

**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, all in favor, 9-0.

MAYOR'S COMMUNICATIONS:

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

In June of this year, the City Council approved a bond authorization appropriation in the amount of \$22,000,000 for the costs of designing, constructing and equipping the water treatment plant with improvements for the removal of PFAS.

The City of Woburn was 1 of 39 communities selected from 141 applications recommended for financing through the Drinking Water State Revolving Fund Loan Program (DWSRF). The DWSRF is a joint federal/state financing program that will allow the City to borrow funds at 0% interest with an additional 6.6% in principal forgiveness.

The loan application must be filed by the end of September. To that end I am requesting the City Council approve the attached order authorizing the Mayor to file the loan application and act as the authorized representative for the City of Woburn in connection with the application.

Please feel free to call with any questions.

Sincerely; s/Mayor Scott Galvin

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.

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

Motion made and 2nd that the communication be received and made part of the permanent record, all in favor, 9-0. Motion made and 2nd that the ORDER BE ADOPTED, all in favor, 9-0.

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

In 2019 the City Council approved my proposal to accept legislation to double the residential real estate exemption for qualifying widow and elderly senior citizen's living on fixed incomes and struggling with increasing property values in Woburn. In addition, the approved proposal similarly increased the exemption amount for disabled Veterans who have bravely served our Country.

I am asking The City Council to further expand the benefits to Veterans and their families offered under The Brave Act by accepting and adopting Clause 22 G of MGL c. 59 section 5, which will treat the Veteran applicant as actual owner when title to the property is held by trustee, conservator or other fiduciary for estate planning purposes. If the applicant meets all other eligibility requirements, this will now allow the Veteran to receive the Clause 22 exemptions.

I am also requesting you to accept Clause 22 H, of MGL c.59 Section 5, which provides a full real estate tax exemption for the surviving parents of active military personnel who die while on active duty serving our Country.

Thank you for your anticipated approval and acceptance of these well-deserved provisions of The Brave Act. I will be available to further discuss in Committee.

Sincerely; Mayor Scott Galvin

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.

s/Councilor Richard F. Gately, Jr.
Per request of the Mayor

Motion made and 2nd that the communication be received and made part of the permanent record, all in favor, 9-0. Motion made and 2nd that the ORDER BE ADOPTED, all in favor, 9-0.

Presented to the Mayor: August 17, 2023

s/Scott D. Galvin August 17, 2023

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.

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

Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, CHARTER & RULES, all in favor, 9-0.

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.

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

Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, CHARTER & RULES, all in favor, 9-0.

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.**

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

Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, CHARTER & RULES, all in favor, 9-0.

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

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

Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, CHARTER & RULES, all in favor, 9-0.

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.

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

Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, CHARTER & RULES, all in favor, 9-0.

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.

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

Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, CHARTER & RULES, all in favor, 9-0.

Motion made and 2nd to suspend the rules to take the next matter, from Communications and Reports, out of order, all in favor, 9-0.

On the request for Executive Session by City Solicitor regarding Lawless, Inc. v. Woburn City Council, Land Court No. 21MISC000643, motion made and 2nd to go into Executive Session under G.L. Ch. 30A, Sec. 21(a)(3) Purpose 3 to discuss strategy relative to pending litigation in the matter of Lawless, Inc. v. Woburn City Council and that the Chair declares that if an open meeting was held on the matter this may have a detrimental effect on the bargaining or litigating position of the City Council, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes. President Concannon stated that the City Council would reconvene in open session following discussion of this matter. The City Council removed to the Committee Room at 6:35 p.m. This portion of the meeting was held in Executive Session. At 7:10 p.m., the City Council returned to the Council Chamber. President Concannon stated that during the Executive Session the City Council took a vote that the matter be referred to a public hearing on September 19, 2023.

Motion made and 2nd to return the regular order of business, all in favor, 9-0.

Councilor Demers made a motion and 2nd by Councilor Mercer-Bruen to allow reconsideration of his vote to adopt the order regarding authorizing Mayor to file applications and execute agreements related to Horn Pond Water Treatment Plant PFAS Removal (DWSRF 12538), all in favor, 9-0. Councilor Demers stated that the reconsideration of vote is because there is a financial aspect to that order that requires a second reading. Councilor Demers wants to make sure the public understands that this is not because he does not support that matter, but that there was a procedural concern. Motion made and 2nd that the MATTER BE LAID ON THE TABLE, all in favor, 9-0.

Motion made and 2nd to return the regular order of business, all in favor, 9-0.

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. Motion made and 2nd that the SPECIAL EVENT PERMIT BE APPROVED, all in favor, 9-0.

Presented to the Mayor: August 17, 2023

s/Scott D. Galvin August 17, 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 Began Way. Motion made and 2nd that the MATTER BE REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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). Motion made and 2nd that the MATTER BE REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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. Motion made and 2nd that the MATTER BE REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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. Motion made and 2nd that the MATTER BE REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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. Motion made and 2nd that the MATTER BE REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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. Motion made and 2nd that the MATTER BE REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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. Motion made and 2nd that the MATTER BE REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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. Motion made and 2nd that the MATTER BE REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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. Motion made and 2nd that the MATTER BE REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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. Motion made and 2nd that the MATTER BE REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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. Motion made and 2nd that the MATTER BE REFERRED TO PUBLIC HEARING, all in favor, 9-0.

On the 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”)”. Motion made and 2nd that all communications be received and made part of the permanent record, all in favor, 9-0. Motion made and 2nd to suspend the rules to allow the petitioner to speak on the matter, all in favor, 9-0. Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Suite 502, Woburn, Massachusetts 01801, stated the modification is to the sign package. Attorney Tarby stated the sign will be the same but just instead of being on the east elevation facing the I-93 it will be on the north elevation on the front of the building to the left. Attorney Tarby stated that Inspector Thomas Quinn stated that he believed the condition to minor, but since they are moving it from one wall to the other, he could not approve it. Attorney Tarby stated the plans were filed with the request. Councilor Mercer-Bruen stated the pictures were small and hard to visualize. Attorney Tarby stated the sign instead of facing the highway, will be moved around the corner to the front of the building. Attorney Tarby stated this will help people find the business easier. Councilor Mercer-Bruen stated it seems okay, but it is hard to tell without something bigger. Attorney Tarby stated it is the same sign that was previously approved, just moving it around the corner. Councilor Gately stated there is no massive impact with this change. Councilor Dillon stated he was comfortable based on Inspector Quinn’s opinion and this is just procedural. Councilor Mercer-Bruen stated that Inspector Quinn does not decide whether it is a minor modification, if it is something he cannot approve he sends to the council. Councilor Mercer-Bruen stated Inspector Quinn will defer to the council. Councilor Mercer-Bruen stated she does not take issue to this on adverse effects, but she wants to be cautious when it comes to signage. Attorney Tarby stated the sign is not up yet and that the sign application has been filed with the building department and is pending until after this meeting. Motion made and 2nd that the MINOR MODIFICATION BE GRANTED, all in favor, 9-0.

Motion made and 2nd to return the regular order of business, all in favor, 9-0.

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 August 14, 2023, was received from Jacqueline Duffy, Right of Way Agent, Eversource, 101 Linwood Street, Somerville, MA 02143:

Re: **Anthony Drive, Woburn**
W. O. 11274347

Dear Members of the Council:

NSTAR Electric Company d/b/a Eversource Energy respectfully requests to continue its Utility Petition for the following location: **Anthony Drive, Woburn**. We are requesting this continuation, until we meet the requirements of the DPW Supervisor, Jay Duran. If I can be of any further assistance, please contact me at (617) 624-3204.

Very truly yours, s/Jacqueline Duffy, Right of Way Agent

Motion made and 2nd that all communications be received and made part of the permanent record, all in favor, 9-0. President Concannon stated he was in email communication with Jacqueline Duffy and stated to her that she should use her discretion in whether to come down to the meeting but that the Council has a growing frustration with the delays and is hoping to make a decision soon on this. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON September 19, 2023, all in favor, 9-0.

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 August 14, 2023, was received from Jacqueline Duffy, Right of Way Agent, Eversource, 101 Linwood Street, Somerville, MA 02143:

Re: **Thomas Street, Woburn**
W. O. 11274044

Dear Members of the Council:

NSTAR Electric Company d/b/a Eversource Energy respectfully requests to continue its Utility Petition for the following location: **Thomas Street, Woburn**. We are requesting this continuation, until we meet the requirements of the DPW Supervisor, Jay Duran. If I can be of any further assistance, please contact me at (617) 624-3204.

Very truly yours, s/Jacqueline Duffy, Right of Way Agent

Motion made and 2nd that all communications be received and made part of the permanent record, all in favor, 9-0. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON September 19, 2023, all in favor, 9-0.

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 August 14, 2023, was received from Jacqueline Duffy, Right of Way Agent, Eversource, 101 Linwood Street, Somerville, MA 02143:

Re: **Campbell Street, Woburn**
W. O. 11225062

Dear Members of the Council:

NSTAR Electric Company d/b/a Eversource Energy respectfully requests to continue its Utility Petition for the following location: **Campbell Street, Woburn**. We are requesting this continuation, until we meet the requirements of the DPW Supervisor, Jay Duran. If I can be of any further assistance, please contact me at (617) 624-3204.

Very truly yours, s/Jacqueline Duffy, Right of Way Agent

Motion made and 2nd that all communications be received and made part of the permanent record, all in favor, 9-0. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON September 19, 2023, all in favor, 9-0.

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 August 14, 2023, was received from Jacqueline Duffy, Right of Way Agent, Eversource, 101 Linwood Street, Somerville, MA 02143:

Re: **Franklin Street, Woburn**
W. O. 11226293

Dear Members of the Council:

NSTAR Electric Company d/b/a Eversource Energy respectfully requests to continue its Utility Petition for the following location: **Franklin Street, Woburn**. We are requesting this continuation, until we meet the requirements of the DPW Supervisor, Jay Duran. If I can be of any further assistance, please contact me at (617) 624-3204.

Very truly yours, s/Jacqueline Duffy, Right of Way Agent

Motion made and 2nd that all communications be received and made part of the permanent record, all in favor, 9-0. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON September 19, 2023, all in favor, 9-0.

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 August 15, 2023, was received from Jacqueline Duffy, Right of Way Agent, Eversource, 101 Linwood Street, Somerville, MA 02143:

Re: **Mishawum Road, Woburn**
W. O. 11758054

Dear Members of the Council:

NSTAR Electric Company d/b/a Eversource Energy respectfully requests to continue its Utility Petition for the following location: **Mishawum Road – installation of a hip guy**. We are requesting this continuation because the plan submitted had not been updated to reflect the exact location of the hip guy. If I can be of any further assistance, please contact me at (617) 624-3204.

Very truly yours, s/Jacqueline Duffy, Right of Way Agent

Motion made and 2nd that all communications be received and made part of the permanent record, all in favor, 9-0. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON September 19, 2023, all in favor, 9-0.

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 Rheume, 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”.

Motion made and 2nd that all communications be received and made part of the permanent record, all in favor, 9-0. Appearing for the petitioner, James A. Juliano, Scafidi Juliano, Attorneys at Law, 75 Third Avenue, Second Floor, Waltham, Massachusetts 02451, stated that Kevin Song, President was with him tonight. Attorney Juliano stated the building was built in 2004 and was rehabbed by the current owner with by a special permit the City

Council granted in 2002. Attorney Juliano stated they are proposing to house five bays with office space for an automobile detailing shop. Attorney Juliano stated that the changes are still in line with the 2002 special permit, with an average of one to tow cars on site. Attorney Juliano stated the business plans to hire two people and the hours of operation are Monday through Friday 8:30 a.m. to 6:00 p.m. Attorney Salvati stated the chemicals the business uses are safe and he has included reports for all of them, which are eco-safe. Attorney Juliano stated there is a water separator onsite. Attorney Juliano have been in business for 10 years and have a location in Needham. Attorney Juliano stated that the owner has done some landscaping and cleaned up the weeds and mulched. Attorney Juliano stated there will probably just be signage on the glass door. Attorney Juliano stated that contrary to the Planning Director's memo, this building is not new. Councilor Gately stated this is a good outfit and is a clear minor modification, as there is a separator and the chemicals are nonabrasive. Councilor Gately stated the back of the building needs help with the trees. Attorney Juliano stated they have cleaned the beds up and he will mention to the owner about the pruning. Councilor Viola stated he drove past and the use was a good, low impact use, and that he appreciated the chemical paperwork. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CLOSED, all in favor, 9-0. Motion made and 2nd that the special permit be GRANTED with the following conditions: 1. That the chemicals must go into an oil/water separator; and 2. The hours of operation are Monday through Friday 8:30 a.m. to 6:00 p.m., all in favor, 9-0.

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.

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 two documents, one is an aerial view of all the properties in the overlay and one is a copy of the zoning. Motion made and 2nd that the documents be received and made part of the permanent record, all in favor, 9-0. Attorney Tarby stated that he had J.P. Martignetti with him as well as engineer Carlton Quinn from Allen & Major Associates. Attorney Tarby stated he would like this public hearing continued to September 19, 2023. Attorney Tarby stated that currently, Section 5.7 Buffer Requirements does not apply to the overlay districts, as a residential development against a residential development the buffer does not apply. Attorney Tarby stated that the Building Commissioner suggested also adding all proposals shall be subject to Section 12, Site Plan Review, Section 9, Floodway, Section 15, Groundwater Protection District, as well as Section 11. Attorney Tarby stated before t his property was an illegal dump yard and consists of 4.89 acres. Attorney Tarby stated the current owners purchased the property in 2019 and would like to put townhouses on the property under Section 20 if the changes are approved. Attorney Tarby stated the overlay district was approved in July 2003 with support of Mayor Dever and the City Council to encourage redevelopment of unused commercial properties. Attorney Tarby stated the overlay goes from Green Street to Winchester line and to 0 Cross Street. Attorney Tarby stated the proposed zoning amendment is to address deficiencies in a townhouse development. Attorney Tarby stated if the applicant went under the current zoning a special permit would allow up to 59 townhouse units, however, if the amendments are approved the owner would be going forward with 37 townhouse units. Attorney Tarby stated that under current zoning, the property would be required access through the street frontage on Belmont Street, which would need to be built out. Attorney Tarby stated the petitioner is proposing to use Cross Street in Winchester. Attorney Tarby stated the only item before the Council is the zoning amendment, but that the petitioner wanted to be transparent with its plans. Mr. Quinn stated on the Woburn GIS map the proposed property is to the right, it is the blue area behind the IG Zoning District. Mr. Quinn stated that on the conceptual site plan the red is the property, green is the zoning district line between residential and the IG district, and the red

area is the building portion if the full 70 feet is allowed. Mr. Quinn stated 60 percent of the lot is in the buffer zone and is unbuildable. Mr. Quinn stated that there will be 37 units, with two parking spaces per unit totaling 76 parking spaces. Mr. Quinn stated that all other zoning will be adhered to. Attorney Tarby stated the petitioner is not looking to eliminate the buffer zone, as the idea of the buffers zone was to protect residential from the commercial properties. Attorney Tarby stated there is no increase in density or less setbacks, with the max height being 2 ½ stories and two parking spaces per unit. Councilor Gately stated this is a pretty good plan and the property has been silent since the Martignetti family bought it. Councilor Gately stated this is a good neighborhood and area with a dead piece of land. Attorney Tarby stated with respect to affordable housing, the petitioner will be doing what is required under zoning. Councilor DiMambro stated he likes how the project looks and that it will rejuvenate the area. Councilor DiMambro stated he was concerned with the amount of parking as it does not account for guests. Attorney Tarby stated he will take that into consideration moving forward. Mr. Martignetti stated that currently there is a 2,000 square foot industrial building block there now. Councilor Demers stated he would keep an open mind but would like a bit more technical schematic than a Google map, and that he had questions related to the buffer zone. Councilor Mercer-Bruen stated she would like to know if these proposed changes would impact other districts or areas outside the overlay district. Attorney Tarby stated the proposed changes would only affect the Woburn Loop Overlay. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 9-0. PUBLIC COMMENTS: Paul Medeiros, owner of 22 Arlington Street with his wife, stated he was concerned with the impact and wanted to watch the process unfold. Mr. Medeiros stated he was concerned that a five or six story building would be going in and that is not the case. Diane Yebba, 3 Belmont Street, stated the plans look conservative, but that she is concerned with the tanneries in the past about the environmental impacts on the site. Ms. Yebba stated she hopes testing will be done and does not want any impacts to water because of the creek. Ms. Yebba stated that she was concerned with Winchester approving an entrance on Cross Street, as she does not want Medford Street or Garfield Avenue used. Elaine Pruyne, 7 Medford Street, stated she was concerned with opening Medford Street as another business did have problems gaining access to Cross Street. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON September 19, 2023, AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, CHARTER & RULES, all in favor, 9-0.

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

Motion made and 2nd that all communications be received and made part of the permanent record, all in favor, 9-0. Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Suite 502, Woburn, Massachusetts 01801, stated

on April 21, 2020, the City Council allowed for the Walgreens to change to CVS with a drive thru, and now the petitioner would like to add nail and salon services to the area marked “overstocked storage area” which at one time as an Asian restaurant with a liquor license. Attorney Tarby stated prior to CVS from 1989 to 2020 it was a Walgreens, before that in 1946 it was retail, then A&P, and then Nick Barbas Supreme. Attorney Tarby stated in 2008 the City Council issued a special permit to allow the back of the site to become an AutoZone and Busa Liquors. Attorney Tarby stated the nail salon will include, nails, waxing, and facials and the hours of operation will be Monday – Friday 9:30 a.m. – 7:00 p.m., Saturday 9:30 a.m. – 6:30 p.m., and Sunday 10:00 a.m. – 5:30 p.m. Attorney Tarby stated regarding the planning department comments the responses are as follows: Bullet Point 1 – the petitioner has no issue with either request; Bullet Point 2 – parking meets all requirements and if it was changed to a restaurant there would be a greater requirement; Bullet Point 3 – the plans have been prepared and submitted to the Building Commissioner. Attorney Tarby stated he wanted to submit two conditions and one finding. Motion made and 2nd that the two conditions and one finding be received and made part of the permanent record, all in favor, 9-0. Attorney Tarby stated the business will use the CVS dumpster, and that the customers will enter from the front of the building with egress to the rear for a second means and access to the dumpster. Mr. Quinn stated there is no exterior utility connection, which are all internal to the building. Councilor Gately stated it is a good thing the petitioner does not have to open the street, and nothing has been in that location in a long time. Councilor Gately stated it is good to see the dead spot in the building being used. Councilor Gately stated that CVS does take care of the lot. Attorney Tarby stated he was unsure if there would be concessions inside but that of cup of coffee or water may be available. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CLOSED, all in favor, 9-0. Motion made and 2nd to make the following finding under Section 7.3: The City Council in granting this Special Permit finds that the alteration of the nonconforming structure and use will not be more substantially detrimental than the existing nonconforming structure and use to the existing neighborhood, all in favor, 9-0. Motion made and 2nd that the following conditions be approved: 1. The Petitioner shall construct and improve the site as substantially described on the Plan of Record which for this project shall be “Site Plan for Aura Nail and Spa, 175 Main Street, Woburn, MA 01801” prepared by R.J. O’Connell & Associates Inc., Sheet SP-1 dated July 5, 2023 (hereinafter the “Site Plan”) although design adjustments and modifications generally associated with: (i) preparing so-called “working drawings” or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan; and 2. The hours of operation for the salon and spa shall be Monday – Friday 9:30 a.m. – 7:00 p.m.; Saturday 9:30 a.m. – 6:30 p.m.; and Sunday 10:00 a.m. – 5:30 p.m., all in favor, 9-0. Motion made and 2nd that the SPECIAL PERMIT BE GRANTED with the following conditions: 1. The Petitioner shall construct and improve the site as substantially described on the Plan of

Record which for this project shall be “Site Plan for Aura Nail and Spa, 175 Main Street, Woburn, MA 01801” prepared by R.J. O’Connell & Associates Inc., Sheet SP-1 dated July 5, 2023 (hereinafter the “Site Plan”) although design adjustments and modifications generally associated with: (i) preparing so-called “working drawings” or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan; and 2. The hours of operation for the salon and spa shall be Monday – Friday 9:30 a.m. – 7:00 p.m.; Saturday 9:30 a.m. – 6:30 p.m.; and Sunday 10:00 a.m. – 5:30 p.m., all in favor, 9-0.

Motion made and 2nd to take a five minute recess, all in favor, 9-0.

Motion made and 2nd to return to the regular order of business, all in favor, 9-0.

President Concannon stated there is an audio glitch for those watching the meeting at home and they are actively working on it.

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 Rheaume, 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.

Motion made and 2nd that all communications be received and made part of the permanent record, all in favor, 9-0. Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Suite 502, Woburn, Massachusetts 01801, stated with him for the petitioner he had Joey Fonseca, Project Manager from Bohler Engineering, Maureen McHugh, McMahan, a Bowman Company, and Clint Mattson, Principal Development Lead from Chick-fil-A. Attorney Tarby stated he wanted to submit the following documents: 1. Response to the Planning Department Letter; 2. Response to the City Engineer Memo; and 3. Copy of the PowerPoint presentation. Motion made and 2nd that the documents be received and made part of the permanent record, all in favor, 9-0. Attorney Tarby stated one of the comments in the Planning Letter was looking for easement agreement for parking under the deck at 17 Commerce Way. Attorney Tarby stated this parking was allowed in the year 2000 and runs with the land. Attorney Tarby stated he has the agreement that Citizens Bank and On the Border had with Lowes. Motion made and 2nd that the document be received and made part of the permanent record, all in favor, 9-0. Attorney

Tarby stated that in 1986 Bertucci's got a variance from the front setback. Attorney Tarby stated in the IP Zoning district a special permit is required for a fast food restaurant. Attorney Tarby stated the property is 1.32 acres and has been a restaurant since 1980s with Brigham's and then Bertucci's. Attorney Tarby stated they have 78 seats inside and if permitted would like outdoor seating as well. Attorney Tarby stated the City Engineer requested a peer review, and last time it took close to a month to get bids and he would like the process to be started tonight. Mr. Fonseca stated he was looking at an aerial view of 17 Commerce Way and the intersection is in the northwest corner which is signalized. Mr. Fonseca stated there are two full movement driveways and access to the abutting parcel. Mr. Fonseca stated the utilities are not on file, so he is coordinating with DPW on the water line sizing as well as the sewer. Mr. Fonseca stated there are 83 spaces within the boundary limits and the remaining are located in the two story parking garage. Mr. Fonseca stated there are five ADA spaces along Commerce Way, which are over the requirement. Mr. Fonseca stated the existing trash closures will remain and the proposed new building will be in the same existing footprint. Mr. Fonseca stated they will be improving the walkways for ADA access, and outdoor seating in the southwest corner for 12 seats, which would require a separate permit for that. Mr. Fonseca stated there is no modification to the parking except for the transformer location which requires a pad and removes one parking space for that and bollards. Mr. Fonseca stated the trash will be in the rear corner, similar to that of Washington Street, and it will be screened. Mr. Fonseca stated there will be 78 interior with no drive thru. Mr. Fonseca stated there is a requirement for 70 parking spots, and onsite there are 81 existing spots. Mr. Fonseca stated with Bertucci's there was a sewer issues, but going forward there will be an exterior grease trap. Mr. Fonseca stated that the electric is in the rear building and the gas is on the access road to Lowes. Mr. Fonseca stated the landscaping has been upgraded with the trees along Commerce Way and the grass. Mr. Fonseca stated the existing pylon sign will remain and be backlit. Ms. McHugh stated she consulted with the City Engineer for what should be included in the study which included Mishawum Road I-93 Ramps, Commerce Way Access, and the two driveways. Ms. McHugh stated the five year crash data was below the state and district wide average. Ms. McHugh stated there was one crash cluster in 2015 through 2018. Ms. McHugh stated there was a 1% growth rate in traffic for a fast food restaurant with no drive-thru. Ms. McHugh stated the proposed mitigation for this is a traffic signal timing adjustment at the Lowes intersection to account for the queuing on Commerce Way northbound. Ms. McHugh stated they used a conservative estimate as they did not deduct trips related to Bertucci's. Councilor Mercer-Bruen stated going from a restaurant to another restaurant seems reasonable, but this new restaurant is nothing like Woburn has even seen before for the location less than 1/2 mile away. Attorney Tarby stated the special permit is always applied for by the corporation and then the corporation issues it to a manager. Councilor Mercer-Bruen stated she would prefer if the petitioner would add a covenant on the property that there will never be a drive-thru. Councilor Mercer-Bruen stated she would like a peer review. Councilor Mercer-Bruen stated that the mitigation for the timing of lights never seem to work out and she is skeptical because how popular Chick-fil-A is. Councilor Mercer-Bruen stated there are some issues that will need to be addressed but that she will not consider voting unless there is a commitment to the covenant. Councilor Mercer-Bruen stated when there was a problem on Washington Street, the Michale Rose worked with the City and came up with a better design and appreciated his help and he has been wonderful to the community. Councilor Gately stated there were issues with utility and cutting and capping

problems with the old building. Councilor Gately stated all the old utilities and sewer lines need to be cut off at the street. Councilor Gately stated he was also concerned with the snow storage plan as the old business used to plow the snow onto Commerce Way. Councilor DiMambro stated he is in the area daily and it is busy during the lunch rush hour. Councilor DiMambro stated at the Lowes area, it should be a one way entrance only and then make an exit only down by the Citizens Bank, as this will not jam up the intersection. Councilor DiMambro stated the exit should be moved down or make another curb cut with a right turn only. Councilor DiMambro stated he agrees there should be no drive-thru. Councilor Campbell stated she enjoys Chick-fil-A and she was part of the Council that allowed the drive-thru on Washington Street. Councilor Campbell stated the manager at that location is absolutely wonderful. Councilor Campbell stated the amount of traffic can be tremendous, but that she believes it will be less because there will be no drive-thru. Councilor Campbell stated she does not want the petitioner asking for one thing now, and then coming back later altering the special permit to include the drive-thru. Councilor Mercer-Bruen stated the Council has required a covenant before. Councilor Campbell stated she would want the covenant before agreeing to special permit. Councilor Campbell stated she was concerned with a busy restaurant shutting down Commerce Way which would make Woburn Village struggle. Councilor Ferullo stated the lighting is not causing the traffic issue at that intersection, it is the pedestrian traffic from the DeMoulas crossing that does not allow the cars to move. Councilor Ferullo stated the left turn into the site cannot go left because of the gridlock and that he wrote a lot of tickets in his formal role at that intersection. Upon inquiry from Councilor Dillon, Mr. Mattson stated that the petitioner has a prototype building for their drive-thru restaurants. Mr. Mattson stated that the prototype for this location was customized as they are using an existing building. Upon inquiry from Councilor Mercer-Bruen, Mr. Mattson stated they will consider the covenant. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd to allow the City Solicitor and City Engineer to enter into a Traffic Study peer review, at the cost of the petitioner, and authorize the City Council President to sign on behalf of the Council, all in favor, 9-0. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON October 3, 2023, AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0. Motion made and 2nd to send a communication to DPW Superintendent Jay Duran to let him know of the scheduling of the petition and request his comments, all in favor, 9-0.

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

Further, a communication dated August 15, 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 of New England Laboratory Casework, Co., Inc., One Arrow Drive, Woburn, Massachusetts

Dear Ms. Higgins:

On behalf of my client, New England Laboratory Casework, Co., Inc. of One Arrow Drive, Woburn, Massachusetts, I hereby request leave to withdraw without prejudice my client's request to construct a two (2) story approximately 6,600 square foot addition to the existing building. My client will seek approval of the remaining items in the Special Permit Petition. Thank you.

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

Motion made and 2nd that all communications be received and made part of the permanent record, all in favor, 9-0. Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Suite 502, Woburn, Massachusetts 01801, stated based on the Planning Board comments he wanted to submit revised set of conditions, with a revision on page C3 to show the one way and two way circulation on the site, as well as a revised plan. Motion made and 2nd that the documents be received and made part of the permanent record, all in favor, 9-0. Attorney Tarby stated that the special permit is only seeking site modifications as he submitted a letter earlier today withdrawing the request to construct a two story addition. Councilor Mercer-Bruen stated she spoke with Attorney Tarby about the Saturday work hours, which only has to do with installing windows, thus she had no follow up concerns. Councilor Mercer-Bruen stated she is happy with the conditions. President Concannon stated the noise mitigation plan is noted in Condition No. 7. Councilor Gately stated this is going to be a nice building and is not against the proposal. Matthew Teal, New England Labs, confirmed that the loading docks have enough room to back a truck straight back. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CLOSED, all in favor, 9-0. Motion made and 2nd to allow the petitioner to withdraw without prejudice the petitioner's request to construct a two (2) story approximately 6,600 square foot addition to the existing building, all in favor, 9-0. Motion made and 2nd to make the following finding under Section 7.3: The proposed use by the Petitioner is consistent with the past use of the property and is not substantially more detrimental than the existing nonconforming use to the neighborhood, all in favor, 9-0. Motion made and 2nd that the following conditions as revised on August 15, 2023 be approved: 1. The Petitioner shall construct and improve the Site as substantially described on the Plan of Record which for this project shall be "Layout and Materials Plan" dated June 28, 2023, revised July 24, 2023 and revised August 15, 2023 prepared by Civil Design Consultants Inc., 344 North Main Street, Andover, MA 01810 (hereinafter the "Site Plan") although design adjustments and modifications generally associated with: (i) preparing so-called "working drawings" or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the

Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan; 2. All dumpsters shall be enclosed, by means of a fence, wall or landscaping in compliance with the Woburn Zoning Ordinances; 3. All three (3) box trucks parked overnight at the site shall be registered in the City of Woburn; 4. Except for the three (3) box trucks described in Condition 3, no parking of commercial vehicles overnight on the premises shall be allowed; 5. The Petitioner shall install signage as shown on the Site Plan informing truck drivers that no overnight parking or the dropping of trailers after 7:00 p.m. is allowed.; 6. Except in the event of an emergency, work on the exterior of the site shall be restricted to 7:00 a.m. – 6:00 p.m. Monday – Friday; and 7:00 a.m. – 4:00 p.m. on Saturday. No work on the exterior of the site shall be permitted on, Sunday or state and federal holidays recognized by the City of Woburn; 7. The Petitioner shall use best efforts to install the Noise Mitigation Plan attached to this Decision as Attachment A, all in favor, 9-0. Motion made and 2nd that the SPECIAL PERMIT BE GRANTED with the following conditions: 1. The Petitioner shall construct and improve the Site as substantially described on the Plan of Record which for this project shall be “Layout and Materials Plan” dated June 28, 2023, revised July 24, 2023 and revised August 15, 2023 prepared by Civil Design Consultants Inc., 344 North Main Street, Andover, MA 01810 (hereinafter the “Site Plan”) although design adjustments and modifications generally associated with: (i) preparing so-called “working drawings” or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan; 2. All dumpsters shall be enclosed, by means of a fence, wall or landscaping in compliance with the Woburn Zoning Ordinances; 3. All three (3) box trucks parked overnight at the site shall be registered in the City of Woburn; 4. Except for the three (3) box trucks described in Condition 3, no parking of commercial vehicles overnight on the premises shall be allowed; 5. The Petitioner shall install signage as shown on the Site Plan informing truck drivers that no overnight parking or the dropping of trailers after 7:00 p.m. is allowed.; 6. Except in the event of an emergency, work on the exterior of the site shall be restricted to 7:00 a.m. – 6:00 p.m. Monday – Friday; and 7:00 a.m. – 4:00 p.m. on Saturday. No work on the exterior of the site shall be permitted on, Sunday or state and federal holidays recognized by the City of Woburn; 7. The Petitioner shall use best efforts to install the Noise Mitigation Plan attached to this Decision as Attachment A, all in favor, 9-0.

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

Motion made and 2nd that all communications be received and made part of the permanent record, all in favor, 9-0. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 9-0. PUBLIC COMMENTS: Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Suite 502, Woburn, Massachusetts 01801, stated they are still waiting on the peer reviewer to come back. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON September 19, 2023, all in favor, 9-0.

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”. Motion made and 2nd that the COMMITTEE REPORT BE ADOPTED, all in favor, 9-0.

Presented to the Mayor: August 17, 2023 **s/Scott D. Galvin August 17, 2023**

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”. Motion made and 2nd that the COMMITTEE REPORT BE ADOPTED, all in favor, 9-0.

Presented to the Mayor: August 17, 2023

s/Scott D. Galvin August 17, 2023

CITIZEN'S PARTICIPATION: None.

COMMUNICATIONS AND REPORTS:

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

Motion made and 2nd that the MATTER BE RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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

Motion made and 2nd that the MATTER BE RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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

<u>Ward-Precinct</u>	<u>Polling Place Location</u>
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

Motion made and 2nd that the ORDER BE ADOPTED, all in favor, 9-0.

Presented to the Mayor: August 17, 2023

s/Scott D. Galvin August 17, 2023

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

Motion made and 2nd that the ORDER BE ADOPTED, all in favor, 9-0.

Presented to the Mayor: August 17, 2023

s/Scott D. Galvin August 17, 2023

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.

Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCE, CHARTER & RULES, all in favor, 9-0.

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

Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCE, CHARTER & RULES, all in favor, 9-0.

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 that all communications be received and made part of the permanent record, all in favor, 9-0. Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON INFRASTRUCTURE AND PUBLIC LANDS, all in favor, 9-0.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:20 p.m.

A TRUE RECORD ATTEST:

Lindsay E. Higgins
City Clerk and Clerk of the City Council