

**CITY OF WOBURN
MAY 16, 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	

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

MAYOR’S COMMUNICATIONS: None.

NEW PETITIONS:

Petition by the Shamrock Running Club for Special Event Permit to allow for a road race at Spence Farm on July 4, 2023.

Petition for renewal of Taxi License for Checker Cab of Woburn Inc., 827 Main Street.

Petition for renewal of Livery License for Checker Cab of Woburn Inc., 827 Main Street.

Petition by Super Dog Groomer, 77 Winn Street, for a special permit under Section 7.3.1 of the WZO to allow for dog grooming use, at 77 Winn Street.

Petition by Pressed Ventures Woburn LLC, 6 Mountain Laurels Drive, Nashua, New Hampshire 03062, for a special permit under Section 5.1(29) to allow for a fast food restaurant, and for an amended site plan for previously issued special permit, at 369 Washington Street.

PUBLIC HEARINGS:

On the petition by NStar Electric Company, d/b/a Eversource Energy for grant of right in a way to install approximately 341 feet of conduit from Pole 282/10, located on Beach Street, to private property. PUBLIC HEARING OPENED: A communication dated May 12, 2023, was received from Jay Duran, Superintendent of Public Works regarding “NSTAR Electric Company d/b/a Eversource Energy – Various Petitions”.

On the petition by NStar Electric Company, d/b/a Eversource Energy for grant of right in a way to install approximately 574 feet of conduit from Pole 625/1, east of Forest Park Road, to end of Thomas Street. PUBLIC HEARING OPENED: A communication dated May 12, 2023, was received from Jay Duran, Superintendent of Public Works regarding “NSTAR Electric Company d/b/a Eversource Energy – Various Petitions”.

On the petition by NStar Electric Company, d/b/a Eversource Energy for grant of right in a way to install approximately 44 feet of conduit from MH7828 in Main Street to one new manhole MH31872 in Campbell Street. PUBLIC HEARING OPENED: A communication dated May 12, 2023, was received from Jay Duran, Superintendent of Public Works regarding “NSTAR Electric Company d/b/a Eversource Energy – Various Petitions”.

On the petition by NStar Electric Company, d/b/a Eversource Energy for grant of right in a way to install approximately 96 feet of conduit from MH19547 in Main Street to one new manhole MH31874 in Franklin Street. PUBLIC HEARING OPENED: A communication dated May 12, 2023, was received from Jay Duran, Superintendent of Public Works regarding “NSTAR Electric Company d/b/a Eversource Energy – Various Petitions”.

On the petition by NStar Electric Company, d/b/a Eversource Energy for grant of right in a way to install one new hip guy on existing pole P151/3, in Mishawum Road. PUBLIC HEARING OPENED: A communication dated May 12, 2023, was received from Jay Duran, Superintendent of Public Works regarding “NSTAR Electric Company d/b/a Eversource Energy – Various Petitions”.

On the petition by Valentino J. Tocci, Jr., 660 Main Street, Woburn, Massachusetts 01801, for special permit under Section 5.5.1 of the Woburn Zoning Ordinances, as amended, to bring in additional fill to infill a low area that is subject to flooding, at 2 Lowell Street.

PUBLIC HEARING OPENED: A communication dated April 27, 2023, was received from Greg Rheume, Assistant City Engineer, as follows:

I have reviewed the special permit application for the above referenced property and offer the following comments.

The application states that the address of 2 Lowell Street is listed on the city GIS as parcel 36 06 06. The sketch as submitted with the application appears to indicate fill being placed on this parcel but also on parcel 36 06 07. The fill appears to be encroaching not only onto the abutting property but also onto the existing buildings on the parcel. No indication of actual proposed fill depths or total volume of fill have been provided in the application.

The general neighborhood area is a naturally occurring bowl shape, encompassing several properties and therefore receives run off from rain and snow events. There is no outlet for storm water to exit this bowl shape, other than the water percolating through the soil. Depending on the storm event, water levels may remain in this bowl shape for a period of time. Any fill placed in the lower portion of the bowl will only displace storage volume and increase water levels on abutting properties, notably parcel 36 06 07.

It is recommended that the applicant engage an engineer to determine the effect of the proposed fill on abutting properties.

I have included a copy of the special permit application for your reference.

Greg Rheume, Assistant City Engineer

Further, a communication dated May 5, 2023, was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: SPECIAL PERMIT APPLICATION FOR EARTH FILL PERMIT FOR PROPERTY AT 2 LOWELL STREET / Valentino Tocci Jr.

Dear Council:

The Planning Department has reviewed the above-referenced Petition which seeks permission to “infill a low area that is subject to flooding” on the property at 2 Lowell Street. The property is located in the R-2 Zoning District and has a two-family dwelling on it.

The Petition seeks a special permit in accordance with Section 5.5.1 of the Woburn Zoning Ordinance (WZO) entitled Earth Removal or Filling. A Special Permit is required whenever a project involves bringing more than one hundred (100) cubic yards of fill onto a site.

Planning staff reviewed the Petition with Inspectional Services Director Tom Quinn and makes the following observations:

- Respectfully, there is not enough information included in the Petition for the Council to assess and decide on the request. The Petition does not quantify how much fill will be brought onto the site, though it must be in excess of 100 cubic yards given the special permit application. The area or areas of the property that are planned to be filled are not clearly shown on a plan. The final depth of fill material is not provided nor are the distances between the edges of proposed fill area(s) and neighboring properties or ways. The omission of this data will make it impossible for the Council to adequately evaluate the impact of the project for the purpose of imposing appropriate conditions to safeguard the site, abutting properties and the environment, as outlined in Section 5.5.5 of the WZO.
- The Petition does not include a plan but instead includes an aerial photo of the lot in question. The photo does not include/satisfy the following submission requirements that are outlined in Section 5.5.3 of the WZO:
 - a. A diagram that details the proposed elevations (existing elevations are shown on the aerial photo, but no proposed elevations are provided);
 - b. A depiction or explanation of the proposed means of storm water drainage if the special permit is granted; and
 - c. Sight line distances on the existing public and/or private way(s) nearest the property.

Planning staff respectfully suggests that the Council require the submission of the above-referenced information and that the City Engineer be given an opportunity to evaluate and comment on it.

- If the Special Permit is granted, the Inspectional Services Department will require the Petitioner to provide professional certification of the origin of the fill material and proof the material has been tested and found to be free of contamination.
- Has the Conservation Commission been consulted to determine whether any of the planned work will be done in an area subject to its jurisdiction?

Thank you in advance for the opportunity to comment on this application.

Respectfully, s/Tina P. Cassidy, Planning Director

On the petition by Kevin J. Little & Susan A. Little, 36 Lake Avenue, Woburn, Massachusetts 01801, to amend the Woburn Zoning Map, the twenty (20) parcels of land as shown on a plan entitled “Lake Terrace/Lake Circle Re-Zoning area”, which include: 26 Lake Avenue (68-13-09); 28 Lake Avenue (68-13-10); 30 Lake Avenue (68-13-11); 32 Lake

Avenue (68-13-12); 34 Lake Avenue (68-13-13); 36 Lake Avenue (68-12-02); 38 Lake Avenue (68-12-03); 48 Lake Avenue (75-02-03); 52 Lake Avenue (75-02-04); 1 Lake Terrace (68-13-14); 3 Lake Terrace (68-12-01); 5 Lake Terrace (75-02-02); 7 Lake Terrace (68-13-15); 9 Lake Terrace (75-02-01); 1 Lake Circle (75-03-02); 3 Lake Circle (75-03-01); 4 Lake Circle (68-13-16); 5 Lake Circle (68-13-19); 6 Lake Circle (68-13-17); and 7 Lake Circle (68-13-18), from R-1 to R-2 Zoning District. PUBLIC HEARING OPENED: PUBLIC HEARING OPENED: A communication dated May 10, 2023, was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: PLANNING BOARD REPORT ON PROPOSED ZONING MAP AMENDMENT TO REZONE CERTAIN LOTS ON LAKE TERRACE, LAKE CIRCLE, AND LAKE AVENUE FROM THE R-1 TO R-2 ZONING DISTRICT / Kevin J. and Susan A. Little

Dear Council:

The Woburn Planning Board conducted its public hearing on the above-referenced Petition which seeks to rezone the following lots on Lake Terrace, Lake Circle, and Lake Avenue from an R-1 to an R-2 Zoning District:

Assessors Map 68, Block 12, Lots 01, 02, and 03; Assessor Map 68, Block 13, Lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19; Assessors Map 75, Block 02, Lots 01, 02, 03, and 04; and Assessors Map 75, Block 03, Lots 01 and 02.

Following the hearing and subsequent discussion, members of the Board voted unanimously to recommend the Council approve the rezoning Petition as submitted.

Respectfully, s/Tina P. Cassidy, Planning Director

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 committee report from the Committee on Special permits was received “Back for Action”.

Further, a communication dated May 9, 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: Special Permit Petitions, CCF New Boston Property Company LLC, 216 New Boston Street/225 Merrimac Street, Woburn, Massachusetts

Dear Ms. Higgins:

I respectfully request that the public hearings on both of the above matters scheduled for May 16, 2023 be continued to the City Council meeting scheduled for June 6, 2023. My client was informed this morning by the Conservation Director that the final Peer Review Report would not be ready for the May 11, 2023 Conservation Commission meeting. As a result, the matter will be continued to the May 25, 2023 meeting of the Conservation Commission. We expect that the hearing will be closed at that meeting.

If you need any further information, please do not hesitate to contact me. Thank you.

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

Further, a communication dated May 12, 2023, was received from Jay Duran, Superintendent of Public Works regarding "216 New Boston Street- 225 Merrimac Street".

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 committee report from the Committee on Special permits was received "Back for Action".

Further, a communication dated May 9, 2023, was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Suite 502, Woburn, Massachusetts 01801 as follows:

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Further, a communication dated May 12, 2023, was received from Jay Duran, Superintendent of Public Works regarding “216 New Boston Street- 225 Merrimac Street”.

UNFINISHED BUSINESS FROM PREVIOUS MEETINGS: None.

COMMITTEE REPORTS:

INFRASTRUCTURE AND PUBLIC LANDS:

Order to dispose of Fire Station #2, 907 Main Street, and Fire Station #3, 654 Main Street, and to authorize Mayor to convey the properties in accordance with G.L. c.30B.

PERSONNEL:

On the appointment of Carmen Lucchese to serve on the Woburn Board of Cemetery Commissioners, a committee report was received “ought to pass”.

CITIZEN’S PARTICIPATION: None.

COMMUNICATIONS AND REPORTS:

A communication dated April 28, 2023, 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 2023 to March 2023: Number of Violations Issued 210, Numbers of Violations Paid 70, Number of Violations Outstanding 129, Amount collected and submitted to Collectors Office \$12,873.80, Parking fines referred to the Handicap Commission \$5,770.

There is a backlog of 1521 tickets dating from January 2004 to December 2021. 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

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS: None.

Motion made and 2nd to ADJOURN.