

**CITY OF WOBURN
MAY 2, 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:

ORDERED Be it Ordained by the City Council of the City of Woburn that the following properties: Fire Station #2 located at 907 Main Street, and Fire Station #3 located at 654 Main Street, be made available for disposition and that Mayor be and is hereby authorized to convey such properties upon such terms and conditions as the Mayor may determine, that the disposition shall be completed in accordance with G.L. c.30B and further, that the Mayor be authorized to take all related actions necessary and to sign all required documents to affect the disposition of such land.

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

NEW PETITIONS:

The International School of Boston, 45 Matignon Road, Cambridge, Massachusetts 02140, for a Special Event Permit to allow a road race at Horn Pond on June 13, 2023.

Social Capital Inc., 165M New Boston Street, Suite 253, Woburn, Massachusetts 01801, for a Special Event Permit to allow Juneteenth Celebration at the Woburn Public Library on June 17, 2023.

Woburn Kiwanis for a Special Event Permit to have a Beer Garden and Food Trucks for Horn Pond Conservation Day at Horn Pond Cove Street area, on May 6, 2023.

Veir Inc., 3 Gill Street Suite D, Woburn, Massachusetts 01801, request for minor modification of special permit to show change in the arrangement of the container and tanks on the site plan, at 6 Draper Street. A communication dated April 25, 2023 was received from Attorney Mark J. Salvati, Attorney At Law, 57 Arlington Road, Woburn, Massachusetts 01801.

A communication dated April 26, 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: Request for Minor Modification to Landowner’s Decision and Notice of Special Permit dated December 27, 2012 as modified by Landowner’s Decision Notice of Special Permit dated July 9, 2015/Bloomfield Hospitality 3, Inc. as modified by Notice of Modification of Special Permit dated February 11, 2022/J&C Hospitality Inc., 880 Main Street, Woburn, Massachusetts (the “Decision”)

Dear Ms. Higgins:

Please be advised that I represent Flip the Bird LLC (“FTB”) of 880 C Main Street, Woburn, Massachusetts in connection with the above-referenced matter. On behalf of my client, I respectfully request that FTB be allowed to replace Bloomfield Hospitality 3 Inc., d/b/a WUBurger as the Petitioner. On February 11, 2022, the City Council granted approval for J&C Hospitality Inc. to replace Bloomfield Hospitality 3, Inc. d/b/a WUBurger as a minor modification to the Decision. However, J&C Hospitality Inc. did not exercise its rights under said Modification.

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

1. The Decision;
2. Menu of WUBurger
3. Menu of FTB

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

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

1. Minor adjustments in the location of buildings.

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

The replacement of Bloomfield Hospitality 3, Inc. d/b/a WUBurger with FTB is a minor modification. FTB will continue to operate a fast food restaurant at 880 Main Street, Woburn, Massachusetts and serve a menu similar to WUBurger's menu. The interior of the premises including seating will remain substantially the same. The hours of operation will be 11:00 a.m. – 9:00 p.m.

On behalf of my client, I respectfully request that the City Council approve the name change 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:

288 MISHRD LLC c/o Tim Casey, 430 East First Street, Boston, Massachusetts 02127, for a special permit under Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the renovation of an existing nonconforming building and reconfiguration of the rear parking area, at 288 Mishawum Road. PUBLIC HEARING OPENED: A communication dated April 20, 2023, was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: PLANNING DEPARTMENT COMMENTS ON SPECIAL PERMIT APPLICATION FOR RENOVATION OF EXISTING NON-CONFORMING BUILDING AND RECONFIGURATION OF REAR PARKING LOT AT 288 MISHAWUM ROAD / 288 MISHRD LLC, c/o Tim Casey

Dear Council:

The Planning Department has reviewed the above-referenced Petition which seeks a Special Permit pursuant to Section 7.3 of the Woburn Zoning Ordinance (WZO) to allow reuse of the former restaurant site at 288 Mishawum Road as a day care center. This Special Permit Petition is different from most in that not only do the provisions of the Business Interstate (B-I) district allow child care centers by right, but also State law (M.G.L. Chapter 40A, Section 3) allows

day care centers to locate in any zoning district by right, subject only to reasonable regulations. The facility is anticipated to be staffed with up to 40 employees, serve approximately 200 students, and to operate Monday through Friday from 6 a.m. to 6 p.m.

Planning staff organized a department review meeting on April 12th to gather comments on this Petition. The Engineering, Planning, Inspectional Services, Fire, and Public Works Departments attended the meeting along with representatives of the Petitioner. The Conservation Commission had previously reported that it is independently reviewing a Notice of Intent for the project. The Police Department was unable to attend the meeting but Chief Rufo informed staff the Department had no specific issues of concern aside from traffic impacts and he supported the concept of a second means of access from the abutting lot.

The following points were made by various City staff during the review meeting.

TRAFFIC

Multiple departments voiced collective concern about the impact the proposed use and site plan may have on safe access to, through, and from the site. The Petitioner plans to retain a two-way entrance/exit onto Mishawum Road and to create a new, two-way vehicular connection between the site and the driveway servicing the adjacent residential property at #290 Mishawum Road owned by Woburn Avalon LLC. This new connection would add traffic to the existing unsignalized driveway. City staff recommends the City Council require the Petitioner to submit a traffic study for analysis prior to action on the Petition. The study should analyze the project's projected impact on area roadway traffic volumes, affected driveway and roadway intersections, turning movements, and levels of service. It should also model future traffic conditions on the weekends as well as weekdays. (Although the day care center is not planning to be open on weekends, nothing will prevent that from happening in the future.) The study should also contain a discussion of potential measures to mitigate any negative impacts the additional traffic or resulting traffic patterns may have. A traffic signal warrant analysis should be conducted at the intersection of Mishawum Road and what would be the shared driveway servicing the Avalon site.

DRIVEWAYS AND SITE CIRCULATION/ACCESS

There are fundamental concerns about the flow of traffic on and through the site. It appears vehicles entering the property from the Avalon driveway will not be able to access the proposed pick-up/drop off (PU/DO) area unless they cross over an opposing lane of traffic (the vehicles entering the site from Mishawum Road). That would create an obvious safety issue.

The capacity of the PU/DO area is also a concern. The number of vehicles that could use it at any one time would appear to be far less than what the actual demand will be, at least during peak demand hours of the day. That conclusion is based on the expected traffic volumes cited by Beals Associates, Inc. during the department review meeting. If the PU/DO area's capacity will in fact be exceeded at certain times, the Petitioner needs to find a solution.

The existing site driveway onto Mishawum Road encroaches onto an abutting property without the permission of that property's owner. The Petitioner plans to repave the encroachment and continue to use it for the day care's operation. City personnel strongly encouraged the Petitioner to formalize and legitimize the encroachment now, possibly by acquiring an easement, to ensure there will always be an adequate driveway width of 24 feet for the intended two-way traffic flow. Planning staff does not recommend the Council approve a site plan authorizing a use that depends on using land it does not own and has no legal permission to occupy and/or use. If the Petitioner cannot immediately obtain permission to use the abutting land permanently, the Council might require the plan to be redrawn such that the site's Mishawum Road driveway is wholly contained within the Petitioner's property and condition approval of the Special Permit by requiring the Mishawum Road driveway to be one-way entering the site because of the narrower width.

There is a zoning issue relative to the driveway proposed to connect this site to the Avalon driveway. Shared driveways are not permitted in either the 40R District (which covers the Avalon lot) or in the B-I District (which covers the day care site). The 40R section of the WZO will need to be amended to permit the shared driveway, and the State's Department of Housing and Community Development (DHCD) will have to review and okay the proposed zoning amendment prior to its formal submission for Council and Planning Board consideration (DHCD must ensure any amendment to an existing 40R District does not frustrate the overarching purposes of MGL Chapter 40R). Planning staff can facilitate the State review/approval process.

UTILITIES

The Petitioner did not provide separate utility plans because it was not proposing changes to the existing utility services. As a general statement, City staff does not have the detailed information needed to provide informed feedback on either the adequacy of the intended onsite utilities or any impacts on the City's systems. Moreover, City personnel believe some of the utility information on the plan is incorrect. While the Petitioner believes the fire and domestic water services for this building are separate lines, City departments believe they are connected and if so, they will need to be separated. Also, the Water Department indicates the water line connection for this building comes from Mishawum Road and not from the Avalon property as shown on the submitted plans. Accordingly, staff strongly recommends the Petitioner be required to provide an accurate utility plan for review by appropriate City departments.

The Public Works Department noted it will require the Petitioner to "telecamera" the existing sewer line from Mishawum Road to the building in order to ensure it is adequate to service the proposed use. Staff believes this project will be subject to the Infiltration and Inflow mitigation provisions of Title 13 of the Woburn Municipal Code.

DRAINAGE

The Engineering and Public Works Departments expressed typical general concern about adequacy of the proposed drainage design and stormwater management. Those topics will be evaluated to some extent during the Conservation Commission's review of the Notice of Intent.

The Commission anticipates receiving the results of a comprehensive review of the proposed storm water management from the City Engineer and/or outside peer review consultants.

FIRE SAFETY

The Fire Department registered reservations about on-site maneuverability and building access given the site design and the fencing that will enclose the play area. The Department is unable to provide more meaningful comment until more accurate and detailed information on existing and proposed water services and hydrant locations is provided and analyzed. Fire flow tests will need to be conducted.

PARKING

Director of Inspectional Services Director Tom Quinn is charged with determining the number of parking spaces needed to support the proposed day care use. The Petitioner has not yet provided him with a calculation of parking needs based on, among other things, expected staffing levels at the facility. The Council should ensure that it receives Mr. Quinn's confirmation of the site plan's conformance with parking requirements prior to taking final action on the Petition.

On the issue of parking, the Petitioner proposes to use a portion of the parking lot (approximately 6 spaces) for snow storage in the Winter months. The Inspectional Services Director is concerned that doing so might create inadequate parking on site during part of the year. Accordingly, in addition to the parking information requested in the paragraph above, the Petitioner was encouraged to analyze and provide information on the adequacy of the proposed snow storage area to accommodate expected weather conditions and an estimate of the length of time the spaces will be unavailable for parking in a typical year. The Petitioner will need to prove that having less parking spaces in the Winter will not create a seasonal parking shortfall (zoning violation) on the property.

MISCELLANEOUS

- Although the Petition contains information on directional signage, no signage identifying the day care operation is included in the application. The location of any such signage should be shown on the plan(s) that will become the Special Permit Plan(s) of Record, particularly any that rely on the nonconforming status of existing signage. Approval of the signs will be subject to a separate application process through the Inspectional Services Department.
- The plans do not include any information on parking lot lighting, although representatives of the Petitioner indicated it intends to install new lighting in the same locations where lighting exists today. The plan should be revised to show the locations of all lighting fixtures, and staff hopes the Petitioner will honor its verbal commitment to use lighting fixtures that are Dark Sky compliant.

- The Petitioner indicates there are currently no plans to install solar energy systems or electric vehicle charging stations on the site. Planning staff encourages the Petitioner to consider installing the provisions for future charging stations (e.g. installing electrical conduit to potential spaces) now, during the upcoming site construction work. Although the future conversion of general parking spaces to dedicated electric vehicle charging stations would trigger the need for review and approval by the Inspectional Services Department under current zoning provisions, adding the underground conduit now would eliminate the traffic and circulation disruption that would come with trying to install charging stations in the future, once the day care is in operation.
- All exterior refuse/recycling containers must be adequately screened from view.
- The Petitioner was encouraged to consider installing sufficient landscaping/plantings along the common property line with Avalon in order to adequately screen the day care center's playground fence from view from the Edens site.

Thank you for your consideration of these points on behalf of all the departments that contributed to this letter. I would be happy to answer any questions you may have.

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 communication dated April 7, 2023 was received from Horsely Witten Group to Theresa Murphy, Conservation Administrator, and forwarded on to the City Council, regarding "Wetlands Peer Review for Notice of Intent – Report #2, 216 New Boston Street Woburn, MA, MassDEP File No. 348-0849".

Further, a communication dated April 25, 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 2, 2023 be continued to the City Council meeting scheduled for May 16, 2023. My client appeared before the Conservation Commission on April 13, 2023. The meeting went

well. The only significant comment from the Commission was a request to have all of the plans reduced from 30" x 42" to 24" x 36". In addition, an updated peer review memo from Horsley Witten was received with a majority of comments only requiring further explanation from my client's wetlands engineer on several issues. We expect that the hearing will be closed at the next ConCom meeting scheduled for May 11, 2023.

This will allow us to present updated plans to the Special Permits Committee on May 8, 2023. If you need any further information, please do not hesitate to contact me. Thank you.

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

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 PUBLIC HEARING OPENED: A communication dated April 7, 2023 was received from Horsely Witten Group to Theresa Murphy, Conservation Administrator, and forwarded on to the City Council, regarding "Wetlands Peer Review for Notice of Intent – Report #2, 216 New Boston Street Woburn, MA, MassDEP File No. 348-0849".

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This will allow us to present updated plans to the Special Permits Committee on May 8, 2023. If you need any further information, please do not hesitate to contact me. Thank you.

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

On the petition by Accutemp Engineering Inc., 100 Maple Street, Building B, Stoneham, Massachusetts 02180, for a special permit pursuant to Section 57b of the 1985 Woburn Zoning Ordinances, as amended, to allow for overnight parking for 2 vehicles (rack body and box van), at 271 Salem Street, Building H.

120 Commerce Apartments, LLC c/o Toll Brothers Apartment Living, 1140 Virginia Drive, Fort Washington, Pennsylvania 19034, to amend Section 23 Commerce Way Corridor Overlay District of the 1985 Woburn Zoning Ordinance, as amended, as follows: 1. To amend Section 23.5.1 to allow solar energy systems (roof-mounted; solar carport/canopy on a parking garage; ground-mounted, small-scale; ground-mounted, medium-scale; ground-mounted, large-scale; off-grid; and passive) and solar thermal system uses by right; 2. To amend Section 23.5.2 to allow solar carport/canopy uses by special permit; 3. To add new Section 23.5.5 for photovoltaic installations shall be exempt from certain requirements; and 4. To add Section 23.12 solar photovoltaic installations, except as otherwise provided, shall comply with Section 26. PUBLIC HEARING OPENED: A committee report from the Committee on Ordinance, Charter and Rules was received "Back for Action".

Further, a communication dated April 12, 2023, was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: PLANNING BOARD REPORT/RECOMMENDATION ON PROPOSED SOLAR-RELATED ZONING TEXT AMENDMENTS TO THE COMMERCE WAY CORRIDOR OVERLAY DISTRICT (CWCOD) SECTION OF THE WOBURN ZONING ORDINANCE

Dear Council:

At a meeting of the Woburn Planning Board held on Tuesday, April 11, 2023, members of the Board conducted a public hearing on the attached proposed zoning amendments.

Following the hearing and subsequent discussion, members of the Board voted unanimously to recommend the City Council adopt the proposed amendments as drafted.

Please feel free to contact me if you have any questions relative to the Board's vote on this matter.

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

UNFINISHED BUSINESS FROM PREVIOUS MEETINGS: None.

COMMITTEE REPORTS:

FINANCE:

On the order that the amount of \$998,161.64 be transferred from BLS Ambulance Acct#31359-595000 to Fire Regular Salary Acct #0122051-51000, Fire Overtime Acct#0122051-513100, Ambulance Maint. Acct#0122054-544300 & Apparatus Maint/Fire Acct# 0122054-544400, a committee report was received “ought to pass”.

On the order that the amount of \$75,000.00 be appropriated from Unreserved Fund Balance Acct#01-356000 to Veteran’s Cash Aid Acct# 0154357-577000, a committee report was received “ought to pass”.

On the order that the amount of \$300,000.00 be appropriated from Unreserved Fund Balance Acct#01-356000 to Traffic Lights @ Merrimac/New Boston Streets Acct#0112158-589342, a committee report was received “ought to pass”.

PERSONNEL:

On the reappointment of Thomas C. Quinn to serve on the Woburn Housing Authority Board, a committee report was received “ought to pass”.

On the reappointment of Larry Rideout to serve on the Woburn Housing Authority Board, a committee report was received “ought to pass”.

PUBLIC SAFETY AND LICENSE:

On the petitions for renewal of livery licenses for the following: Harmony Transportation, Inc., 8 Conn Street; and Boston Express Livery Service Inc., 165 New Boston Street, a committee report was received “ought to pass”.

CITIZEN’S PARTICIPATION: None.

COMMUNICATIONS AND REPORTS: None.

APPOINTMENTS AND ELECTIONS:

A communication dated April 18, 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, Carmen Lucchese, 6 Elijah 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 Joseph McDonough, who resigned from his position on the board.

Respectfully, s/Scott D. Galvin, Mayor

MOTIONS, ORDERS AND RESOLUTIONS:

From the Traffic Commission:

ORDERED That the 2017 Woburn Traffic Code, as amended, be further amended by adding to Schedule 3 Stop Signs the following:

BELMONT STREET – Southwestbound at Arlington Street and
Northeastbound at Arlington Street.

ORDERED That the Committee on Personnel take the necessary steps to fill the vacancy in the position of Resident Representative on the Woburn Traffic Commission.

s/ Councilor Joanne E. Campbell and
Councilor Jeffrey P. Dillon

ORDERED That the City Council Regular Meetings scheduled for July 4, 2023, July 18, 2023, and August 1, 2023 are hereby canceled and that the City Council Meetings shall be held on July 11, 2023 and August 15, 2023, and the meetings shall begin at 6:30 p.m.

s/ President Michael P. Concannon

Motion made and 2nd to ADJOURN.