

**CITY OF WOBURN
AUGUST 15, 2023 – 6:30 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:

A communication dated August 10, 2023 was received from His Honor the Mayor Scott D. Galvin as regarding the following order:

ORDERED Be it Ordained by the City Council of the City of Woburn, that:

Whereas, the City of Woburn, after thorough investigation, has determined that the work activity consisting of the following project described as:

Horn Pond Water Treatment Plant PFAS Removal (DWSRF 12538)

is both in the public interest and necessary to protect the public health, and that to undertake this activity, it is necessary to apply for assistance; and

Whereas, the Massachusetts Department of Environmental Protection (MassDEP) and the Massachusetts Clean Water Trust (the Trust) of the Commonwealth of Massachusetts, pursuant to M.G.L. Chapter 21 and Chapter 29C, are authorized to make loans to municipalities for the purpose of funding planning and construction activities relative to Water Pollution Abatement Projects; and

Whereas, the Applicant has examined the provisions of the Act, Chapter 21 and Chapter 29C, and believes it to be in the public interest to file a loan application.

NOW, THEREFORE, BE IT ORDAINED:

1. that the Mayor is hereby authorized on behalf of the City of Woburn to file applications and execute agreements for grant and/or loan assistance as well as furnishing such information, data and documents pertaining to the City of Woburn for a grant(s) and/or loan(s) as may be required; and otherwise to act as the authorized representative of the City of Woburn in connection with this application;
2. that the purpose of said loan(s), if awarded, shall be to fund construction activities associated with the above referenced project; and
3. that if said award is made, the City of Woburn agrees to pay those costs which constitute the City of Woburn's required share of the project cost.

Per request of the Mayor

A communication dated August 10, 2023 was received from His Honor the Mayor Scott D. Galvin as regarding the following order:

ORDERED Be it ordained that the City Council of the City of Woburn hereby accepts and adopts the following provisions of M.G.L. c.59, §5, commonly referred to as the BRAVE Act, regarding military veteran benefits:

Clause 22G, which provides that real estate tax exemptions available to veterans under clauses 22, 22A, 22B, 22C, 22D, 22E and 22F, will apply equally to real estate that is the domicile of a veteran but is under the legal ownership of a trustee, conservator or other fiduciary for the benefit of the veteran, to the same extent as if the veteran were the legal owner of the real estate; and

Clause 22H, which provides a full real estate tax exemption for the surviving parents or guardians of active military personnel who have died while on active duty or who went missing in action (and are presumed to have died), from taxation on their domiciles, as long as the surviving parent or guardian has resided in the Commonwealth of Massachusetts for at least 5 years before the tax year begins or the service member was domiciled in the Commonwealth for not less than 6 months before entering service.

Per request of the Mayor

ORDERED Be it Ordained by the City Council of the City of Woburn that Title II, Article XX, Conservation Commission, as amended, be further amended by inserting the following new section:

2-147A Community Gardens Coordinator

1. Appointment and Employment Status

The Community Gardens Coordinator (“Coordinator”) shall be appointed annually by the Mayor, upon the recommendation of the Conservation Commission. The position of Coordinator is a part-time, intermittent, non-benefitted position.

2. Duties and Responsibilities.

In overseeing the operation of the Community Gardens, the Coordinator’s duties and responsibilities shall include, but not be limited to, determining the seasonal opening and closing dates for the Community Gardens, administration of the registration for and assignment of vacant garden plots to residents, maintaining a register of current gardeners and their plots, coordinating responses to questions regarding the use and operation of the Community Gardens, and coordination of the various entities that support the Community Gardens including local nurseries, companies providing sanitary services and the Department of Public Works. The Coordinator is responsible for preparing and staking out each plot within the Community Gardens, and for removing the stakes in the fall.

The Coordinator must possess strong communication skills and be able to represent the Commission and City by interaction with the gardeners in a professional manner whether in person, by phone, email or text.

Per request of the Mayor

ORDERED Compensation of Officers and Employees, be amended as follows:

that Section 2-180, Base Salaries, be amended by establishing the base salary of the Community Gardens Coordinator at \$4,000.00.

Per request of the Mayor

ORDERED Be it Ordained by the City Council of the City of Woburn that Title II, Article XXIX, Personnel, as amended, be further amended: (deletions in ~~striketrough~~/new language in **bold**)

by revising 2-193 Regular full-time employee work hours—Exceptions, to add the position of Facilities Manager:

- A. The following shall be classified as regular full-time employees ~~and shall work daily from nine a.m. until four thirty p.m. with the exception of Saturdays, Sundays and legal holidays, and with exceptions as provided in Section 2-6:~~

22. ~~(Reserved)~~. **Facilities Manager**

by revising 2-194 Public works department personnel, to add the position of Facilities Manager:

The public works department shall consist of the following personnel:

- A. ~~Administration Division (a total of nine persons):~~ One superintendent of public works; One deputy superintendent of public works; One **Facilities Manager, and additional clerical assistance as deemed necessary** ~~One administrative assistant to the superintendent of public works; One head clerk; One principal clerk; One senior clerk/typist; One telephone operator; One junior clerk/typist; One computer operator.~~

and by adding the following new provision:

- I. **Facilities Manager shall be appointed by the Superintendent of Public Works, and shall report to the Deputy Superintendent of Public Works.**

The position requires a minimum of (5) five years' experience in building maintenance and building control systems, at least (1) one year's experience in supervising staff and contractors and experience with HVAC, fire alarm & sprinkler systems, building security, access, camera systems, backup power systems, handicap door control systems, and emergency lighting. Must be familiar with web based DPW facilities software and web applications, and a working knowledge of engineering, painting, carpentry, electrical wiring and controls, plumbing, vehicle and machinery operations.

Essential functions include:

- **Overseeing, monitoring and maintaining all electronic building systems (Access control, Security & cameras, HVAC controls & mechanicals, elevators, electrical, overhead door systems, Etc.) and DPW web based software applications.**
- **Scheduling routine maintenance and monitoring vendor contracts on equipment and services including HVAC & controls, elevators & inspections, boilers & inspections, housekeeping, recycling, plumbing, electrical, air conditioning, etc.**
- **Working with DPW staff to ensure proper maintenance and repairs on all city buildings; monitoring, reporting , training, and overseeing staff on all aspects of building technology, and implementing systems for regular maintenance and upkeep of the buildings and grounds, including duties such as mowing, snow removal, painting, etc.**
- **Responding to emergency calls for all alarm services or building emergencies.**
- **Obtaining appropriate license, permits, and inspections including those for building, fire, elevators. electrical evaluations and health department inspections.**

Per request of the Mayor

ORDERED Be it Ordained by the City Council of the City of Woburn that Title II, Article XXVIII, Compensation of Officers and Employees, be amended as follows:

that Section 2-180, Base Salaries, be amended by establishing the base salary of the Facilities Manager at \$80,000.00

Per request of the Mayor

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 2, Administration and Personnel, Article XLI, Mayor's Substance Abuse Task Force Coordinator, in its entirety, and by inserting the following new section:

XLI. SUBSTANCE MISUSE PREVENTION AND COMMUNITY SUPPORT COORDINATOR

2-255 Establishment

There is hereby established the position of Substance Misuse Prevention and Community Support Coordinator (the "Coordinator"), who shall be appointed by the Mayor. The purpose for this position is to develop new and innovative programs that will support community members in times of crisis, working to connect individuals and families to appropriate levels of care for substance misuse and mental health, and the identification and coordination of available resources in the community.

2-256 Qualifications

The Coordinator shall, at a minimum, have a Bachelor's Degree in psychology, nursing, sociology, public health or related field and at least 5 years of experience in community-based mental health treatment and prevention; or an equivalent combination of training and experience. Knowledge of substance abuse prevention curriculum, meeting coordination and facilitation practices, and the laws and regulations related to opioid use disorder (OUD).

2-257 Duties and Responsibilities

The Coordinator's duties and responsibilities shall include, but not be limited to, identifying and coordinating resources available to Massachusetts communities and families for substance misuse disorder prevention, OUD, harm reduction, treatment, and recovery as follows:

- A. oversee and implement substance misuse and mental health prevention programs for the City of Woburn. Develop, deliver and implement educational programs to reduce incidence of substance misuse in the community, and to develop a mental health and substance misuse resource/referral list for first responders and community members.
- B. promote community awareness and understanding concerning the issues of addiction, substance misuse, OUD, and mental health; builds relationships in and with the community to support those individuals seeking help, and provides information about accessing available resources and programs that address relevant issues.

- C. provide informational counseling services to individuals and families impacted by addiction, substance misuse, OUD, and mental health issues; make appropriate referrals to available mental health programs and resources.
- D. facilitate informational meetings, programs and functions within the community related to substance misuse, OUD, and mental health issues.
- E. identify programs for the treatment of persons with substance misuse and OUD through programs that include, but are not limited to, intervention and treatment and recovery services that offer treatment for OUD and treat trauma for individuals with OUD and their families.
- F. identify state, federal or other sources of funding, and to apply for grants to supplement city funding in support of the objectives of this ordinance.
- G. identify programs that provide wrap-around services to individuals with OUD, including job placement, training or childcare; access to housing including supportive and recovery housing; and the provision of peer support specialists that support people in accessing OUD treatment.
- H. assist with coordination of response efforts in times of crisis at all hours of day/night, working with other City departments are required to provide residents with the assistance needed.
- I. coordinate with Police, Fire, School, Recreation and Board of Health and any other necessary agency to further the City's mission to prevent substance misuse and OUD, and to provide support, treatment, access and education to the public.
- J. engage with youth and other community members in prevention through the use of social media.

Per request of the Mayor

ORDERED Be it Ordained by the City Council of the City of Woburn that Title II, Article XXVIII, Compensation of Officers and Employees, be amended as follows:

that Section 2-180, Base Salaries, be amended, by establishing the base salary of the Substance Misuse Prevention and Community Support Coordinator at \$75,000.00.

Per request of the Mayor

NEW PETITIONS:

Petition by Woburn Friends of Hospice/VNA Care for Special Event Permit to allow road race and health walk at Horn Pond and area streets on October 1, 2023.

LCS-Woburn Venture Property Owner LLC, c/o Woburn Venture Property Owner LLC, 300 Beagan Way, Woburn, Massachusetts 01801, for a new inflammable license for 786 gallons of Class 1A gasoline fuel, stored in vehicle gas tanks, at A5 Hill Street, a.k.a. 300 Beagan Way.

Petition by JDC Realty Trust, 5 West Dexter Avenue, to amend Section 10 Cluster Development of the 1985 Woburn Zoning Ordinances, as amended, by revising Section 10.2.1, 10.4.2, 10.4.6 (preexisting, nonconforming lots), and 10.4.10 (minimum lot size), and adding new Section 10.4.11 (to allow for up to four units).

Petition by Sun Tree Estates, LLC, by Mark Bobrowski and Christopher J. Alphen, Blatman, Bobrowski, Haverty & Silverstein, LLC, 9 Damonmill Square, Suite A4A, Concord, Massachusetts 01742, for a special permit under Sections 5.1(12) and 8.3.1 of the 1985 Woburn Zoning Ordinances, as amended, as well as relief under the Dover Amendment, to allow for a child care center and shared parking with adjacent premise, at 205 and 213 Cambridge Road.

Petition by Garage 42 Degrees, LLC, 20 Sonar Drive, Woburn, Massachusetts 01801, for a special permit under Sections 5.1(57a), 7.3, and 5.1(69) of the 1985 Woburn Zoning Ordinances, as amended, as well as modification of previously issues special permit dated November 7, 2019, and modified on December 15, 2021, to allow for: (1) construction of a second building for light manufacturing; (2) continued parking in the buffer zone; and (3) continued use of a new building in the buffer zone, at 20-30 Sonar Drive.

Petition by CCF New Boston Property Company LLC, 185 Dartmouth Street, Suite 402, Boston, Massachusetts 02116, for special permits pursuant to Sections 8.2.5 and 8.3.1 of the 1985 Woburn Zoning Ordinances, as amended, to allow for: (1) a reduction in the number of parking spaces from 342 to 262 for the proposed Life Science Use; and (2) the parking of 34 of the 262 vehicles on an adjacent lot at 225 Merrimac Street, at 216 New Boston Street.

Petition by CCF New Boston Property Company LLC, 185 Dartmouth Street, Suite 402, Boston, Massachusetts 02116, for special permits pursuant to Sections 7.3, 5.1(69), 8.2.5, and 8.3.1 of the 1985 Woburn Zoning Ordinances, as amended, to allow for: (1) continued use of existing non-conforming 88 parking spaces; (2) a reduction in the number of parking spaces from 442 to 335 for the proposed Life Science Use; and (3) the parking of 34 vehicles from 216 New Boston Street, at 225 Merrimac Street.

Petition by Connect Therapy & Wellness, 30 Orange Street, Woburn, Massachusetts 01801, for a special permit pursuant to Section 5.1(33b) of the 1985 Woburn Zoning Ordinances, as amended, to allow muscular therapy, at 623 Main Street, Suite 21 & 22.

Petition by Treetop Home LLC, 100 Tower Office Park Drive, Suite 1, Woburn, Massachusetts 01801, for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the alteration of a preexisting nonconforming structure to raze an existing four-family and replace with four-family, at 5 Bennett Street.

Petition by Aaron Equipment & Supply LLC, 29 Draper Street, Woburn, Massachusetts 01801, for a special permit pursuant to Section 5.1(57b) of the 1985 Woburn Zoning Ordinances, as amended, to allow overnight parking for four vehicles and a four yard dumpster, at 271 Salem Street, Unit M.

Petition by JFSO Realty of Massachusetts LLC, 323 Andover Street, Suite 3, Wilmington, Massachusetts 01887, for a special permit pursuant to Sections 5.1(69), 7.3, 8.3.1, and 15 of the 1985 Woburn Zoning Ordinances, as amended, to allow for: (1) the extension and alteration of the existing nonconforming structures at 78 and 80 Winn Street to create one building; (2) the extension and alteration of structures within the Groundwater Protection District; (3) the parking of vehicles in eleven spaces on adjacent lot 84 Winn Street; and (4) the continued use of all existing nonconforming spaces, at 76-84 Winn Street.

Petition by PDC Reno/LV/PHX LPIV, LLC, 980 Sandhill Road, Suite 100, Reno, Nevada 89521, for a special permit pursuant to Sections 5.1(45) and 12.2.4 of the 1985 Woburn Zoning Ordinances, as amended, to allow for: (1) the sale or rental of automobiles, trucks, truck trailers, and motorcycles including accessory repair and storage facilities; and (2) construction of a new building approximately 50,500 square feet in gross floor area, at 399 Washington Street. and (4) the continued use of all existing nonconforming spaces, at 76-84 Winn Street.

Petition by LCS Woburn LLC, 400 Locust Street, Suite 820, Des Moines, Iowa 50309, request for minor modification to previously issued special permit to move sign located at the corner of the East Elevation to the corner of the North Elevation for the Delaney at the Vale, at Hill Street. Two communications dated August 9, 2023, was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Suite 502, Woburn, Massachusetts 01801 regarding “Request for Minor Modification to Landowner’s Decision and Notice of Special Permit/LCS Woburn LLC, Hill Street, Woburn, Massachusetts (dated as modified the “Decision”)”.

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.

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.

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.

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.

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.

On the petition by Craft Detailing Inc., 25 Eastbrook Road, Dedham, Massachusetts 02026, for a special permit to allow for the following: 1. Automobile and truck repair garage under Section 5.1(44); and 2. Groundwater Protection District under Section 15.6, at 38 High Street, Unit 5. PUBLIC HEARING OPENED: A communication dated July 20, 2023, was received from Greg Rheaume, Assistant City Engineer as follows:

SUBJECT: 38 High Street Special Permit

I have received a special permit application for the above reference project and offer the following comments.

The applicant seeks a special permit in a B-D zoning district for the purpose of automotive detailing, washing, cleaning and polishing interior and exterior vehicles, window tinting, application of paint protective film, vinyl coating and ceramic coatings.

The location the applicant is proposing to occupy is designed as a 5- bay contractor's building at the intersection of High and Prospect Streets. Currently, the existing building covers approximately 95% of the property. Six parking spaces exist behind the building on Prospect Avenue. High and Prospect Street are narrow and on street parking is prohibitive.

Plans submitted with the application are titled "PROPOSED" and may not reflect current interior as-built conditions. The plan shows sewer, water and drainage utility connections to the building. One must assume these utilities have been installed since the building is occupied by several tenants.

The proposal includes the exterior washing of vehicles. The applicant has not indicated the method of disposal of the water and cleaning materials used in the cleaning process. The Massachusetts plumbing code may require that this waste water enter a gas, oil and sand separator, prior to entering any city sewer or drain. This should be verified through the Woburn Plumbing Inspector, along with evidence of conformity with the plumbing regulations.

As part of the application process, projected traffic volumes and impact shall be supplied. The applicant must address this issue.

Condition 8 of the 2002 landowners decision states that there shall be no outside work or storage of tenant vehicles or equipment allowed on the premises.

If you have any further concerns or question, please contact this office.

Greg Rheume, Assistant City Engineer

Further, a communication dated July 31, 2023, was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: SPECIAL PERMIT APPLICATIONS FOR AUTOMOTIVE DETAILING SHOP AT
38 HIGH STREET, UNIT 1 / CRAFT DETAILING, INC.

Dear Council:

The Planning Department has reviewed the above-referenced Petition which seeks two Special Permits: One in accordance with Section 5.1(44) of the Woburn Zoning Ordinance (WZO) to authorize an auto and truck repair garage and one in accordance with Section 15.6 of the WZO (Groundwater Protection District). The property at 38 High Street is located in a B-D Zoning District which allows auto and truck repair garages by City Council Special Permit.

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

- Where will vehicles to be worked on be stored before and after work is performed?
- One of two landscaped areas shown on the plan set filed with this Petition is not being maintained. Both landscaped areas are shown on the submitted Sheet 1 of 1 entitled “Proposed Site Plan #38 High Street Woburn, MA” dated October 29, 2001.
- Is there an oil/water separator in the floor of the unit that would be occupied by the Petitioner? If not, one must be installed that meets the satisfaction of the Director of Inspectional Services.
- In connection with the groundwater protection overlay district special permit request, the Council must find the proposed use meets the standards specified in subsection 6 of Section 15 of the ordinance, and that (a) the proposed use will in no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Groundwater Protection District, and (b) the project is designed to avoid substantial disturbance of the soils, topography, drainage, vegetation and other water-related natural characteristics of the site.
- Any and all exterior building signage will be subject to a separate permitting process with the Inspectional Services Department consistent with Section 13 of the WZO.
- What will the hours of operation be for the business?

Please feel free to contact me if you have any questions about this communication.

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

Further, a communication dated August 11, 2023, was received from James A. Juliano, Scafidi Juliano, Attorneys at Law, 75 Third Avenue, Second Floor, Waltham, Massachusetts 02451, regarding “38 High Street, Unit 5, Woburn MA 01801”.

On the petition by RAM 0 Cross Street LLC, 304 Cambridge Road, Woburn, Massachusetts 01801, to amend Section 20 Woburn Loop Bikeway/Greenway Overlay District of the WZO by revising Section 5(i) and adding new Section 5(j) Buffer Requirements and new Section 7 Associate Criteria. PUBLIC HEARING OPENED: The proposed language as submitted is as follows:

EXHIBIT A

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOBURN that the 1985 City of Woburn Zoning Ordinance as amended be further amended as follows:

Amend Section 20, Woburn Loop Bikeway/Greenway Overlay District of the 1985 City of Woburn Zoning Ordinance, as amended (the “WZO”) by adding a revised Section 5(i), a new Section 5(j) and a new Section 7, as follows:

1. Section 5(i): The following additional sentence shall be added to this Section: “The City Council may elect to vary the required minimum street frontage by Special Permit if, in its opinion, such change shall result in an improved project and will not nullify or substantially derogate from the intent or purposes and objectives of this Section 20.”

2. Section 5(j): Buffer Requirements: the Buffer Requirements set forth in Section 5.7 of the WZO shall not be applicable to the above Allowed Uses.

3. Section 7: **Associated Criteria.**

1. All proposals shall be subject to Section 12, Site Plan Review, as applicable.
2. All proposals shall be subject to Section 9, Floodway and Flood Plain Districts, as applicable.
3. All proposals shall be subject to Section 15, Groundwater Protection District, as applicable.
4. All proposals shall be subject to the following sections:
 - (1) Section 11.1, Purpose
 - (2) Section 11.2, Authority
 - (3) Section 11.3, Procedures for Special Permits
 - (4) Section 11.4, Contents of the Application for Special Permits
 - (5) Section 11.5, Conditions for Special Permits

(6) Section 11.6, Additional Conditions for Special Permits for Specific Uses and Conditions.

On the petition by CVS Pharmacy Inc., 1 CVS Drive, Woonsocket, Rhode Island 02895, for a modification of special permit dated April 21, 2020 pursuant to Section 5.1(69), Section 7.3, Section 8.6.3, Section 8.7.1.6, Section 13.5, and Section 15 of the WZO, to allow for: (1) a service establishment providing nail and salon service to occupy approximately 3,300 square feet of space formerly labeled as “Overstock Storage Area” and once occupied by a full service restaurant; and (2) a revised Site Plan of Record, at 175 Main Street. PUBLIC HEARING OPENED: A communication dated July 31, 2023, was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: SPECIAL PERMIT APPLICATION FOR PERMISSION TO MODIFY PREVIOUS SPECIAL PERMIT TO ALLOW FOR A SERVICE ESTABLISHMENT PROVIDING NAIL AND SALON SERVICES AT 175 MAIN STREET / CVS PHARMACY INC.

Dear Council:

The Planning Department has reviewed the above-referenced Petition which seeks permission to use 3,000 sq. ft. of existing floor space at 175 Main Street (space labeled as “overstock storage area” on the previously-approved Special Permit Plan of Record) for occupancy by a nail and salon services establishment. The property at 175 Main Street is located in a B-N Zoning District which allows personal service establishments by City Council Special Permit in accordance with Section 5.1(25) of the Woburn Zoning Ordinance (WZO).

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

- The initially-submitted Petition has been supplemented with a rendering of the façade showing a wall sign which provides no dimensions. Any signage for the nail and salon services establishment will be subject to separate permitting in accordance with Section 13 of the WZO through the Inspectional Services Department. It is noted that signs in the B-N zoning district cannot be internally illuminated per Section 13.7.3.e. of the WZO. Planning staff recommends the use of goose neck lighting fixtures to illuminate the sign, for uniformity with those already on the same building façade for the pharmacy.
- The parking table on the plan characterizes the nail and salon service establishment as a “service establishment” and ascribes a corresponding parking requirement of 15 spaces to the salon (1 space for every 200 sq. ft. of net floor area in the approximately 3,000 sq. ft. establishment). The Inspectional Services Director concurs that this use is a “retail, financial institution, or service establishment” and agrees with the parking calculations on the plans that reflect this particular tenant. However, other uses of the

space, or an expansion of the amount of floor area for this establishment, may be problematic in terms of continued compliance with the City's off-street parking requirements.

- All construction associated with the establishment must meet all State Building Code requirements.

Please feel free to contact me if you have any questions regarding this communication.

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

On the petition by Chick-fil-A, Inc., 5200 Buffington Road, Atlanta, Georgia 30349, for a special permit to allow for the following pursuant to the 1985 Woburn Zoning Ordinances, as amended: (1) fast food restaurant pursuant to Section 5.1(29); (2) alteration of the existing nonconforming structure to allow for a new structure as shown on Site Plan pursuant to Section 7.3; and (3) parking requirements to be met on a lot separate from 17 Commerce Way, which is immediately adjacent, as shown on Site Plan pursuant to Section 8.3.1, at 17 Commerce Way. PUBLIC HEARING OPENED: A communication dated July 13, 2023, was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Suite 502, Woburn, Massachusetts 01801 regarding "Special Permit Petition of Chick-fil-A, Inc., 17 Commerce Way, Woburn, Massachusetts".

Further, a communication dated August 1, 2023, was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Suite 502, Woburn, Massachusetts 01801 regarding "Special Permit Petition of Chick-fil-A, Inc., 17 Commerce Way, Woburn, Massachusetts".

Further, a communication dated July 31, 2023, was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: SPECIAL PERMIT APPLICATIONS TO OPERATE A FAST FOOD RESTAURANT AT 17 COMMERCE WAY AND AUTHORIZE USE OF OFF-SITE PARKING TO MEET OFF-STREET PARKING REQUIREMENTS / Chick-Fil-A, Inc.

Dear Council:

The Planning Department has reviewed the above-referenced Petition which seeks a Special Permit to allow a fast food restaurant to locate on the former Bertucci's restaurant site at 17 Commerce Way. The existing building would be razed and a slightly smaller restaurant would be built on the same footprint. Special permits would be needed to (a) allow for

operation of a fast food restaurant in this zoning district (B-I); (b) construct the new building (it would have a non-conforming side setback as the existing structure does); and (c) allow for the continued use of off-site parking spaces to meet the off-street parking requirements for the use. (Councilors should note that this comment letter was finalized prior to the submission of a revised plan on July 31st. There may therefore be discrepancies between these comments and the latest version of the plan.)

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

1. Replacing the existing restaurant building with a new one in the same footprint will require a special permit relative to the existing non-conforming *front* setback (not mentioned in Petition), in addition to a special permit relative to the existing non-conforming *side* setback (mentioned in Petition).
2. There are two “monument” signs noted on the plans, in the locations of the existing free-standing sign in the parking lot and a directional sign at the main site drive on Commerce Way. Monument signs are not referenced in the Woburn Zoning Ordinance (WZO), but free-standing signs are permitted in the B-I District. However, they are limited to one such sign per lot. All signage will be subject to separate permitting through the Inspectional Services Department, in accordance with Section 13 of the WZO.

A significant amount of parking is provided on two abutting lots (30 spaces on Map 21, Block 1 Lot 12 and 6 spaces on Map 21, Block 1, Lot 11) and the Petition seeks permission for the new restaurant to continue to use those spaces. Is there a legal mechanism guaranteeing these spaces can be used now and in perpetuity by tenants and customers of the 17 Commerce Way site (required by Section 8.3.1 of the WZO)?

3. A Development Impact Statement was submitted by the Petitioner. Planning staff defers review of that document to others, including the Engineering Department.

The Development Impact Statement references a traffic study done by “Bowman” (see Section 2.3, Traffic Impact/Analysis) but a copy of the study was not included in the Petition. Planning staff recommends the Petitioner be required to submit the traffic study for review by the Council and Engineering Department.

4. Adequate visual buffers should be provided for both the trash/recycling receptacles and the transformer. Will chain link gates and privacy slats still enclose the trash receptacles? Will the transformer still be housed in a shed as it is presently? If not, how will they be screened from view?
5. Several snow storage areas are shown on the plans and most are landscaping islands in the parking lot. The Planning Department defers to the Engineering Department in terms of evaluating the sufficiency of those areas.

6. The plans show a proposed outdoor dining area in front of the building. Currently, outdoor dining is not permitted in association with a fast food restaurant. Additionally, the plans show a “patio wall” of unknown height and material. Planning staff is concerned about its appearance from the street and the Inspectional Services Director is concerned about its conformance with wall height limitations (6’). Is wall sturdy enough to protect diners from an errant vehicle that unexpectedly leaves Commerce Way? Is there a better alternative to a wall from an aesthetic point of view?
7. How will products be delivered into the building? Through the same door as it is now (southeast corner of building?)
8. The Council should consider whether a crosswalk should be installed in order to provide a safe path of travel for pedestrians crossing from the parking spaces in/near the garage to the restaurant building’s closest customer pedestrian entrance.
9. The Council should consider imposing a condition requiring all grease traps associated with this food establishment to be compliant with State Building Codes.

Please feel free to contact me if you have any questions regarding this communication.

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

Further, a communication dated August 2, 2023, was received from Greg Rheume, Assistant City Engineer as follows:

This office is in receipt of a plan entitled SITE DEVELOPMENT PLAN, For Chic Fil A, prepared by Bohler, last revised 7/26/23 and offer the following comments.

GENERAL

The project is the demolition of an existing restaurant building and being replaced with a new structure having the same footprint as the existing building. Utility services to the proposed structure are also being altered.

UTILITIES

Sewer

The existing sewer service to the existing building connects from the west (Commerce Way) side of the building directly to a sewer manhole (No1) in Commerce Way. This connection is being eliminated. The new sewer service is proposed to exit the south side of the proposed building and connect to a manhole (No 2) in the existing driveway from Commerce Way to the existing parking area. The line from Manhole 2 to manhole 1 appears to be a 4” PVC pipe and the line exiting manhole 1 also appears to be a 4” PVC pipe, based on the existing conditions plan submitted with the plan set. The 4” PVC pipes are undersized and need to be

up graded to public works requirements. Woburn public works has been called out on several occasions for sewer blockages at this location.

The site development plans for the Lowes site show a gas and oil separator in the parking area near the parking garage with a drain line that connects to manhole 2. This connection should be investigated to determine if there will be a conflict with the proposed sewer connection.

Water

The existing water service connects from the north side of the building to a main in the driveway to the Lowes building and will be capped at the main. New domestic and fire protection lines are proposed to connect from the same main and connect to the east side of the proposed building. The new connections and the capping of the original service line take place on private property and is an easement or right of entry required for this work.

Drains

No drainage improvements are proposed for the parking areas. All on site catch basins should be inspected to determine the presence of hoods. Any basins lacking gas and oil hoods should be retrofitted with approved units.

MISC

The zoning analysis table indicates that the parking requirement for the use is 70 spaces, with 81 spaces provided. Currently, 18 spaces exist on the property with the remainder on an adjacent parcel. Does an agreement exist allowing this offsite parking?

Greg Rheaume, Assistant City Engineer

Further, a communication dated August 4, 2023, was received from John E. Corey, Jr. P.E., City Engineer as follows:

Subject: 17 Commerce Way, Special Permit Chic Fillet

We are in receipt of plans, and supporting documents for the above referenced project and we offer the following comments on the traffic study. The plans are still being reviewed and we will have a separate memo submitted with comments.

- The estimated vehicle trips to be generated for the site are based on the Institute of Traffic Engineers manual for Fast Food Restaurant without a drivee through. We believe that the ITE manual does not fit this type of facility based on the traffic volumes generated by the existing establishment on Washing St. and that empirical data should be reviewed for comparison.
- The existing driveway allows for vehicles to exit onto Commerce Way with a right turn only restriction. This allows a vehicle to attempt to cross four lanes of traffic to make a U-turn at the Demoulis traffic signal. There is usually a que in this lane that would inhibit this movement and cause a temporary lane blockage. It would appear

that the best course of action would be to have all traffic exit at the signal-controlled intersection at Commerce Way/Lowe's and the Mall, however this may cause queuing in the parking lot waiting for a gap in the traffic to allow egress.

- The traffic signal inventory indicates that the Commerce Way/Lowe's intersection has the capability to run in coordination with Commerce Way at the Route 95 ramp, however it is not running as a coordinated signal. We do not know when this change was made, but we assume it was in conjunction with the Mall redevelopment. An assessment should be made to determine whether or not the signals should be operated in coordination. This will require discussions with MassDOT as they have jurisdiction over the intersection.
- Traffic counts were performed during June with seasonal adjustments using MassDOT's seasonal factors. It would be appropriate to interrogate the GS2 processor in the Commerce Way/Lowe's intersection signal cabinet and download historical traffic volumes and turning movements as a means of proofing collected traffic counts.

The foregoing are complex issues that really require a professional traffic engineer to review. On this basis we request that the City Council request that a traffic peer review be undertaken.

I trust that the foregoing is sufficient for your current needs. Should you have any questions or comments, please do not hesitate this office.

On the petition by New England Laboratory Casework, Co., Inc., 3 Arrow Drive, Woburn, Massachusetts 01801, for a special permit to allow for the following: 1. the overnight parking of three (3) box trucks under Section 5.1(57b); 2. special permit and site plan review under Section 7.3, and Section 12.2.4 to allow for a two (2) story addition to an existing building to be used for light manufacturing, storage, and office, as well as additional site modifications, at 1 Arrow Drive. PUBLIC HEARING OPENED: A committee report from the Committee on Special Permits was received "back for action". Further, a communication dated July 27, 2023, was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: (MODIFIED) SPECIAL PERMIT APPLICATION FOR PERMISSION TO PARK THREE (3) BOX TRUCKS AT 1 ARROW DRIVE / One Arrow Realty, LLC

Dear Council:

The Planning Department has reviewed the above-referenced Petition which it understands has been substantially modified since the time of submission. Where the initial application sought permission for a building addition, various site improvements, and permission to park three (3) commercial vehicles on the property overnight, Planning staff now understands that the

Petition only seeks a Special Permit for the overnight parking of three commercial vehicles, in accordance with Section 5.1 (57b) of the Woburn Zoning Ordinance (WZO).

The property at 1 Arrow Drive is located in an I-P Zoning District which allows such overnight storage by City Council Special Permit.

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

1. The Petition indicates the commercial vehicles will be “box trucks” that will park “...at the loading docks as shown on the Plan”. The plan shows 4 loading docks but does not specify which three will be used to house the commercial vehicles overnight. Staff recommends the Council require the Petitioner to identify which 3 docks will be used for the overnight parking and label them on the plan for purposes of future enforcement.

A copy of the revised Plan of Record should be filed with the Inspectional Services Department.

2. The Petition does not specify the size of the “box trucks” that would be housed on site and staff recommends the Council require the Petitioner to provide this information. The Council should consider setting a maximum allowable truck length, particularly for those vehicles that would be parked near the southwest corner of the building. It is important to maintain a 24’ wide vehicular access route around the building for the sake of both convenience and it is entirely possible that a driveway width of less than 24’ would result.

Please feel free to contact me if you have any questions regarding this communication.

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

On the petition by 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 August 10, 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 Petition, 288 MISHRD LLC, Woburn, Massachusetts

Dear Ms. Higgins:

I respectfully request that the public hearing on the above matter scheduled for August 15, 2023 be continued to the first City Council meeting scheduled for September 19, 2023. The Peer Review on the Traffic Study has not yet been completed.

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

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

UNFINISHED BUSINESS FROM PREVIOUS MEETINGS: None.

COMMITTEE REPORTS:

ORDINANCES, CHARTER AND RULES:

On the order amending WMC Section 2-59 and Section 2-68 regarding new position of Deputy Chief of Police, a committee report was received “ought to pass”.

On the order amending WMC Section 2-180 Base Salaries and Section 2-190 Sick Leave, Attendance Records, Vacation and Other Incentives, regarding new position of Deputy Chief of Police, a committee report was received “ought to pass”.

CITIZEN’S PARTICIPATION: None.

COMMUNICATIONS AND REPORTS:

Request for Executive Session by City Solicitor regarding Lawless, Inc. v. Woburn City Council.

A communication dated July 12, 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 June 2023: Number of Violations Issued 430, Numbers of Violations Paid 192, Number of Violations Outstanding 179, Amount collected and submitted to Collectors Office \$25,624.40, Parking fines referred to the Handicap Commission \$12,070.00.

There is a backlog of 1505 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

A communication dated August 9, 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 July 2023: Number of Violations Issued 469, Numbers of Violations Paid 212, Number of Violations Outstanding 193, Amount collected and submitted to Collectors Office \$28,895.80, Parking fines referred to the Handicap Commission \$13,870.00.

There is a backlog of 1504 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:

ORDERED That in accordance with Massachusetts General Laws Chapter 54, as amended, the City Clerk is hereby authorized and directed to notify and to warn such of the inhabitants of the City of Woburn as are qualified to vote in Municipal Elections to assemble at the polling places in their respective ward as designated herein, on **TUESDAY, the FIFTH DAY OF SEPTEMBER 2023** from 7:00 a.m. to 8:00 p.m., then and there to cast their votes in the **MUNICIPAL PRELIMINARY ELECTION** for the candidates for the following offices:

ENTIRE CITYMAYOR

Ward-Precinct Polling Place Location

1-1	Joyce Middle School, 55 Locust Street
1-2	Joyce Middle School, 55 Locust Street
1-2A	Joyce Middle School, 55 Locust Street
2-1	Shamrock Elementary, 60 Green Street
2-2	Shamrock Elementary, 60 Green Street
3-1	Hurld-Wyman Elementary School, 39 Wyman Street
3-2	Hurld-Wyman Elementary School, 39 Wyman Street
4-1	old Wyman Elementary School, 679 Main Street at Eaton Avenue
4-2	White Elementary School, 36 Bow Street
5-1	Goodyear Elementary School, 41 Central Street
5-2	Goodyear Elementary School, 41 Central Street
6-1	Altavesta Elementary School, 980 1/2 Main Street
6-2	Altavesta Elementary School, 980 1/2 Main Street
7-1	Reeves Elementary School, 240 Lexington Street
7-2	Reeves Elementary School, 240 Lexington Street

s/President Michael P. Concannon

ORDERED That the City Council Regular Meeting scheduled for September 5, 2023 is hereby canceled due to the Municipal Preliminary Election.

s/President Michael P. Concannon

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 12 Streets, Sidewalks & Public Places, by inserting the following new article and section:

Article XVI. Grant of Location Permits

12-62 Purpose.

This ordinance is intended to set out and clarify the grant of location requirements and process in the City of Woburn. A company desiring to construct a line for the transmission of gas or electricity upon, along under or across a public way, shall petition the City Council for a grant of location permit, which may be issued after notice is provided to abutters of the public way, and public hearing is conducted. The grant of location requirements

apply to both aerial and underground installations of gas and electricity, and shall apply to all grants of location granted after the date of adoption, and to the expansion, additions to, material changes and/or rebuilding or reconstruction of existing facilities. This ordinance does not apply to cable installations authorized by a license issued by the Mayor.

12-63 Application and Procedure

- A. All applications shall be filed with the City Clerk and be accompanied by the following:
 - 1. Administrative fee of \$300.00 to cover the cost of notice to abutters and newspaper publication;
 - 2. \$25.00 permit fee (separate check held pending issuance of permit);
 - 3. A certified abutters list;
 - 4. A detailed plan showing the location and size of the proposed infrastructure, lines of public and private property, and existing infrastructure and obstructions within twenty-five (25) feet of the proposed wires or facilities.

- B. The grant of location application will not be processed unless it is deemed complete and all fees have been received.

- C. In exercising rights under the Grant of Location permit, applicants must comply with the provisions of Article IV. Excavations.

s/Councilor Richard F. Gately, Jr.

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 2, Administration and Personnel, Article I, City Officers, Boards and Commissions Generally, Section 2-5 Keeping of Records, C. Exemptions from Conflict of Interest Education Training, by inserting the following new exemption: **(in bold)**

2. Short-term temporary or seasonal compensated positions in which employees do not have or exercise governmental authority and do not participate in or have responsibility for government decision-making, contracting, hiring, investigation or any other discretionary governmental action including:

j. School Crossing Guards

s/Councilor Robert J. Ferullo, Jr

ORDERED Be it ordained by the City Council of the City of Woburn that pursuant to M.G.L. c.82 § 21 and Title 12, Article III, Section 12-5 of the Woburn Municipal Code, the City Council lay out Tower Park Drive as a public way in the City of Woburn as shown on a plan of land entitled “Roadway Improvement Plan Tower Park Drive, Woburn, MA” Sheets V-100; V-101; V-102; and C-100” dated August 4, 2023 prepared by Allen & Major Associates Inc., 100 Commerce Way, Woburn, MA. 01801, a copy of which is on file with the City Clerk.

s/Councilor Richard F. Gately, Jr.

A communication dated August 9, 2023, was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Suite 502, Woburn, Massachusetts 01801 as regarding “Petition for Acceptance of Public Way/Tower Park Drive”.

Motion made and 2nd to ADJOURN.