

**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 - Remote
Dillon	Mercer-Bruen
DiMambro	Viola
Concannon	

President Concannon stated that Councilor Gately would participate in this meeting under the City of Woburn Remote Participation Policy. President Concannon stated Councilor Gately would be joining by telephone and all votes will be by roll call.

Motion Made and 2nd that Diane J. Stiffler be named Clerk of City Council Pro-Tem in absence of the clerk of the Council, ROLL CALL: Campbell – Yes; Demers-Yes; Dillion – Yes; DiMambro – Yes; Ferullo – Yes; Gately – Yes; Mercer-Bruen – Yes; Viola – Yes; Concannon – Yes. Motion passes.

VOTED to dispense with the reading of the previous meeting’s Journal and to APPROVE, all in favor. ROLL CALL: Campbell – Yes; Demers-Yes; Dillion – Yes; DiMambro – Yes; Ferullo – Yes; Gately – Yes; Mercer-Bruen – Yes; Viola – Yes; Concannon – Yes. Motion passes.

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. Motion made and 2nd that the SPECIAL EVENT PERMIT BE APPROVED, ROLL CALL: Campbell – Yes; Demers-Yes; Dillion – Yes; DiMambro – Yes; Ferullo – Yes; Gately – Yes; Mercer-Bruen – Yes; Viola – Yes; Concannon – Yes. Motion passes.

Presented to the Mayor: May 18, 2023

s/Scott D. Galvin May 18, 2023

Petition for renewal of Taxi License for Checker Cab of Woburn Inc., 827 Main Street. Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND LICENSE, ROLL CALL: Campbell – Yes; Demers-Yes; Dillion – Yes; DiMambro – Yes; Ferullo – Yes; Gately – Yes; Mercer-Bruen – Yes; Viola – Yes; Concannon – Yes. Motion passes.

Petition for renewal of Livery License for Checker Cab of Woburn Inc., 827 Main Street. Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND LICENSE, ROLL CALL: Campbell – Yes, Demers-Yes, Dillion – Yes, DiMambro – Yes, Ferullo – Yes, Gately – Yes, Mercer-Bruen – Yes, Viola – Yes, Concannon- Yes. Motion passes.

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. Motion made and 2nd that the MATTER BE REFERRED TO PUBLIC HEARING, ROLL CALL: Campbell – Yes, Demers-Yes, Dillion – Yes, DiMambro – Yes, Ferullo – Yes, Gately – Yes, Mercer-Bruen – Yes, Viola – Yes, Concannon – Yes. Motion passes.

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. Motion made and 2nd that the MATTER BE REFERRED TO PUBLIC HEARING, ROLL CALL: Campbell – Yes, Demers-Yes, Dillion – Yes, DiMambro – Yes, Ferullo – Yes, Gately – Yes, Mercer-Bruen – Yes, Viola – Yes, Concannon – Yes. Motion passes.

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”. Motion made and 2nd that all

communications be received and made of the permanent records. ROLL CALL: Campbell – Yes; Demers-Yes; Dillion – Yes; DiMambro – Yes; Ferullo – Yes; Gately – Yes; Mercer-Bruen – Yes; Viola – Yes; Concannon – Yes. Motion passes. Councilor Demers stated that these matters have been on the agenda for quite some time, furthering the frustration with the utility company. Councilor Demers stated he feels that a communication should be sent to the utility company asking them to proceed or withdraw without prejudice. Councilor Mercer-Bruen stated Nstar has been given more than enough time and read out loud the communication dated May 12, 2023 from the DPW Superintendent Jay Duren. Motion made and 2nd that the PUBLIC HEARING BE OPENED FOR PUBLIC COMMENTS, ROLL CALL: Campbell – Yes, Demers-Yes, Dillion – Yes, DiMambro – Yes, Ferullo – Yes, Gately – Yes, Mercer-Bruen – Yes, Viola – Yes, Concannon – Yes. Motion passes. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JUNE 20, 2023, and a communication be sent from the council requesting to receive a response from NStar or a petition to leave without prejudice. ROLL CALL: Campbell – Yes; Demers-Yes; Dillion – Yes; DiMambro – Yes; Ferullo – Yes; Gately – Yes; Mercer-Bruen – Yes; Viola – Yes; Concannon – Yes. Motion passes.

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”. Motion made and 2nd that all communications be received and made of the permanent records. ROLL CALL: Campbell – Yes; Demers-Yes; Dillion – Yes; DiMambro – Yes; Ferullo – Yes; Gately – Yes; Mercer-Bruen – Yes; Viola – Yes; Concannon – Yes. Motion passes. Councilor Demers stated that these matters have been on the agenda for quite some time, furthering the frustration with the utility company. Councilor Demers stated he feels that a communication should be sent to the utility company asking them to proceed or withdraw without prejudice. Councilor Mercer-Bruen stated Nstar has been given more than enough time and read out loud the communication dated May 12, 2023 from the DPW Superintendent Jay Duren. Motion made and 2nd that the PUBLIC HEARING BE OPENED FOR PUBLIC COMMENTS, ROLL CALL: Campbell – Yes, Demers-Yes, Dillion – Yes, DiMambro – Yes, Ferullo – Yes, Gately – Yes, Mercer-Bruen – Yes, Viola – Yes, Concannon – Yes. Motion passes. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JUNE 20, 2023, and a communication be sent from the council requesting to receive a response from NStar or a petition to leave without prejudice. ROLL CALL: Campbell – Yes; Demers-Yes; Dillion – Yes; DiMambro – Yes; Ferullo – Yes; Gately – Yes; Mercer-Bruen – Yes; Viola – Yes; Concannon – Yes. Motion passes.

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”. Motion made and 2nd that all communications be received and made of the permanent records. ROLL CALL: Campbell – Yes; Demers-Yes; Dillion – Yes; DiMambro – Yes; Ferullo – Yes; Gately – Yes; Mercer-Bruen – Yes; Viola – Yes; Concannon – Yes. Motion passes. Councilor Demers stated that these matters have been on the agenda for quite some time, furthering the frustration with the utility company. Councilor Demers stated he feels that a communication should be sent to the utility company asking them to proceed or withdraw without prejudice. Councilor Mercer-Bruen stated Nstar has been given more than enough time and read out loud the communication dated May 12, 2023 from the DPW Superintendent Jay Duren. Motion made and 2nd that the PUBLIC HEARING BE OPENED FOR PUBLIC COMMENTS, ROLL CALL: Campbell – Yes, Demers-Yes, Dillion – Yes, DiMambro – Yes, Ferullo – Yes, Gately – Yes, Mercer-Bruen – Yes, Viola – Yes, Concannon – Yes. Motion passes. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JUNE 20, 2023, and a communication be sent from the council requesting to receive a response from NStar or a petition to leave without prejudice. ROLL CALL: Campbell – Yes; Demers-Yes; Dillion – Yes; DiMambro – Yes; Ferullo – Yes; Gately – Yes; Mercer-Bruen – Yes; Viola – Yes; Concannon – Yes. Motion passes.

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”. Motion made and 2nd that all communications be received and made of the permanent records. ROLL CALL: Campbell – Yes; Demers-Yes; Dillion – Yes; DiMambro – Yes; Ferullo – Yes; Gately – Yes; Mercer-Bruen – Yes; Viola – Yes; Concannon – Yes. Motion passes. Councilor Demers stated that these matters have been on the agenda for quite some time, furthering the frustration with the utility company. Councilor Demers stated he feels that a communication should be sent to the utility company asking them to proceed or withdraw without prejudice. Councilor Mercer-Bruen stated Nstar has been given more than enough time and read out loud the communication dated May 12, 2023 from the DPW Superintendent Jay Duren. Motion made and 2nd that the PUBLIC HEARING BE OPENED FOR PUBLIC COMMENTS, ROLL CALL: Campbell – Yes, Demers-Yes, Dillion – Yes, DiMambro – Yes, Ferullo – Yes, Gately – Yes, Mercer-Bruen – Yes, Viola – Yes, Concannon – Yes. Motion passes. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JUNE 20, 2023, and a communication be sent from the council requesting to receive a response from NStar or a petition to leave without prejudice. ROLL CALL:

Campbell – Yes; Demers-Yes; Dillion – Yes; DiMambro – Yes; Ferullo – Yes; Gately – Yes; Mercer-Bruen – Yes; Viola – Yes; Concannon – Yes. Motion passes.

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”. Motion made and 2nd that all communications be received and made of the permanent records. ROLL CALL: Campbell – Yes; Demers-Yes; Dillion – Yes; DiMambro – Yes; Ferullo – Yes; Gately – Yes; Mercer-Bruen – Yes; Viola – Yes; Concannon – Yes. Motion passes. Councilor Demers stated that these matters have been on the agenda for quite some time, furthering the frustration with the utility company. Councilor Demers stated he feels that a communication should be sent to the utility company asking them to proceed or withdraw without prejudice. Councilor Mercer-Bruen stated Nstar has been given more than enough time and read out loud the communication dated May 12, 2023 from the DPW Superintendent Jay Duren. Motion made and 2nd that the PUBLIC HEARING BE OPENED FOR PUBLIC COMMENTS, ROLL CALL: Campbell – Yes, Demers-Yes, Dillion – Yes, DiMambro – Yes, Ferullo – Yes, Gately – Yes, Mercer-Bruen – Yes, Viola – Yes, Concannon – Yes. Motion passes. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JUNE 20, 2023, and a communication be sent from the council requesting to receive a response from NStar or a petition to leave without prejudice. ROLL CALL: Campbell – Yes; Demers-Yes; Dillion – Yes; DiMambro – Yes; Ferullo – Yes; Gately – Yes; Mercer-Bruen – Yes; Viola – Yes; Concannon – Yes. Motion passes.

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 Rheaume, 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

Motion made and 2nd that all communications be received and made part of the permanent records, ROLL CALL: Campbell – Yes; Demers-Yes; Dillion – Yes; DiMambro – Yes; Ferullo – Yes; Gately – Yes; Mercer-Bruen – Yes; Viola – Yes; Concannon – Yes. Motion passes. Appearing is the petitioner, Valentino Tocci Jr. 660 Main St, Woburn, Massachusetts 01801, stated he had an aerial photo he would like to submit. Motion made and 2nd that the photo be received and made part of the permanent records, ROLL CALL: Campbell – Yes; Demers-Yes; Dillion – Yes; DiMambro – Yes; Ferullo – Yes; Gately – Yes; Mercer-Bruen – Yes; Viola – Yes; Concannon – Yes. Motion passes. Mr. Tocci stated this is mostly an aesthetic and landscaping issue. Mr. Tocci stated the intention is to take what is currently a crater & dip and make it a more gradual slope. Mr. Tocci stated that they would fill it with 6-inch minor stone so that the it will accept rain fall, and won't be a run off situation. Plans on putting a filter fabric over it and 6-inches of top soil and plant wildflowers or wild grass. President Concannon asked Mr. Tocci if he had a chance to review the Planning Board and Engineering Departments communications. Mr. Tocci stated that he was out of town and only seen the communications on Monday. President Concannon stated that the Planning Board and Engineering Departments have raised a few concerns that will need to be addressed. Mr. Tocci stated that one of the concerns raised is the package didn't have

existing & finished grades, he stated that they should have been included in the package and the aerial photo that was part of the package had the existing grades and the proposed grades. Mr. Tocci stated that he didn't included how much fill that was going to brought in. Councilor Demers stated that there is more work to do, with the concerns raised by the Planning Department. Councilor Demers stated he is willing to give more time to address these concerns and wants to hear the Planning and Engineering further recommendations. Councilor Dillon concurs with Councilor Demers, Councilor Dillon stated that it is his ward and let's make sure that everything is right. Councilor Dillon stated that he had been out to the property to take a look, and anyone who know the Tocci's they keep their property pristine and want to continue to do so. Councilor Mercer-Bruen stated she supports sending it to committee, there are many open questions. She has concerns about the abutting properties, that the fill appears to be encroaching on the abutting properties and the water issue with the storm water will need to be flushed out to move it forward. Mr. Tocci stated that he spoke with Mr. Tremblay the only abutter impacted, Mr. Tocci stated the Mr. Tremblay agrees with approach as long as the concerns already addressed are met. Councilor Viola stated he has concerns with the run off. Motion made and 2nd that the public hearing be opened for public comments, ROLL CALL: Campbell – Yes; Demers-Yes; Dillion – Yes; DiMambro – Yes; Ferullo – Yes; Gately – Yes; Mercer-Bruen – Yes; Viola – Yes; Concannon – Yes. Motion passes. PUBLIC COMMENT: John Curran, 2 Wyman Street, stated he has grave concern about this permit, they already brought fill into the property, conservation wasn't aware of what was going on with the property. Mr. Curran stated he spoke with the Building Department and they stated that they were bringing in less than a hundred 100 yards of fill. Mr. Curran stated that it was classified as a low-lying area by the DEP a few years back, but also the well 2 zoning district crosses through the property. Mr. Curran stated he also notice a fire house running across the property draining water into the canal bed. Mr. Curran stated it is a significant violation of conservation wetland guidelines. Mr. Curran stated he is not opposed to the improvements along Main Street, but where is the water going to go. Mr. Curran stated it should be reviewed and make sure it is done right. Mr. Tocci stated that Theresa Murphy and Thomas Quinn where both notified before they did anything. He stated he submitted the plan several times by email and meet both in person. Both Theresa Murphy and Thomas Quinn came out to the property, as well as several members of the conservation commission to see what we were working on. Mr. Tocci also stated the fill brought in never exceeded 100 cubic yards. Mr. Tocci stated that he extracted some sludge and brought in 6-inch stone to make sure the concept of what they were doing was going to work. Mr. Tocci also stated as for the hose being run, it was only in the process of removing the sludge. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JUNE 6, 2023 AND THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, ROLL CALL: Campbell – Yes; Demers-Yes; Dillion – Yes; DiMambro – Yes; Ferullo – Yes; Gately – Yes; Mercer-Bruen – Yes; Viola – Yes; Concannon – Yes. Motion passes.

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

Motion made and 2nd that all communications be received and made part of the permanent records, ROLL CALL: Campbell – Yes; Demers-Yes; Dillion – Yes; DiMambro – Yes; Ferullo – Yes; Gately – Yes; Mercer-Bruen – Yes; Viola – Yes; Concannon – Yes. Motion passes. Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Suite 502, Woburn, Massachusetts 01801, stated he would like to submit the following documents, a Planning Board recommendation dated May 10, 2023, a current petition which includes the zoning map, a petition dated June 2022, submitted by some the abutters to Councilor Campbell expressing their wish to rezone the property back to the R-2 zoning district and a zoning map dated July 1980 showing the properties in the R-2 zoning district. Motion made and 2nd that the documents be received and made part of the permanent record, ROLL CALL Campbell – Yes; Demers-Yes; Dillion – Yes; DiMambro – Yes; Ferullo – Yes; Gately – Yes; Mercer-Bruen – Yes; Viola – Yes; Concannon – Yes. Motion passes. Attorney Tarby stated the petitioners Susan & Kevin Little of 36 Lake Avenue, seek to rezone applicant property, along with 8 other properties on Lake Avenue, 5 properties on Lake Terrace and 6 Properties on Lake Circle from R-1 to R-2 Zoning District. All the properties where in the R-2 zoning district until 1985 when they were rezoned to R-1

district. Attorney Tarby stated when you go through the neighborhood many of the families lived there for many years, the Littles have lived in their home for 40 years. Some of the property owners would like to provide housing for their elderly or disabled parents. They would like to stay in their own homes, converting to a two family helps them stay in their homes. Attorney Tarby stated zoning regulations to convert an existing single-family home to a two family with minor modifications requires a minimum lot size of ten thousand square feet, frontage of 80 feet, front yard setback of 25 feet, side yard setbacks are 20 feet and 30 feet rear yard setback. Of the twenty lots fourteen of those lots qualify only by lot size and frontage. If someone in that situation wished to convert to a two family they would have to obtain a variance from the Board of Appeals. The other way is you can construct the two family if you have a minimum lot size of 15,000 square feet, 100 feet of frontage and the same setbacks of 25 ft in front, 20 each side and 30 ft in the rear. Of the twenty lots only four qualify but only in lot size and street frontage. Attorney Tarby stated that if the Little's lot was the only lot being rezoned it would be considered spot zoning, but this isn't the case because of the larger group of lots. Attorney Tarby stated that they were before the Planning Board last Tuesday, they held a public hearing and voted unanimously to recommend to the City Council that this petition be approved. Council Campbell stated she was apprehensive about supporting zoning changes in Woburn, but in this particular instance this a very unique circumstance. That many of the homes are already two families because it was zoned R-2, a zoning change happened around 1988-1989 from R-2 to R-1. The zoning change was to help stop a particular house from being built, but was built in the end. Councilor Campbell stated she is very comfortable changing back to what it was originally. Councilor Demers stated he is all for anything that helps residents stay in their homes if they're longtime residents of Woburn. But then also opening up opportunities for the family to keep the property within the family. Councilor Demers stated that many folks are in favor of it and basically just restoring it to the original zoning intent. Councilor Dillon stated one or two lots may be considered spot zoning but 20 doesn't, is there a legal number that changes that. Attorney Tarby stated that there is no magic number. Councilor Mercer-Bruen stated it seems that clearly most of the neighbors support it. Councilor Mercer-Bruen state she would be interested to hear if there any opposition to it, but if there is not she certainly follow the lead of the city council who represents the ward. Councilor DiMambro stated he was in support, there are checks and balances and is in support of people staying in Woburn, living in Woburn and having family in Woburn. Councilor Viola stated he was apprehensive when he heard rezoning, Councilor Viola stated he is against rezoning, but after looking into the matter further and reading all the neighbors that support the matter, he will be supporting the matter. Councilor Gately stated he has no opposition on the matter. Motion made and 2nd that the public hearing be opened for public comments, ROLL CALL: Campbell – Yes; Demers-Yes; Dillon – Yes; DiMambro – Yes; Ferullo – Yes; Gately – Yes; Mercer-Bruen – Yes; Viola – Yes; Concannon – Yes. Motion passes. PUBLIC COMMENT: Laura-Jean Minniti, 6 Lake Circle stated she is not opposed she is afraid of opening up to another Condo development. Would like clarification of what it would do to the neighborhood in the future. James Coronis, 38 Lake Avenue, stated he directly abuts the Little's property, what they are asking for works. The protective mechanism that are in place, special permits & variance are a sense of security. James Cronis stated he is one hundred percent for it. Daniel Johnedis, 3 Lake Circle, stated he wouldn't sign the petition but would not oppose the change. Mr. Johnedis stated that Lake Terrace and Lake Circle have always been one family homes.

Virginia Volpe, 9 Lake Terrace, stated she has lived there for 52 years, and was one of the people who signed to have the zoning changed from R-2 to R-1. Ms. Volpe stated she is here to get it back to R-2 zone. She is all for the change. Daniel O’Keeffe, 1 Lake Terrace, stated he like the change. Keith Little, 36 Lake Avenue, stated he is trying to keep the house in the family, and would like to stay, would like to change back R-2 as it was when parents bought property. Motion made and 2nd TO CLOSE THE PUBLIC HEARING AND APPROVE THE ZONING MAP AMENDMENT, ROLL CALL: Campbell – Yes; Demers-Yes; Dillion – Yes; DiMambro – Yes; Ferullo – Yes; Gately – Yes; Mercer-Bruen – Yes; Viola – Yes; Concannon – Yes. Motion passes.

Presented to the Mayor on May 18, 2023 and ten days having elapsed without the same being approved, said Order became effective without his signature on May 30, 2023.

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”. Motion made and 2nd, that the next two matters be taken collectively, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Abstain; Gately - Abstain; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion passes. Motion made and 2nd that all communications be received and made part of the permanent records, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Abstain; Gately - Abstain; Mercer-Bruen - Yes; Viola - Yes; Concannon – Yes. Motion passes. Motion made and 2nd to open Public Hearing. ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Abstain; Gately - Abstain; Mercer-Bruen - Yes; Viola - Yes; Concannon – Yes. Motion passes. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON June 6, 2023, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Abstain; Gately - Abstain; Mercer-Bruen - Yes; Viola - Yes; Concannon – Yes. Motion passes.

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:

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”. Motion made and 2nd, that the next two matters be taken collectively, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Abstain; Gately - Abstain; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion passes. Motion made and 2nd that all communications be received and made part of the permanent records, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Abstain; Gately - Abstain; Mercer-Bruen - Yes; Viola - Yes; Concannon – Yes. Motion passes. Motion made and 2nd to open Public Hearing. ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Abstain; Gately - Abstain; Mercer-Bruen - Yes; Viola - Yes; Concannon – Yes. Motion passes. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON June 6, 2023, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Abstain; Gately - Abstain; Mercer-Bruen - Yes; Viola - Yes; Concannon – Yes. Motion passes.

UNFINISHED BUSINESS FROM PREVIOUS MEETINGS: None.

COMMITTEE REPORTS:

INFRASTRUCTURE AND PUBLIC LANDS:

Motion made and 2nd to suspend the rules and pull from the committee on INFRASTRUCTURE AND PUBLIC LAND THE FOLLOW: 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., ROLL CALL: Campbell – Yes; Demers-Yes; Dillion – Yes; DiMambro – Yes; Ferullo – Yes; Gately – Yes; Mercer-Bruen – Yes; Viola – Yes; Concannon – Yes. Motion passes. Motion made and 2nd to divide the questions, ROLL CALL: Campbell – Yes; Demers-Yes; Dillion – Yes; DiMambro – Yes; Ferullo – Yes; Gately – Yes; Mercer-Bruen – Yes; Viola – Yes; Concannon – Yes. Motion passes.

ORDERED Be it Ordained by the City Council of the City of Woburn that the following property: Fire Station #3 located at 654 Main Street, be made available for disposition and that the Mayor be and is hereby authorized to convey such property 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

Councilor Viola stated he would like to send a communication to the City Engineer to give some understanding and option of what it would take to make a street where the fire station is. Councilor Mercer-Bruen stated she understands and supports the spirit of it but it is a big ask for the City Engineer. Councilor Demers stated that just trying to get the City Engineer's comments and ball park estimate. Councilor Dillon stated this fall into his ward, and before relinquishing the authority there should some discussion. Motion made and 2nd that the order related to Fire Station #3 be referred to the Committee on Infrastructure and Public Lands, and to send a communication to the City Engineer requesting his brief option of the prospect of continuing Clinton Street and to invite the City Engineer to a Committee Meeting. ROLL CALL: Campbell – Yes; Demers-Yes; Dillion – Yes; DiMambro – Yes; Ferullo – Yes; Gately – Yes; Mercer-Bruen – Yes; Viola – Yes; Concannon – Yes. Motion passes.

ORDERED Be it Ordained by the City Council of the City of Woburn that the following property: Fire Station #2 located at 907 Main Street, be made available for disposition and that the Mayor be and is hereby authorized to convey such property 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

Motion made and 2nd that the order related to Fire Station #2 be adopted, ROLL CALL: Campbell – Yes; Demers-Yes; Dillion – Yes; DiMambro – Yes; Ferullo – Yes; Gately – Yes; Mercer-Bruen – Yes; Viola – Yes; Concannon – Yes. Motion passes.

Presented to the Mayor: May 18, 2023

s/Scott D. Galvin May 18, 2023

PERSONNEL:

On the appointment of Carmen Lucchese to serve on the Woburn Board of Cemetery Commissioners, a committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT BE ADOPTED, ROLL CALL: Campbell – Yes; Demers-Yes;

Dillion – Yes; DiMambro – Yes; Ferullo – Yes; Gately – Yes; Mercer-Bruen – Yes; Viola – Yes; Concannon – Yes. Motion passes.

Presented to the Mayor: May 18, 2023

s/Scott D. Galvin May 18, 2023

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

Motion made and 2nd that the MATTER BE RECEIVED AND PLACED ON FILE, ROLL CALL: Campbell – Yes; Demers-Yes; Dillion – Yes; DiMambro – Yes; Ferullo – Yes; Gately – Yes; Mercer-Bruen – Yes; Viola – Yes; Concannon – Yes. Motion passes.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS: None.

Motion made and 2nd to ADJOURN, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes. Meeting adjourned at 8:10 p.m.

A TRUE RECORD ATTEST:

Diane J. Stiffler
Assistant City Clerk and
Clerk of the City Council Pro-Tem