

**CITY OF WOBURN  
JUNE 20, 2023 – 7:00 P.M.  
REGULAR MEETING OF THE CITY COUNCIL  
COUNCIL CHAMBER, WOBURN CITY HALL**

Roll Call

Campbell	Ferullo
Demers	Gately
Dillon	Mercer-Bruen
DiMambro	Viola
Concannon	

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

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**MAYOR'S COMMUNICATIONS:**

A communication dated June 15, 2023 was received from His Honor the Mayor Scott D. Galvin as follows:

In accordance with the provision of M.G.L. c. 44 §53A, I am requesting that the City Council vote to accept Woburn's Chapter 90 apportionment for Fiscal Year 2024 in the amount of \$1,256,310.83.

I have attached a copy of the roads that the city will be paving this summer.

Sincerely, s/Mayor Scott D. Galvin.

**ORDERED** Be it Ordained by the City Council of the City of Woburn, that the Mayor be and is hereby authorized pursuant to M.G.L. c.44, §§53A to accept Woburn's Chapter 90 apportionment for Fiscal Year 2024 in the amount of \$1,256,310.83, and that the same be expended without further appropriation.

s/President Michael P. Concannon  
By request of the Mayor

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**NEW PETITIONS:**

Petition by New England Orienteering Club for a Special Event Permit for a map and compass sport event at Horn Pond, parking lot and Arlington Road on August 27, 2023.

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Petition by Lord Hobo for a Special Event Permit to allow a road race starting at 5 Draper Street and along area streets on August 12, 2023.

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Petition by Social Capital Inc. for a Special Event Permit for SCI Woburn Horn Pond Summer Concert Series, July 14th & 28th, August 11th & 25th at Horn Pond Ice House Park.

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Petition by Musto Jewelers for renewal of Secondhand Dealers and Secondhand Collectors License at 186 Cambridge Road, #9.

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Petition by Crown Castle NG East, LLC for grant of right in a way to install (1) 4" PVC Communication Conduit approximately two (2) feet southerly from Utility Pole #620/6 on Cabot Road to a proposed 17" x 30" Crown Castle Handhole. From newly placed handhole, continue approximately five (5) feet to Telephone MH #35/221A, at 11 Cabot Road.

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Petition by Crown Castle NG East, LLC for grant of right in a way to install (1) 4" PVC Communication Conduit approximately 54 feet northerly from Telephone MH #35/223 on Cabot Road to a proposed 17" x 30" Crown Castle Handhole, continue approximately 111 feet northeasterly and install ADDD 1019 conduit (Microtrench) to private property, at 35 Cabot Road.

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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.

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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.

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Petition by Cabot, Cabot & Forbes LLC, 185 Dartmouth Street, Suite 402, Boston, Massachusetts 02116, requesting extension of special permit dated January 4, 2022, until January 4, 2026, at 0 New Boston Street. A communication dated June 7, 2023, was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Suite 502, Woburn, Massachusetts 01801 regarding “Landowner’s Decision and Notice of Special Permit dated January 4, 2022 issued to Cabot, Cabot & Forbes LLC, 0 New Boston Steet, Woburn, Massachusetts (the “Property).”

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**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.

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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.

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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.

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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.

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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.

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On the petition by Super Dog Groomer, 77 Winn Street, Woburn, Massachusetts, 01810, for a special permit under Section 7.3.1 of the WZO to allow for dog grooming use, at 77 Winn Street. PUBLIC HEARING OPENED: A communication dated May 26, 2023, was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: SPECIAL PERMIT PETITION TO ALTER NON-CONFORMING COMMERCIAL  
USE AT 77 WINN STREET / Super Dog Groomer

Dear Council:

Planning staff has reviewed the above-referenced Petition which seeks to reuse existing commercial space at 77 Winn Street for dog grooming services. The property is zoned Business Highway (B-H) and the application states the hours of operation would be Monday through Saturday from 9 a.m. to 5 p.m. A special permit in accordance with Section 7.3 of the Woburn Zoning Ordinance (WZO) will be required.

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

General

The existing commercial space is a little over 600 sq. ft. in size and was most recently used for storage of business-related materials according to the Petitioner. It is not clear whether the commercial space has been continuously occupied for last several years. In accordance with M.G.L. Chapter 40A Section 6, the Petitioner should be required to demonstrate that the commercial space was not abandoned or unused for two or more years so it can legitimately be considered a pre-existing non-conforming use.

Plans call for the space to be divided into an office, a restroom, and an open area having multiple work stations customarily used for various steps in the dog grooming process. The relatively small size of the space, the nature of the business, and low anticipated employee count (1) would seem to be appropriate in terms of scale for the area. In accordance with the above-referenced State law, the Council must find that the proposed "...change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood."

Parking

The Petition indicates the owner of the grooming business will also be its sole employee and that person will have the homeowner's permission to park in the house's existing driveway. The Petitioner therefore suggests no additional off-street parking will be needed for employee use. Staff suggests the Petitioner be required to provide written proof from the property owner that the establishment's employee will in fact be permitted to park in the driveway. The location of the employee parking space should also be noted on the plot plan submitted with the Petition so it can then be referenced/cited in the Council's decision on the special permit.

The City Council will need to determine if the parking spaces in the driveway are sufficient in number to meet the off-street parking requirements for both the house and the proposed business.

As for parking spaces for customers, the Petition states the owner will limit the number of customers on site at any time to one, and the 2 on-street parking spaces in front of the establishment will more than serve the purpose. The notion of limiting customers to one at a time seems plausible because the business owner will have control of scheduling appointments. There are two on-street parking spaces in front of the business which would be more than sufficient in that case. Staff suggests the business owner investigate whether one of the on-street spaces can be regulated as a short-term space (perhaps “15 minute only”), to accommodate the short pick-up/drop-off needs of this particular business’s customers.

Signage

There is nothing in the Petition relative to signage. Signage will be subject to a separate permitting process through the Inspectional Services Department and the provisions of Section 13 of the WZO.

Trash and Recycling

There is no information relative to how trash and recycling will be stored on site or on how refuse and recyclables will be collected from the business. The Council should ascertain the proposed locations for trash and recycling containers and determine the intended method of collection.

Potential Conditions

Staff suggests the Council consider imposing the following conditions if the Special Permit is granted:

1. The number of employees on site at any one time shall be limited to one;
2. The parking space identified on (cite revised plan) as being available for off-street parking for the commercial space must always remain available for parking by the business employee. If permission to use the space is ever withdrawn by the property owner/landlord, then the business owner shall have ninety (90) days to find alternative off-street parking or else shall cease to conduct business at this location until such time as sufficient alternative parking arrangements are made, or until the Council has otherwise authorized; and
3. The owner shall exercise sufficient diligence in scheduling to ensure there shall be no more than one customer on site at any time.

Please feel free to contact me if you have any other questions relative to this comment letter.

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

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On the petition by Pressed Ventures Woburn LLC, 6 Mountain Laurels Drive, Nashua, New Hampshire 03062, for a special permit under Section 5.1(29) to allow for a fast food restaurant, and for an amended site plan for previously issued special permit, at 369 Washington Street. PUBLIC HEARING OPENED: A communication dated May 30, 2023, was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: SPECIAL PERMIT APPLICATION FOR PRESSED CAFÉ AT 369  
WASHINGTON STREET / PRESSD VENTURES WOBURN LLC

Dear Council:

Planning staff recently reviewed the above-referenced Petition which seeks a Special Permit to authorize a new tenant for a vacant restaurant building at this address. The building was formerly occupied by a Red Robin and the new tenant would also be a restaurant (Pressed Café). The location is in an O-P District which allows full-service restaurants by right and fast food restaurants by special permit.

Planning staff reviewed the Petition with Inspectional Services Director Tom Quinn and offers the following comments:

- The Petition seeks a special permit for a “fast casual” restaurant in accordance with Section 5.1(29) of the WZO. That is an incorrect description and the Council cannot permit a “fast casual” restaurant in this district. Under Section 5.1(29), the City Council can only authorize RESTAURANT, FAST FOOD.

The proposed reuse of the building by Pressed appears to meet the definition of RESTAURANT, FAST FOOD. For purposes of convenience, the definition of RESTAURANT, FAST FOOD is:

*“Any building, room, space or portion thereof where food or beverage is sold for consumption on site or off-premises within a short period of time, orders are made at either a walk-up window or counter, payment for food or beverage is made prior to consumption, and the packaging of food is done in disposable containers, or is not RESTAURANT, FULL SERVICE. A fast food restaurant may provide “accessory” related retail sales items and delivery service.”*

- The plan shows existing landscaping and a walkway being removed to make space for two outdoor dining patios with a combined capacity of 86 seats. A RESTAURANT, FAST FOOD establishment is not permitted to offer or provide for outdoor dining. The submitted plan must be revised by eliminating the outdoor dining areas and reverting to the landscaping scheme reflected on the current site plan/Plan of Record for the Special Permit cited in the Petition.
- The Petition did not include a description of revisions being proposed to the approved site plan/Special Permit Plan of Record. If there are any changes being proposed to the approved plans other than those noted previously relative to the outdoor dining areas,

the Petitioner should be required to submit a list of revisions immediately for staff and Council review.

- The filing included a technical memorandum relative to vehicle trip generation. Planning respectfully defers to the Engineering Department's review and analysis of that document.
- The plan notes the existence of a 40' wide private easement adjacent to the 369 Washington Street property and identifies it as "Cummings Park Drive". The easement area is on a separate, privately-owned lot that has frontage on Cedar Street and provides another means of access to that parcel. Planning staff recommends either the label "Cummings Park Drive" be removed from the plan or that the Special Permit decision reference the fact that the easement is not a street recognized by the City of Woburn.
- Inspectional Services staff notes the block retaining wall and landscaped area in front of this restaurant building is being poorly maintained. Wall components have fallen and the area generally has an unkempt appearance. The Council should consider requiring the property owner to immediately repair/maintain/improve this stretch of frontage.

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

Respectfully, s/Tina P. Cassidy, Planning Director

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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.

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**UNFINISHED BUSINESS FROM PREVIOUS MEETINGS:**

**ORDERED** That \$22,000,000 is appropriated to pay costs of designing, constructing and equipping water treatment plant improvements for the removal of per- and polyfluoroalkyl substances (PFAS), including the payment of all costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to G.L. c. 44, §§7(1), 8(14) or any other enabling authority and to issue bonds or notes of the City therefor; that all or any portion of this amount may be borrowed through the Massachusetts Clean Water Trust (the "Trust"), in accordance with G.L. c. 29C; that any bonds or notes issued to the Trust shall be general obligations of the City unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and

may be secured by local system revenues as defined in Section 1 of G.L. c. 29C; that in connection with any borrowing through the Trust, the Treasurer, with the approval of the Mayor, is authorized to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof, and that any appropriate official of the City is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project through the Trust and to take any other action necessary to carry out the project.

s/Scott D. Galvin, Mayor  
s/Charles E. Doherty, City Auditor  
s/President Michael P. Concannon

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## **COMMITTEE REPORTS:**

### **FINANCE:**

On the Capital Budget FY 2024 – order to transfer 4,303,737.00 from Unreserved Fund Balance Acct to Various Capital Projects (OTP), a committee report was received “ought to pass”.

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**CITIZEN’S PARTICIPATION: None.**

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## **COMMUNICATIONS AND REPORTS:**

A communication dated June 8, 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 May 2023: Number of Violations Issued 340, Numbers of Violations Paid 128, Number of Violations Outstanding 212, Amount collected and submitted to Collectors Office \$23,159.40, Parking fines referred to the Handicap Commission \$10,570.00.

There is a backlog of 1509 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

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**APPOINTMENTS AND ELECTIONS:**

A communication dated June 5, 2023 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Higgins:

By the power vested in me as Mayor of the City of Woburn, I hereby re-appoint, Timothy J. Donovan, 30 Vernon Street, Woburn, MA, to the Commission on Disability for a term of three-years to expire on December 31, 2024, subject to approval of the Woburn City Council.

Respectfully, s/Scott D. Galvin, Mayor

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A communication dated June 14, 2023 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Higgins:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Lisa Ann Gately, 6 Moreno Drive, to serve on the Woburn Golf & Ski Authority, with a term to expire on December 31, 2027, subject to approval by the City Council.

Lisa Ann is filling the seat of Chris Irving, who has resigned from the Woburn Golf & Ski Authority.

Respectfully, s/Scott D. Galvin, Mayor

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**MOTIONS, ORDERS AND RESOLUTIONS:**

**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 and Public Places, Article VIII, Park and Recreation Area Use Regulations, Section 12-41 Areas under control of recreation commission, to add the following new subsection:

M. Hunting or trapping on the 74.5 acres of land which comprises the recreation area known as Whispering Hill off Cambridge Road is prohibited. Violations of this ordinance shall be punished by a fine of \$100.00 for each offense. This ordinance is enforceable by the Woburn Police Department.

s/Councilor Charles Viola

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Motion made and 2<sup>nd</sup> to ADJOURN.