery drivers or employees to tote goods about 250’ via sidewalks, this is better than having vehicles double-parked on Main Street or a delivery truck usurping more than one parking space on Main Street where parking is not always plentiful.
 - b. The Council should consider imposing conditions that prevent delivery or loading/unloading activities from blocking any sidewalk and which limit the hours for deliveries to times of day that are outside of peak traffic/parking demand times.
 - c. If no fresh produce or milk products are delivered to the establishment per the note above, how do those items come to be in the restaurant? A quick visit to the website of one of the Petitioner’s other establishments makes it obvious that milk, cream, and at least some fruit produce are offered on the menu; and
8. No information has been provided relative to proposed signage for the new restaurant. Signage will be subject to separate permitting through the Inspectional Services Department.

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. President Concannon asked if the petitioner had seen the report from the Planning Department. Appearing for the petitioner, Chhear Hang stated that he had seen the letter. President Concannon stated the petitioner should expect to address the issues in the Planning Department letter. Mr. Hang stated he will do this. President Concannon stated petitions usually got to committee to go over the petition in detail and then back to another public hearing. Councilor Gately stated he had lots of questions, but he will wait for committee to discuss. President Concannon stated there will be another meeting. 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 January 17, 2023, AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0. President Concannon stated the petitioner needs to have his answers to the questions in between now and the committee meeting. President Concannon

stated this is where you roll up your sleeves before the January 17, 2023 public hearing and it will be helpful to have your answers.

UNFINISHED BUSINESS FROM PREVIOUS MEETINGS: None.

COMMITTEE REPORTS:

PUBLIC SAFETY AND LICENSE:

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

Petitions for renewal of First Class Motor Vehicles Sales Licenses by the following: Lawless Inc., 196 Lexington Street; and DCD Nucar WOMA, LLC, 40 Winn Street. Councilor Viola stated he saw an issue with Lawless the other day and would like to not pass that tonight. Motion made and 2nd that the petition for renewal First Class Motor Vehicles Sales Licenses by Lawless Inc., 196 Lexington Street, BE LAID ON THE TABLE, all in favor, 9-0. Motion made and 2nd that the COMMITTEE REPORT BE ADOPTED for DCD Nucar WOMA, LLC, 40 Winn Street, all in favor, 9-0.

Presented to the Mayor: December 22, 2022 s/Scott D. Galvin December 22, 2022

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

Petitions for renewal of Second Class Motor Vehicles Sales Licenses by the following: Lawless Inc., 196 Lexington Street; Anchor Auto Sales, Inc., 3 Breed Avenue; Tracy M. Batten dba Tracy’s Auto Sales, 62R Winn Street; and Maurice Saba dba Montvale Auto Care, 317 Montvale Avenue. Motion made and 2nd that the petition for renewal Second Class Motor Vehicles Sales Licenses by Lawless Inc., 196 Lexington Street, BE LAID ON THE TABLE, all in favor, 9-0. Motion made and 2nd that the COMMITTEE REPORT BE ADOPTED for Anchor Auto Sales, Inc., 3 Breed Avenue; Tracy M. Batten dba Tracy’s Auto Sales, 62R Winn Street; and Maurice Saba dba Montvale Auto Care, 317 Montvale Avenue, all in favor, 9-0.

Presented to the Mayor: December 22, 2022 s/Scott D. Galvin December 22, 2022

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

Petition for renewal of Third Class Motor Vehicle Sales License by Woburn Truck and Auto, Inc., 1095R Main Street.

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

Presented to the Mayor: December 22, 2022 **s/Scott D. Galvin December 22, 2022**

CITIZEN’S PARTICIPATION: None.

COMMUNICATIONS AND REPORTS:

A communication dated December 6, 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 November 2022: Number of Violations Issued 616, Numbers of Violations Paid 281, Number of Violations Outstanding 257, Amount collected and submitted to Collectors Office \$42,574.00, Parking fines referred to the Handicap Commission \$12,100.00.

There is a backlog of 1546 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 November 30, 2022 with attachment was received from John W. Parson, Esq., Executive Director, Public Employee Retirement Administration Commission, 5 Middlesex Avenue, Suite 304, Somerville, Massachusetts 02145 advising that the required Fiscal Year 2024 appropriation for the retirement system is \$11,474,641.

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

A communication dated December 6, 2022, was received from Attorney Gordon T. Glass, Johnson & Borenstein, LLC, 12 Chestnut Steet, Andover, Massachusetts 01810-3706 regarding “Willow Street Brook/31 Columbus Road” on behalf of Donald and Dorothy Hamilton.

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 that the MATTER BE REFERRED TO THE COMMITTEE ON LIAISON, 9-0.

APPOINTMENTS AND ELECTIONS:

On the Appointment of the Vacancy on Woburn Recreation Commission. A report was received from the Committee on Personnel as follows: “That the nomination of Joseph Daly ‘ought to pass’.”

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

Presented to the Mayor: December 22, 2022 s/Scott D. Galvin December 22, 2022

A communication dated December 5, 2022 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Higgins:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint, Elaine Pruyne, 7 Medford Street, Woburn, to the Woburn Board of Cemetery Commissioners, subject to approval by the City Council, with a term of five (5) years, effective upon City Council confirmation.

This appointment is to fill the seat of Catherine B. Shaughnessy, who recently resigned to take a position at the Woburn Senior Center.

Respectfully, s/Scott D. Galvin, Mayor.

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

A communication dated December 5, 2022 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Higgins:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint, John M. Wells, 5 Curtis Road, Woburn, to the Biomedical Oversight Committee, subject to approval by the City Council, with a term of four (4) years, effective upon City Council confirmation.

Respectfully, s/Scott D. Galvin, Mayor.

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

A communication dated December 5, 2022 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Higgins:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint, Carmen M. Baldino, 4 Catarina Lane, Woburn, to the Biomedical Oversight Committee, subject to approval by the City Council, with a term of four (4) years, effective upon City Council confirmation.

Respectfully, s/Scott D. Galvin, Mayor.

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

MOTIONS, ORDERS AND RESOLUTIONS: None.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 6:19 p.m.

A TRUE RECORD ATTEST:

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