

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

Roll Call

Campbell	Ferullo
Demers	Gately
Dillon	Mercer-Bruen - Remote
DiMambro	Viola
Concannon	

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

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes.

MAYOR'S COMMUNICATIONS:

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

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

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

Sincerely, s/Mayor Scott D. Galvin.

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

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

Motion made and 2nd that all communications be received and made part of the permanent record AND the ORDER BE ADOPTED, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes.

Presented to the Mayor: June 22, 2023

s/Scott D. Galvin June 22, 2023

NEW PETITIONS:

Petition by New England Orienteering Club for a Special Event Permit for a map and compass sport event at Horn Pond, parking lot and Arlington Road on August 27, 2023. Councilor Campbell stated she invites everyone to participate as she did this in the spring and she thoroughly enjoyed it. Councilor Campbell stated it was a lot of fun. Motion made and 2nd that the SPECIAL EVENT PERMIT BE APPROVED, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes.

Presented to the Mayor: June 22, 2023

s/Scott D. Galvin June 22, 2023

Petition by Lord Hobo for a Special Event Permit to allow a road race starting at 5 Draper Street and along area streets on August 12, 2023. Motion made and 2nd that the SPECIAL EVENT PERMIT BE APPROVED, subject to liability insurance being received by City Clerk's office, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes.

Presented to the Mayor: June 22, 2023

s/Scott D. Galvin June 22, 2023

Petition by Social Capital Inc. for a Special Event Permit for SCI Woburn Horn Pond Summer Concert Series, July 14th & 28th, August 11th & 25th at Horn Pond Ice House Park. Motion made and 2nd that the SPECIAL EVENT PERMIT BE APPROVED, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes.

Presented to the Mayor: June 22, 2023

s/Scott D. Galvin June 22, 2023

Petition by Musto Jewelers for renewal of Secondhand Dealers and Secondhand Collectors License at 186 Cambridge Road, #9. Motion made and 2nd that the MATTER BE

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND LICENSE, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes.

Petition by Crown Castle NG East, LLC for grant of right in a way to install (1) 4" PVC Communication Conduit approximately two (2) feet southerly from Utility Pole #620/6 on Cabot Road to a proposed 17" x 30" Crown Castle Handhole. From newly placed handhole, continue approximately five (5) feet to Telephone MH #35/221A, at 11 Cabot Road. Motion made and 2nd that the MATTER BE REFERRED TO PUBLIC HEARING, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes.

Petition by Crown Castle NG East, LLC for grant of right in a way to install (1) 4" PVC Communication Conduit approximately 54 feet northerly from Telephone MH #35/223 on Cabot Road to a proposed 17" x 30" Crown Castle Handhole, continue approximately 111 feet northeasterly and install ADDD 1019 conduit (Microtrench) to private property, at 35 Cabot Road. Motion made and 2nd that the MATTER BE REFERRED TO PUBLIC HEARING, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes.

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

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

Petition by Cabot, Cabot & Forbes LLC, 185 Dartmouth Street, Suite 402, Boston, Massachusetts 02116, requesting extension of special permit dated January 4, 2022, until January 4, 2026, at 0 New Boston Street. A communication dated June 7, 2023, was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Suite 502, Woburn, Massachusetts 01801 regarding “Landowner’s Decision and Notice of Special Permit dated January 4, 2022 issued to Cabot, Cabot & Forbes LLC, 0 New Boston Steet, Woburn, Massachusetts (the “Property).” Motion made and 2nd that all communications be received and made part of the permanent record AND to suspend the rules to allow the petitioner to speak on the matter, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes. Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Suite 502, Woburn, Massachusetts 01801, stated as the request indicates, this site is on the superfund site and there are a number of steps that need to be taken before a building permit can be issued. Attorney Tarby stated they are asking for a two year extension under the special permit. Attorney Tarby stated there is a list of number of items that have been completed, and the petitioner is now waiting on the EPA and EEP for approval on permitting. Attorney Tarby stated they are also waiting on Eversource. Attorney Tarby stated they will continue working with the three to keep moving forward. Councilor DiMambro stated he understands what is going on at the superfund site and he is in favor of this request as there are a lot of moving parts. Motion made and 2nd to return to the regular order of business, ROLL CALL: ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes. Motion made and 2nd that the TIME FOR THE PETITIONER TO EXERCISE ITS RIGHTS UNDER THE SPECIAL PERMIT SHALL BE EXTENDED FOR AN ADDITIONAL TWO (2) YEAR PERIOD TO January 4, 2026, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes.

PUBLIC HEARINGS:

On the petition by NStar Electric Company, d/b/a Eversource Energy for grant of right in a way to install approximately 341 feet of conduit from Pole 282/10, located on Beach Street, to private property. PUBLIC HEARING: A communication dated June 20, 2023, from Jacqueline Duffy, Right of Way Agent, regarding “11274347 WOB Anthony Dr-Revision.” Motion made and 2nd that all communications be received and made part of the permanent record, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes. Councilor Demers stated there is a lack of communication form the utility companies that leaves us in a lurch. President Concannon stated we received a communication today, but the DPW Superintendent did not have time to review. Councilor Viola stated each time this gets pushed out it costs the City money. City Clerk Higgins stated it costs the city for the first advertising. Councilor Dillon stated this is frustrating. Councilor DiMambro stated they are holding up contractors and projects. Councilor Demers stated that receiving a communication at 6:30 a.m. the day the petition is being heard and expecting the DPW to review is

frustrating. Councilor Mercer-Bruen stated that perhaps the utility companies' filings should have certain documents completed before hearing then. Councilor Mercer-Bruen stated we need to fix the problem and spell out the specific requirements which might stop the nonsense. Councilor Gately stated there are a lot of things being delayed and held up with everything being shut down. Councilor Gately stated in all his 13 years he never saw this happen. President Concannon stated that many have spoken about the process with the petitions. Motion made and 2nd that the public hearing be opened for public comments, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON August 15, 2023, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes.

On the petition by NStar Electric Company, d/b/a Eversource Energy for grant of right in a way to install approximately 574 feet of conduit from Pole 625/1, east of Forest Park Road, to end of Thomas Street. PUBLIC HEARING: A communication dated June 20, 2023, from Jacqueline Duffy, Right of Way Agent, regarding "WOB 11274044 REV." Motion made and 2nd that all communications be received and made part of the permanent record, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes. Motion made and 2nd that the public hearing be opened for public comments, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON August 15, 2023, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes.

On the petition by NStar Electric Company, d/b/a Eversource Energy for grant of right in a way to install approximately 44 feet of conduit from MH7828 in Main Street to one new manhole MH31872 in Campbell Street. PUBLIC HEARING OPENED: Motion made and 2nd that the public hearing be opened for public comments, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON August 15, 2023, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes.

On the petition by NStar Electric Company, d/b/a Eversource Energy for grant of right in a way to install approximately 96 feet of conduit from MH19547 in Main Street to one new manhole MH31874 in Franklin Street. PUBLIC HEARING OPENED: Motion made and 2nd that the public hearing be opened for public comments, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON August 15, 2023, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes.

On the petition by NStar Electric Company, d/b/a Eversource Energy for grant of right in a way to install one new hip guy on existing pole P151/3, in Mishawum Road. PUBLIC HEARING OPENED: Motion made and 2nd that the public hearing be opened for public comments, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON August 15, 2023, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes.

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

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

Dear Council:

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

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

General

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

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

Parking

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

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

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

Signage

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

Trash and Recycling

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

Potential Conditions

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

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

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

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

Motion made and 2nd that all communications be received and made part of the permanent record, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes. Appearing for the petitioner, Attorney Mark J. Salvati, Attorney At Law, 57 Arlington Road, Woburn, Massachusetts 01801, stated 77 Winn Street is a residential property with a commercial use in the front brick part of the property. Attorney Salvati stated the petitioner wants to have a small dog grooming business. Attorney Salvati stated since this is a residential property, a special permit is required for the nonconforming use. Attorney Salvati stated there will be one dog at a time with one dog being worked on and one being picked up. Attorney Salvati stated the hours of operation will be Monday through Saturday 8:00 a.m. to 5:00 p.m. Attorney Salvati stated he spoke with Councilor Dillon and agreed to having the dogs going the bathroom on pee pads. Attorney Salvati stated the property will be cleaned up and the parking will be resurfaced. Councilor Dillon stated he is in support of this as the building needs a facelift. Councilor Dillon stated the use is low impact to neighbors and is a good tax role for the city. Councilor Dillon stated there just needs to be some housekeeping such as a condition that neither the proprietor nor customers are allowed in the yard at any time, as well as the Planning Board suggestions. Attorney Salvati stated he is in an agreement for the use of the parking lot and the house is two-family. Councilor Dillon stated there are six parking spots, one for the proprietor, and customers will use Winn Street.

Attorney Salvati stated the proprietor will take her trash home at the end of the day and there will be no dumpsters. Attorney Salvati stated the most dogs on site will be two; one waiting to be picked up and one being groomed. Upon inquiry from Councilor Campbell, Attorney Salvati stated the petitioner is not the owner of the building, and the landlord has informed the tenants of the business. Attorney Salvati stated he does not mind a condition limiting to two dogs at a time on site. Attorney Salvati stated there will be no dogs boarding, no overnight stays, and he is willing to have a condition on that. Councilor Viola stated it is a good fit and to clean up the area. Attorney Salvati stated there will be one dog at a time being groomed, but there will be one waiting for pickup and wants to avoid the overlap. Councilor DiMambro stated he supported the project. Motion made and 2nd that the public hearing be opened for public comments, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON July 11, 2023, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes.

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

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

Dear Council:

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

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

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

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

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

- The plan shows existing landscaping and a walkway being removed to make space for two outdoor dining patios with a combined capacity of 86 seats. A RESTAURANT, FAST FOOD establishment is not permitted to offer or provide for outdoor dining. The submitted plan must be revised by eliminating the outdoor dining areas and reverting to the landscaping scheme reflected on the current site plan/Plan of Record for the Special Permit cited in the Petition.
- The Petition did not include a description of revisions being proposed to the approved site plan/Special Permit Plan of Record. If there are any changes being proposed to the approved plans other than those noted previously relative to the outdoor dining areas, the Petitioner should be required to submit a list of revisions immediately for staff and Council review.
- The filing included a technical memorandum relative to vehicle trip generation. Planning respectfully defers to the Engineering Department’s review and analysis of that document.
- The plan notes the existence of a 40’ wide private easement adjacent to the 369 Washington Street property and identifies it as “Cummings Park Drive”. The easement area is on a separate, privately-owned lot that has frontage on Cedar Street and provides another means of access to that parcel. Planning staff recommends either the label “Cummings Park Drive” be removed from the plan or that the Special Permit decision reference the fact that the easement is not a street recognized by the City of Woburn.
- Inspectional Services staff notes the block retaining wall and landscaped area in front of this restaurant building is being poorly maintained. Wall components have fallen and the area generally has an unkempt appearance. The Council should consider requiring the property owner to immediately repair/maintain/improve this stretch of frontage.

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

Respectfully, s/Tina P. Cassidy, Planning Director

Further, a communication dated June 20, 2023, was received from Timothy J. Williams, P.E., Principal, Allen & Major Associates, Inc., 100 Commerce Way, Suite 5, Woburn, Massachusetts, 01801 regarding “A&M Project # 3255-01, Response to Comments Letter, Pressed Ventures Woburn LLC, 369 Washington Street, Woburn, MA”. Motion made and 2nd that all communications be received and made part of the permanent record, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes. Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Suite 502, Woburn, Massachusetts 01801, stated he has Tim Williams with Allen & Major with him and Scott Thornton from Vanasse and Associates, and Dana Georges of Pressed Café. Attorney Tarby stated they were going to give a brief overview of the project which they are looking to modify an existing special permitted dated August 11, 2015, amended May 27, 2021, as well as seeking a special permit under Section 5.1(29) for a fast food restaurant at the old Red Robin site. Attorney Tarby stated the use table was amended to allow for a mixed use hotel and restaurants on the WR Grace site, and all uses require special permits. Attorney Tarby stated what is now Woburn Landing has a dual hotel, two full service restaurants, with 110 Grill and Chick-fil-A. Attorney Tarby stated 110 Grill building is about 2,800 square feet and the vacant Red Robin is 5,820 square feet. Attorney Tarby stated Pressed Café is going to have 98 seats; 44 seats for the bar, and 55 outdoor seats when allowed. Attorney Tarby stated Pressed Café has eight locations, four in New Hampshire and four in Massachusetts. Attorney Tarby stated the Woburn location will be similar to that of Burlington, Massachusetts. Attorney Tarby stated the petitioner will be filing for a liquor license for limited to the bar service and full service area. Attorney Tarby stated in the main dining area you will walk up to a pay station to place your order and order will be brought to the table. Attorney Tarby stated this is a hybrid fast casual/fast service restaurant. Attorney Tarby stated he will have a PowerPoint presentation at the committee meeting. Tim Williams stated the only modification from the Red Robin is the outdoor patio with option on the other side. Mr. Williams stated there was originally 86 outdoor seats with 56 seats on one side of the building and 30 seats on the other side of the building. Mr. Williams stated all the zoning is the same and there are no nonconformities. Mr. Williams stated the parking will remain the same: there will be 12 spaces per 100 square feet, and there are 70 spaces required and there are 517 spaces. Mr. Williams stated they received the memo dated May 30, 2023 from the Planning Department. Mr. Williams then addressed the comments as follows: Comment No. 1 Response – We agree that the proposed use meets the definition of a fast food restaurant under the 1985 City of Woburn Zoning Ordinance. The special permit request is made pursuant to Section 5.1(29). However, the ITE Manual uses “fast casual” for purposes of analyzing the traffic generation. The City Council previously recognized this distinction by adopting definitions of “Restaurant, Full Service and Restaurant, Fast Casual for Woburn Village; Comment No. 2 Response - We are not removing sidewalks but are adding a patio on one side or both sides. Currently we are targeting the Washington Street side; Comment No. 3. Response – there are no site plan revisions. The proposed tenant only requires the incorporation of outdoor seating within the pre-established 15,500 square feet permissible build area; Comment No. 4 Response – They have not seen the response from the Engineering Department; Comment No. 5 Response – they are comfortable making a note in the decision that Cummings Park Drive is a 40 foot private right of way with reference to the Plan Number 403 of 1972 (11989/477), as a condition; Comment No. 6 Response –

According to Madison Woburn Holdings LLC, the retaining wall and landscaped area were repaired some time ago. Attorney Tarby stated that one of the comments related to outdoor dining, they are asking for future outdoor seating. Attorney Tarby stated the Section 2 definitions for restaurant, full service was updated but not for fast food restaurants. Attorney Tarby stated that the Qdoba, Chipotle, Starbucks, and Dunkin Donuts are all fast food restaurants with outdoor seating. Attorney Tarby stated the petitioner will be filing a proposed zoning amendment. Scott Thornton stated he prepared a letter to the City Engineer outlining the differences between the former Red Robin use, high turnover restaurant, and the proposed Pressed Café restaurant which is fast casual. Mr. Thornton stated that the fast casual model people wait in line and some sit and eat, and others pick up the food to go. Mr. Thornton stated fast food restaurants have much faster processing rates, and fast casual are slower. Mr. Thornton stated the trip rates differ with fast food restaurants generating two to 30 times higher than fast casual. Mr. Thornton stated there are eight additional trips in the morning peak, 21 additional trips in the afternoon peak, and there are 71 additional trips for the Saturday peak. Mr. Thornton stated this does not account for the dual use hotel and for Cummings park office park. Mr. Thornton stated it also does not account for the potential internal capture between the uses. Mr. Thornton stated he had initial discussion with the City Engineer and will coordinate with him once he has reviewed. Upon inquiry from Councilor Gately, Mr. Williams stated the loading and unloading will be the same as Red Robin, which is in the back of the house, and the dumpsters will be screened in. Councilor Mercer-Bruen stated she is very pleased Pressed is coming to Woburn, and it is certainly not fast food but fast casual. Councilor Mercer-Bruen stated that Woburn Village designation came under 40R and need to take a closer look to older zoning references very supportive of this change. Councilor Mercer-Bruen stated they need to take a closer look at this project in committee and look at the conditions from Chick-fil-A as they have outside dining and we designed that in a safe way. Councilor Campbell stated she frequents Pressed often and is very pleased. Councilor Campbell stated this is a good spot and great fit for it. Councilor Campbell stated she would like to see a diagram for the outdoor seating because 86 seats are a lot and she wants to make sure it is not too much. Attorney Tarby stated the outdoor seating has been modified from original submission and now plan on having 55 seats. Councilor Demers stated they will get into details in committee but this is kind of exactly looking for. Councilor Demers stated he is chained out on chain restaurants, with Olive Garden and Hooters potentially going into that spot. Councilor Demers stated he is supporting this project but has to do the due diligence. Councilor Demers stated we should look at old zoning to allow outdoor seating. Councilor DiMambro stated he likes the idea with the commerce and businesspeople in the area. Councilor DiMambro stated the menu is nice and it will be a fresh new look. Attorney Tarby stated all food is fresh and there is no frozen food. Attorney Tarby stated the hours of operation are from 6:30 a.m. to 11:00 p.m. because they do have breakfast. Councilor Viol stated this is perfect space for this type of restaurant. President Concannon stated he has been to the Burlington location but there is no liquor there. Attorney Tarby confirmed Burlington did not. Dana Georges stated the Salem, New Hampshire location and the Prudential Center location both have liquor licenses and operate like Woburn. Attorney Tarby stated he would like this matter to be continued to the July 11, 2023 meeting. Motion made and 2nd that the public hearing be opened for public comments, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes. PUBLIC

COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON July 11, 2023 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes.

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: Motion made and 2nd that the public hearing be opened for public comments, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON July 11, 2023, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes.

Motion made and 2nd to take the next matter from the table, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes.

UNFINISHED BUSINESS FROM PREVIOUS MEETINGS:

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

loan and for any federal or state aid available for the project or for the financing thereof, and that any appropriate official of the City is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project through the Trust and to take any other action necessary to carry out the project.

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

Motion made and 2nd that the ORDER BE ADOPTED, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes.

Presented to the Mayor: June 22, 2023

s/Scott D. Galvin June 22, 2023

Motion made and 2nd to return to the regular order of business, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes.

COMMITTEE REPORTS:

FINANCE:

On the Capital Budget FY 2024 – order to transfer 4,303,737.00 from Unreserved Fund Balance Acct to Various Capital Projects (OTP), a committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT BE ADOPTED, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes.

Presented to the Mayor: June 22, 2023

s/Scott D. Galvin June 22, 2023

CITIZEN’S PARTICIPATION: None.

COMMUNICATIONS AND REPORTS:

A communication dated June 8, 2023, was received from Charles O’Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

Council Members,

In accordance with Massachusetts General Laws Chapter 90, Section 20½, I am submitting the following parking ticket report. Figures cited below are for the Month of January 2023 to May 2023: Number of Violations Issued 340, Numbers of Violations Paid 128, Number of Violations Outstanding 212, Amount collected and submitted to Collectors Office \$23,159.40, Parking fines referred to the Handicap Commission \$10,570.00.

There is a backlog of 1509 tickets dating from January 2004 to December 2021. A 21 day late notice is sent to vehicle owners who have not paid the fine. After 28 days, if the fine still has not been paid, that information is forwarded to the Registry of Motor Vehicles for administrative action.

Respectfully Submitted, s/Charles O'Connor, Parking Clerk

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

APPOINTMENTS AND ELECTIONS:

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

Dear City Clerk Higgins:

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

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON PERSONNEL, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes.

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

Dear City Clerk Higgins:

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

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

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON PERSONNEL, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Abstain; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Be it Ordained by the City Council of the City of Woburn, that the Woburn Municipal Code, as amended, be further amended by revising Title 12, Streets, Sidewalks and Public Places, Article VIII, Park and Recreation Area Use Regulations, Section 12-41 Areas under control of recreation commission, to add the following new subsection:

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

s/Councilor Charles Viola

Councilor Viola stated the City Solicitor had been informed that there was a blind and baiting for hunting found in close proximity to the recreation fields and trails. Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, CHARTER AND RULES, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes.

Motion made and 2nd to ADJOURN, ROLL CALL: Campbell - Yes; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - Yes; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes. Motion Passes. Meeting adjourned at 8:11 p.m.

A TRUE RECORD ATTEST:

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