

**CITY OF WOBURN
FEBRUARY 7, 2023 – 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	

President Concannon read the following statement into the record: “With the successful resolution to the City of Woburn and the Woburn Teachers' Association contract negotiations this past Sunday night, it is now the appropriate time for the Woburn City Council to make a statement regarding the process. Throughout the negotiation process, members of the City Council received dozens and dozens of emails, phone calls, and other requests to intervene in the process and to settle the dispute. We each tried to respond to as many of those requests as possible and to explain that the City Council is specifically prohibited from getting involved in such matters. The City of Woburn Charter, state law, and relevant case law are all very clear that the City Council is prohibited from taking part, directly or indirectly, in the employment of labor or the making of contracts or the management of same and that contract negotiations with School Department personnel are the exclusive purview of the Mayor and the School Committee. As difficult as it was for the City Council to refrain from intervening in the contract negotiations, it was very important that we respected the law and the process. We understand and acknowledge that the process was stressful for all involved and we certainly appreciate the emotional investment of all parties. Providing a high-quality education is one of the most important services that local government provides to its residents and we all care deeply about doing so. We acknowledge that everyone involved in this process was and continues to be motivated by what they believe to be the best interests of our school system (our students, families, teachers, nurses, paraprofessionals, and support staff), as well as all residents and taxpayers of our City. We are pleased that all parties were able to reach a resolution that they determined to be fair. Now that the negotiations have concluded and our students, educators, and support staff are back to school, it is important for all of us to do what we can to strengthen any strained relationships and to make a positive educational experience for our kids our number one priority. Our City has always demonstrated a resiliency to bounce back stronger than ever from difficult times and we believe that this most recent circumstance will be no different. The City Council stands ready to join in these efforts.”

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

MAYOR'S COMMUNICATIONS: None.

NEW PETITIONS:

Petition by Asian American Pacific Islanders for Equality and Change Inc. (AAIEPC Inc.) for Special Event Permit to allow for AAPI Heritage Festival at the Woburn Public Library and parking lot on May 20, 2023. Motion made and 2nd that the SPECIAL EVENT PERMIT BE APPROVED, all in favor, 9-0.

Presented to the Mayor: February 9, 2023

s/Scott D. Galvin February 9, 2023

PUBLIC HEARINGS:

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. PUBLIC HEARING OPENED: A communication dated February 6, 2023, was received from Jay Duran, Woburn DPW Superintendent as follows:

Pursuant to National Grid's request to install a new gas main on Grape Street, I offer the following. This petition is necessary for the new design plan to connect the mains on the opposite ends of Grape Street from Washington Street to Albany Street. 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 Grape Street is in reasonably good condition Given the foregoing, I recommend that if the grant of location is approved, the pavement be milled and restored for at least half the width of the road for the limits of the excavation which include the tie-in points at the respective ends. If there are more than 2 crossover points, I recommend that the road be restored curb to curb as discussed in the field with the National Grid Supervisor.

Please feel free to call me with any questions or concerns on this matter.

Further, a communication dated February 7, 2023, was received from Jay Duran, Woburn DPW Superintendent as follows:

Lindsay:

Please pull back my recommendation for the GOL on Grape Street until I see their proposed gas main location on a plan relative to the MWRA improvements in the Albany Street area. I recommend that this petition be put on hold again until I receive the proper plan information from National Grid and they have secured permits from the MWRA.

Thanks and sorry for the confusion.

Motion made and 2nd that all communications be received and made part of the permanent records, all in favor, 9-0. Appearing for the petitioner, Diana Cuddy, Operations Support, Gas-NE, National Grid, stated they are looking for a grant of location on Grape Street. Upon inquiry from President Concannon, Ms. Cuddy stated she had not seen the communication in time before the meeting, but that she may have the MWRA permit and can forward it to the city if she does. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 9-0. None. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON February 21, 2023, all in favor, 9-0.

On the 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. PUBLIC HEARING OPENED: A communication dated January 24, 2023, was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: PLANNING DEPARTMENT COMMENTS ON SPECIAL PERMIT APPLICATION FOR 100 SYLVAN ROAD (100 TRADECENTER, SUITE G700) / SYDNEY BARRUCCI D/B/A HEALING & SERENITY by SYDNEY

Dear Council:

The Planning Department has reviewed the above-referenced Special Permit application which requests permission to operate a muscular therapy business, pursuant to Section 5.1 (33b) of the Woburn Zoning Ordinance (WZO), at the above-referenced location. The property is zoned Office Park (O-P) and therefore such use is allowed by City Council Special Permit. The application entails re-tenanting of an existing 11' x 14' individual office suite and the Petition does not indicate whether any construction will have to occur in order to accommodate the new tenant.

Planning staff reviewed this Petition (containing an undated and uncertified plan of one floor of the building) with Inspectional Services Director Tom Quinn. There are no fundamental concerns with the nature of the request (to "re-tenant" an existing space within an existing office building for a muscular therapy business). The Petition includes a diagram of the outside of the building noting the entrance that will be used to access the office suite in addition to the parking availability which the Petitioner says demonstrates ample garage and surface parking where the proposed muscular therapy business will be operating.

However, the Petitioner did not include a floor plan of the proposed leased space that shows the location and dimensions of all rooms, bathroom facilities, entrance/exit points from the space, etc. Prior to any action on the Petition, staff recommends the Petitioner be required to submit a floor plan of the leased space, drawn to scale, that shows the various rooms and

proposed uses of the space (office, restroom, reception/waiting area, massage rooms, etc.) along with calculated floor areas. The floor plan can then be cited in the Special Permit decision as part of the Plan of Record.

If the Council decides to grant the requested special permit, Planning staff recommends imposing the following as conditions of approval:

- All massage therapists practicing at this establishment shall be licensed massage therapists;
- Any new signage in connection with this business will be subject to separate application(s) to the Inspection Services Department and compliance with Section 13 of the WZO entitled Sign Regulations; and
- In addition to a Special Permit from the City Council for this use, the Petitioner must also obtain a separate occupancy permit from the Inspectional Services Department for use of this space. Prior to requesting an occupancy permit, the Petitioner must provide proof that any Special Permit Decision issued by the City Council has been recorded at the Middlesex South District Registry of Deeds.

If members of the City 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 all communications be received and made part of the permanent records, all in favor, 9-0. Appearing for the petitioner Sydney Barrucci stated she was seeking permission for muscular therapy and that the original floor plan she submitted was for the entire floor and she has an updated plan. Motion made and 2nd that the updated floor plan be received and made part of the permanent records, all in favor, 9-0. Ms. Barrucci stated she saw the Planning Department letter and that she has a finalized lease agreement and her license. Ms. Barrucci stated she has one large room and will not have separate rooms inside her suite. Ms. Barrucci stated when a client needs to change, she will leave the room and then come back in. Ms. Barrucci stated she has been licensed since May 2019 and since June 2021 she has worked in Saugus. Councilor Gately stated he was all set. 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, all in favor, 9-0.

On the petition by G&A Realty Trust, Chung Lee, Trustee, 33 Third Street, Medford, Massachusetts 02155, for a special permit pursuant to: (1) Section 5.1(5) of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for eight (8) dwellings above the first floor in a commercial structure; and (2) Section 8.3.3 of the 1985 City of Woburn Zoning

Ordinance, as amended, to allow for the substitution of sixteen (16) off-site parking spaces in a municipal lot, at 433 Main Street. PUBLIC HEARING OPENED: A committee report from the Committee on Special Permits was received “ought to pass”. Further, a communication dated January 19, 2023, was received from Tina P. Cassidy, Woburn Planning Board Director, regarding “Information on Downtown Parking Fund”. Further, a communication dated February 7, 2023, was received from Attorney Mark J. Salvati, Attorney At Law, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801, regarding “437 Main Street Special Permit”. Motion made and 2nd that all communications be received and made part of the permanent records, all in favor, 9-0. Appearing for the petitioner, Attorney Mark J. Salvati, Attorney At Law, 57 Arlington Road, Woburn, Massachusetts 01801, stated that since the committee meeting he has submitted proposed conditions. Councilor Gately stated he wants the sewers to be videoed. Attorney Salvati stated the petitioner agreed to this. Councilor Gately stated that those videos should be given to DPW and Inspectional Services. Councilor Gately stated the rubbish outback must be screened. Attorney Salvati stated the receptacle is screened in currently. Councilor Gately stated they cannot have curbside pickup for trash. 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 City Council make the following findings: 1. Pursuant to Section 8.3(a): Municipal facilities are within five (500) hundred feet of the use to be served; 2. Pursuant to Section 8.3(b): That the proposed combination of off street parking spaces and municipal spaces are available and adequate to serve the proposed development; 3. Pursuant to Section 8.3(c): That reliance on municipal parking facilities will not create an undue burden on the municipal parking facilities; and 4. Pursuant to Section 8.4: Petitioner shall deposit the amount of seventy-two thousand (\$72,000) dollars in the Downtown Parking Enhancement Fund prior to any occupancy permit being issued, temporary or permanent. Payment of this fee shall not act as a guarantee that future tenants of the residential development shall be entitled to reservation or designation of a parking space or spaces, all in favor, 9-0. Motion made and 2nd that the following conditions be approved: 1. The site plan of record shall be “433-437 Main Street” by Allen and Major with a final revision date of October 24, 2022. This plan is controlling as to exterior parking and dumpster location; 2. The floor plan of record shall be “435 Main Street” by 686 Architects dated September 6, 2022; 3. The Petitioner shall perform videotaping of the sewer; and 4. There shall be no curbside pickup of rubbish, all in favor, 9-0. Motion made and 2nd that the COMMITTEE REPORT BE ADOPTED, AS AMENDED, AND THAT THE SPECIAL PERMIT BE GRANTED subject to the following conditions: 1. The site plan of record shall be “433-437 Main Street” by Allen and Major with a final revision date of October 24, 2022. This plan is controlling as to exterior parking and dumpster location; 2. The floor plan of record shall be “435 Main Street” by 686 Architects dated September 6, 2022; 3. The Petitioner shall perform videotaping of the sewer; and 4. There shall be no curbside pickup of rubbish, all in favor, 9-0.

On the petition by M&K Engineering Inc., 166 New Boston Street, Woburn, Massachusetts, 01801, for a special permit pursuant to Section 7.3 of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for additional storage space of approximately 6,450 square

feet more or less of gross floor area as shown on the site plan file with this petition, due to nonconforming front yard setback of 20.4 feet, at 166 New Boston Street. PUBLIC HEARING OPENED: A communication dated January 12, 2023, was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: PLANNING DEPARTMENT COMMENTS ON SPECIAL PERMIT APPLICATION FOR 166 NEW BOSTON STREET / M&K ENGINEERING, INC.

Dear Council:

The Planning Department has completed its review of the above-referenced Petition, which proposes to construct a free-standing, 6,450 sq. ft. building at the above address “for additional storage space”. The property is zoned I-P and the Petitioner cites Section 7.3 of the Woburn Zoning Ordinance (Non-Conforming Uses) as the basis for the requested Special Permit. The Petitioner should be asked to elaborate as to how that Section requires the issuance of a special permit for the proposed building.

To be clear, if the Special Permit is granted the Inspectional Services Department will view the proposed free-standing building as being allowed only as an accessory structure to the existing industrial building at 166 New Boston Street, which is the principal structure on the lot. As a result, use of the proposed building will have to be accessory only to uses located in the principal structure at 166 New Boston Street.

Also, this plan substantially alters a previously-approved Special Permit Plan of Record (special permit dated August 8, 2019). Planning staff questions whether the current Special Permit Petition should have also requested permission to revise that existing Plan of Record.

Planning staff reviewed the application and supporting materials with Inspectional Services Director Tom Quinn and makes the following comments and observations:

1. The plan proposes to reconfigure parking spaces on site including by adding 7 parking spaces along the driveway adjacent to New Boston Street (spaces numbered 64 through 70 inclusive). Nearly all these spaces are located within the 25’ front setback requirement and would therefore violate Section 8.4.3.2 of the WZO, and at least one is located within 5’ of the property line which would also be a violation (“*No parking stall shall be permitted within the required front yard setback in any industrial, mixed use, office park, or multi family residential district, nor within five [5] feet of the front lot line in any business district*”). Those 7 parking spaces must be eliminated from the plan and relocated to other parts of the site to ensure conformance with the WZO.
2. The plan depicts eighteen (18) parking spaces which are labeled “overflow parking” and surfaced with pavers. Section 8.5.5 of the WZO states “*Paved surfaces shall be marked with four-inch painted lines or some other permanent curb or marking system so as to clearly indicate the stall to be occupied by each vehicle.*” Planning staff recommends a notation be added to the plan confirming the spaces are, or will be, so marked.

3. The compact spaces must be clearly identified either by signage or pavement markings in accordance with Section 8.2.3 of the WZO. Planning staff recommends the plan be revised to show the locations of such signage.
4. There are no snow storage areas shown on the plan. The new accessory building is proposed to be located on top of what had been the designated snow storage area shown on a Special Permit Plan of Record the Council approved for this property back in 2019. The pending plan should be revised to incorporate adequate snow storage areas. Staff defers the question of adequacy of those areas to the City's Engineering Department once they are known.
5. It is impossible to assess the safety of vehicle circulation on site because the plan does not indicate the location of the proposed building's entrances. Will the building be accessed by vehicles as well as pedestrians? On which facades will the access doors to the building be located? If the building will be accessed frequently by employees of the main building, a crosswalk should be provided across the two-way travel aisle.
6. Nothing in the application mentions the height of the proposed accessory building.
7. There is a storage container and two truck trailers currently stored on site, in the area where the new accessory building would be constructed. There are also trash barrels in the same area, presumably presently serving as the trash facilities for the building's tenants. Construction of the new accessory building will displace all of those. If there will be exterior trash and/or recycling receptacles, the plan should reflect their new location(s) and provide information relative to adequate screening. A suggested solution to the storage container and box truck issue is included below.

Planning staff recommends the Council consider imposing the following as conditions of approval of the Special Permit if granted:

- Use of the accessory structure shall be limited to tenants of the building at 166 New Boston Street that use that address as their official business address; and
- The Petitioner must remove the storage trailer and truck trailers from the site, either (a) before a building permit for the new building can be issued by the Building Inspector or (b) within ninety (90) days of the grant of the Special Permit, whichever occurs sooner.

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

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

Further, a communication dated February 2, 2023, was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Suite 502, Woburn, Massachusetts 01801 as follows:

RE: Modification of Special Permit Decision of M&K Engineering Inc., 166 New Boston Street, Woburn Massachusetts

Dear Ms. Higgins:

I respectfully request that the public hearing on the above matter scheduled for February 7, 2023 be continued to the City Council meeting scheduled for February 21, 2023. My client's engineer is in the process of revising the Site Plan as requested by the Planning Department. 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 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 February 21, 2023, all in favor, 9-0.

On the petition by Sanctuary Medicinals, 130 Commerce Way, Woburn, Massachusetts 01801, for special permit pursuant to Section 32.3 of the 1985 City of Woburn Zoning Ordinance, as amended, to amend the current special permit to allow for adult use marijuana, at 130 Commerce Way. PUBLIC HEARING OPENED: A committee report from the Committee on Special Permits was received "back for action". Further, a communication dated February 3, 2023, was received from Ellen Callan Doucette, Woburn City Solicitor, regarding "Sanctuary Medicinals – Host Community Agreement". Further, a communication dated February 7, 2023, was received from Attorney Mark J. Salvati, Attorney At Law, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801, regarding "130 Commerce Way Request to Modify Special Permit". Motion made and 2nd that all communications be received and made part of the permanent records, all in favor, 9-0. Appearing for the petitioner, Attorney Mark J. Salvati, Attorney At Law, 57 Arlington Road, Woburn, Massachusetts 01801, stated he has provided four findings that he would like the City Council to adopt, and that four out of the five in the zoning code apply. Attorney Salvati stated he would take questions and that Councilor Mercer-Bruen may have changes. Councilor Mercer-Bruen stated she would like to amend the language about striping to include it has to be maintained yearly, as well as to Condition No. 12 that "No change shall be made without review of the Special Permit Committee". Attorney Salvati stated he had no issues with that. Councilor Campbell stated she would like a condition that states "All sales shall be onsite only and the Petitioner shall not deliver offsite. This condition shall be subject to review of the Special Permits Committee in six months." Councilor Mercer-Bruen stated

she just wants to make sure if there is a violation, the petitioner will need to have special permit review. Councilor Dillon stated other companies are allowed to mail to the City of Woburn. Councilor Demers stated that other companies are allowed to “deliver” not “mail”. Councilor Demers stated he has a problem with No. 3 as liquor stores have Drizzly and third parties are allowed to do that. Councilor Demers stated they might be regulating something that they are not doing for other businesses. Councilor Ferullo stated we are handicapping local businesses because a Stoneham business can deliver over the line into Woburn. Councilor Ferullo stated this reminds him of the limousine restrictions. Attorney Mark Salvati stated that any delivery will help with parking and crowding. Councilor Gately stated they started looking at this a couple of years ago when Councilor Gaffney and Councilor Tedesco were on the City Council. Councilor Gately stated he was not in favor of it and never was, and there will be more marijuana on the streets. Councilor Gately stated he lost his son and he started with marijuana. Attorney Salvati stated he understood. Upon inquiry from Councilor Viola, Attorney Salvati confirmed the delivery driver checks IDs. Attorney Salvati stated it is required and state law before entering the facility. Attorney Salvati stated there is no intent as of now to have delivery. Councilor Viola stated that this has been going on for almost a year and has learned a lot. Councilor Viola stated he was apprehensive at first but will vote for it to make the use safer. Councilor Campbell stated this should still push forward on a vote. Councilor Campbell stated that this is something new and totally different and she would like to see what happens first before allowing delivery. Councilor Campbell stated that Grubhub and marijuana are not the same level, and recreational marijuana is not the same thing. Councilor Campbell stated they should actually have to go into a store and buy it there. Attorney Salvati stated the council should act on it how they see fit. Councilor Mercer-Bruen stated she agrees with Councilor Campbell and that this is still new and that she may have a different opinion in six months. Councilor Mercer-Bruen stated she rather revisit this in six months. Attorney Salvati stated the petitioner is okay with a six month review. Councilor Campbell stated she would be amenable. 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 City Council accepts the proposed findings as follows: 1. The site is designated such that it provides convenient, safe, and secure access and egress for customers and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, bicyclists and public transportation users; 2. On-site loading, refuse and service areas are designed to be secure and shielded from abutting uses; 3. The building and site have been designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building’s interior and/or from restrictions on direct access by consumers; and 4. The location and design of the Marijuana Retailer will not detract from the sense of activity with opaque, unwelcoming facades at the ground floor. Where interior activities must be screened from public view or where there is no access by customers, such areas should be screened by transparent, publicly accessible active business where possible. Opaque facades should be minimized, and where they are necessary they should include changing public art displays or other measures to provide visual interest to the public, all in favor, 8-1 (Gately Opposed). Motion made and 2nd to add the following language to Proposed Condition No. 2, “Striping and numbering will be maintained yearly or as designated by the building department due to any fading or erosion.”,

all in favor, 8-1 (Gately Opposed). Motion made and 2nd to add new Proposed Condition No. 3, “All sales shall be onsite only and the Petitioner shall not deliver products or goods offsite. This condition shall be subject to review of the Special Permits Committee in six months.”, all in favor, 8-1 (Gately Opposed). Councilor Mercer-Bruen stated that amendment to the original Condition No. 12 should also include “No change shall be made without review of the Special Permit Committee”. Councilor Campbell stated she is against recreational marijuana sales to youth and she will not be voting for this. Councilor Campbell stated that the company was very cooperative to secure the site. Councilor Mercer-Bruen thanked all the Councilors and many constituents. Councilor Mercer-Bruen stated she views this today as the same as a liquor store, and that you have to be 21 years old. Councilor Mercer-Bruen stated that unlike the liquor stores, you actually have to show an ID that you are 21 years old before entering. Councilor Mercer-Bruen stated the petitioner has been great to work with. Motion made and 2nd that the SPECIAL PERMIT BE GRANTED subject to the following findings:

1. The site is designated such that it provides convenient, safe, and secure access and egress for customers and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, bicyclists and public transportation users;
2. On-site loading, refuse and service areas are designed to be secure and shielded from abutting uses;
3. The building and site have been designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building’s interior and/or from restrictions on direct access by consumers; and
4. The location and design of the Marijuana Retailer will not detract from the sense of activity with opaque, unwelcoming facades at the ground floor. Where interior activities must be screened from public view or where there is no access by customers, such areas should be screened by transparent, publicly accessible active business where possible. Opaque facades should be minimized, and where they are necessary they should include changing public art displays or other measures to provide visual interest to the public, as well as the following conditions:

1. All Conditions of the prior special permit shall remain in full force in effect except: Condition No. 1: Stricken and replaced with: Hours of operation shall be Monday to Saturday 10:00 AM to 10:00 PM; Sunday 11:00 AM to 7:00 PM; Condition No. 9: Stricken and replaced with: That all construction and operation activities on site be conducted in strict conformance with the terms of the agreement between the City of Woburn and Sanctuary Medicinals, Inc which agreement is dated October 2022 and entitled “Host Community Agreement between Sanctuary Medicinals Inc, and the City of Woburn for a Co-Located Medical Marijuana Treatment Center and Adult Use Marijuana Retailer; Condition No. 10: Stricken; Condition No. 12: Stricken and replaced with: All signage shall comply with existing sign ordinance. No change shall be made without review of the Special Permit Committee; Condition No. 13: Stricken and replaced with: There shall be no references to marijuana, including symbols, on outside or window display, however the current symbol for Sanctuary shall be allowable; and Condition No. 14: Stricken as redundant;

2. If required by the Woburn Police Department, petitioner agrees to engage a police detail for crowd or traffic control, with the full cost of same borne by the petitioner;
3. Petitioner shall re-stripe and number the parking spaces that are dedicated to their use. Striping and numbering will be maintained yearly or as designated by the building department due to any fading or erosion; and
4. All sales shall be onsite only and the Petitioner shall not deliver products or goods offsite. This condition shall be subject

to review of the Special Permits Committee in six months, all in favor, 7-2 (Gately and Campbell Opposed).

UNFINISHED BUSINESS FROM PREVIOUS MEETINGS: None.

COMMITTEE REPORTS:

ORDINANCES, CHARTER & RULES:

On the order amending WMC 2-117 Deputy Auditor, and by adding WMC 2-119 Budget Analyst, a committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT BE ADOPTED, all in favor, 9-0.

Presented to the Mayor: February 9, 2023 **s/Scott D. Galvin February 9, 2023**

On the order amending WMC 2-180 Base Salaries for City Auditor, Deputy Auditor, and Budget Analyst, a committee report was received “ought to pass”. Motion made and 2nd that the ORDER BE AMENDED, to add “Further, the City Auditor’s base salary shall be amended to \$127,500 effective July 1, 2023.”, all in favor, 9-0. Motion made and 2nd that the COMMITTEE REPORT, AS AMENDED, BE ADOPTED, all in favor, 9-0.

Presented to the Mayor: February 9, 2023 **s/Scott D. Galvin February 9, 2023**

PUBLIC SAFETY AND LICENSE:

On the petitions for renewal of Second Class Motor Vehicles Sales License by the following: E & C Auto Brokers, LLC, 505 Main Street; Cambridge Road Auto Service, Inc. dba Woburn Plaza Shell, 293 Cambridge Road, a committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT BE ADOPTED, all in favor, 9-0.

Presented to the Mayor: February 9, 2023 **s/Scott D. Galvin February 9, 2023**

MOTION MADE AND 2ND TO SUSPEND RULE 35, TO ALLOW FOR THE PETITIONER FOR CITIZEN’S PARTICIPATION TO SPEAK TONIGHT FOR FIVE MINUTES, all in favor, 9-0.

CITIZEN’S PARTICIPATION:

On the request by Emery Popoloski to discuss ongoing teachers' strike and its impact, Ms. Popoloski, 13 Scott Street, thanked Councilor Dillon and stated she has emailed the councilors a few times but that it is nice to be in person face-to-face. Ms. Popoloski thanked the councilors for the responses over this past week, as well as those to friends and parents that received phone calls. Ms. Popoloski stated that she knows that the councilors are actually reading and responding to emails. Ms. Popoloski stated they are in a slightly different position then when she first submitted the petitioner. Ms. Popoloski stated that even though this contract has been signed there still is a need for additional support for the schools and teachers here within Woburn. Ms. Popoloski stated it is personal for her because she has two children in schools and she also lost her nephew in 2014 with an accident that happened at his school here in Massachusetts because of understaffing. Ms. Popoloski stated a Diversity Data that no matter the socioeconomic background Woburn students are 85% score for having a successful life post-graduation. Ms. Popoloski stated this is amazing when you look at size of the city. Ms. Popoloski stated according to the Kids Data Center almost 29% of students right now in Woburn are at or below the federal poverty guidelines and are facing severe socioeconomic distress. Ms. Popoloski stated children may be in a single parent household or maybe there are in foster care. Ms. Popoloski stated this shows what the teachers are doing and consistently as a parent what she has witnessed this for the past few years. Ms. Popoloski stated the budget gets passed through and then it comes to the City Council and gets approved. Ms. Popoloski stated the City Council has not used guidelines that are available to them right now within the City Charter. Ms. Popoloski stated she read the Charter, as she loves reading and doing research. Ms. Popoloski stated Section 33A talks about the salary and the need to make sure that the salary is sufficient for them to be able to live off of it. Ms. Popoloski stated there is the other parts here when it talks about the approval the budget that you are not able to increase or add to the budget, but you can also disagree with a budget and send it back and work on it for three months to make sure what gets passed is sufficient for the City. Ms. Popoloski stated she has seen issues not only happening with the schools, but with the public library, police department, and fire departments that need core basics and improved infrastructures. Ms. Popoloski stated she does not see them getting that long-term support that they really need. Ms. Popoloski stated she will not address the removing the Mayor from office, but she knows there is an election coming up. Ms. Popoloski stated going forward she would like to help prevent any of these from happening like every three years like clockwork. Ms. Popoloski stated what good is it to have a bunch of money in a rainy day fund, if we do not have teachers that can afford to go out and eat dinner at night. Motion made and 2nd to return to the regular order of business, all in favor, 9-0. Motion made and 2nd that the MATTER BE PLACED ON FILE, all in favor, 9-0.

COMMUNICATIONS AND REPORTS: None.

APPOINTMENTS AND ELECTIONS:

City Clerk Higgins stated that the next matter did not need to be on the agenda. A communication dated January 24, 2023 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 Ronald M. DiGiorgio, 11 Marrett Road, Burlington, MA 01803, as a Constable for Woburn for a three-year term, to expire on January 31, 2026.

Respectfully, s/Scott D. Galvin, Mayor

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

A communication dated January 25, 2023 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 Anne Chavez, 19 Kendall Drive, Woburn, MA 01801 to the Woburn Council on Aging, with a term to expire on December 31, 2025, subject to the approval of the City Council.

Anne Chavez is being appointed to fill the seat of Dorothy Capone, whose term expired 12/31/2022 and who is no longer able to serve due to declining health.

Respectfully, s/Scott D. Galvin, Mayor

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

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Pursuant to Chapter 53 of the Acts of 2007, the Preliminary Election for the Municipal Election shall be held on Tuesday, September 5, 2023.

s/President Concannon

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

Presented to the Mayor: February 9, 2023 **s/Scott D. Galvin February 9, 2023**

RESOLVED That the Committee on Infrastructure and Public Lands meet with representatives of MassDOT and the City Engineer, to provide an update on the Cambridge Road (Route 3A) and Bedford Road Intersection and the proposed TIP work to be completed.

s/Councilor Viola

Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON INFRASTRUCTURE AND PUBLIC LANDS, 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 5, Businesses and Regulations, Article XIV Innkeepers, by deleting the current Section 5-83 in its entirety, and by inserting the following new section:

XIV Innkeepers

5-83 Operational Requirements

A. Definitions.

Innkeeper. Any person engaged in the ownership or operation of hotels, motels, extended-stay hotel, and similar types of businesses to transients (hereinafter collectively referred to as "hotel"). The term innkeeper includes the proprietor or any other person who has the right to rent rooms within the hotel including clerks and other employees and agents of the hotel owner or operator.

Guest. Any person renting or otherwise using or inhabiting a sleeping room or living room unit in a hotel.

B. Every innkeeper shall, at all times, maintain a manager on duty capable of assisting, communicating, and cooperating with the police or other law enforcement officials in maintaining the public health, welfare, and safety.

C. Guest Register. Every innkeeper shall at all times keep and maintain on the premises of hotel a guest register in which shall be inscribed the name and home address of each guest and shall contain such guest's vehicle description and license plate state and number.

Upon registration, the innkeeper shall require all guests to provide a valid driver's license or identification card from within the U.S., U.S.

Military identification, or a valid passport. The corresponding identification number and type of identification shall be recorded in the register.

The innkeeper shall write opposite each guest name the number of each room or unit assigned to and occupied by such guest, together with the date when such room or unit is rented, and shall sign the register. No person shall be allowed to occupy any sleeping room or living room unit in a hotel unless all of the aforesaid entries have been made in such guest register.

The innkeeper shall keep and maintain all guest registers a manner that provides quick and easy reference to the number of each room or unit assigned, and the name of the guest assigned to that room or unit, together with the date when such room or unit is rented.

The information required by this section shall be maintained by the innkeeper for one year from the date of rental. An officer of the Woburn Police Department ('Officer') may request to inspect the guest register as part of the Police Department's public safety responsibilities by asking the innkeeper's consent to inspect the guest register. If such inspection is refused, the innkeeper must secure the guest register in the presence of the Officer in a manner directed by the Officer to ensure that no one can tamper with the guest register and the innkeeper must maintain the security of the guest register until such time as a subpoena, warrant, or court order has been issued or denied.

- D. Video Surveillance and Recording System. The hotel must be equipped with an operational video surveillance and recording system deployed to the satisfaction of the Woburn Police Department, so as to make visible all interior and exterior common areas, including but not limited to lobbies, parking areas, outdoor areas on the property of the motel/hotel, common hallways, meeting areas, and public sidewalks adjoining the property.

For purposes of implementing this regulation, all hotels shall install an approved video surveillance equipment and recording system within 90 days of the approval of this Ordinance.

The owner or operator of the hotel shall take all steps reasonable and necessary to ensure that video surveillance and recording equipment is in good working order at all times.

Video surveillance records shall be retained a minimum of 90 days from the day of creation.

In the event that a crime is alleged to have occurred on or adjacent to the hotel property, the owner, operator or manager of the hotel shall, upon request, provide immediate access to video surveillance recordings to the Woburn Police Department.

- E. Illegal Activity Prohibited. No owner or operator of a hotel shall knowingly permit the premises to be used for any illegal purpose, including but not limited to those purposes outlined in M.G.L. c. 140, § 26 (Permitting Immoral Conduct).

No owner or operator of a hotel shall allow occupancy by any person if he/she/they know or has reason to know, that the person has engaged in illegal activity during a past period of occupancy on the premises.

- F. The guest vehicle parking area of any hotel shall be accessible in a reasonable manner at all times to any law enforcement officer or by an official of the Fire Department while in the performance of his/her/their duties.

- G. Penalty and Enforcement. Violations of this Ordinance shall be subject to a fine of three hundred (\$300.00) for each violation. Each violation of this Ordinance shall constitute a separate offense, and each day that any such violation continues shall constitute a separate offense. The Police Chief or his designee, and any Woburn Police Officer shall have the authority to enforce the provisions of this Ordinance. Any alleged violation of this Ordinance may, in the sole discretion of the enforcing agent, be made the subject matter of noncriminal disposition proceedings commenced in accordance with M.G.L. c.40, §21D.

Nothing in this section shall be deemed to limit the use of other lawful methods of abating violations of this section including, but not limited to, application for equitable relief from a court of law.

If the owner or person or entity in control of the hotel fails to pay fines issued for violations of this Ordinance, the City may impose a “municipal charges lien” upon the property pursuant to M.G.L. c. 40, § 58.

s/President Concannon, Councilor DiMambro

Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, CHARTER AND RULES, all in favor, 9-0. Motion made and 2nd to send a communication to the City Solicitor requesting she provides a redlined/highlighted version of changes made, all in favor, 9-0.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 7:49 p.m.

A TRUE RECORD ATTEST:

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