

**CITY OF WOBURN
JUNE 2, 2020 – 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBER, WOBURN CITY HALL**

Roll Call

Campbell	Gately
Concannon	Higgins
Dillon	Mercer-Bruen
Ferullo	Tedesco
Anderson	

The City Council observed a moment of silence for those impacted by the COVID-19 pandemic, those who passed away and those who recovered and in light of events of past week to honor one another's lives, one another's points of view and one another's property and pray that calm prevails.

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE,
ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes;
Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson - Yes.

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$61,000.00 be and is hereby transferred as so stated from
Veterans Cash Aid Acct #0154357-577000 \$61,000.00 to Rubbish Removal
Acct #0151552-529200 \$61,000.00

I hereby recommend the above: s/Scott D. Galvin, Mayor
I have reviewed the above: s/Charles E. Doherty, City Auditor

s/President Anderson

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE,
ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes;
Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson - Yes.

ORDERED That the sum of \$53,573.46 be and is hereby transferred as so stated from
Mayor Salary Adjustment Acct #0112151-511019 \$53,573.46 to Cemetery
SLBB Acct #0149051-515400 \$53,573.46

I hereby recommend the above: s/Scott D. Galvin, Mayor

I have reviewed the above: s/Charles E. Doherty, City Auditor

s/President Anderson

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson - Yes.

NEW PETITIONS: None.

PUBLIC HEARINGS:

On the petition by President Anderson to amend 1985 Woburn Zoning Ordinances, as amended, Section 28.12.1 to read as follows: "Twenty-four (24) copies of a Technology and Business District Site Plan Review/Special Permit with Site Plan Review Application and two copies of an Application Checklist for Technology and Business Mixed Use District Development, both of which shall be in forms approved by the City Clerk;". PUBLIC HEARING OPENED. President Anderson stated that this proposal will allow technical changes to the forms when needed, and that the Planning Board will be providing a recommendation. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JULY 7, 2020 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson - Yes.

On the petition by Lawless Inc., 196 Lexington Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.44, 5.1.45, 5.1.69, 7.3 and 15 to allow for: 1. Automobile and truck repair garage; 2. Sale and rental of automobiles, trucks, truck trailers and motorcycles; 3. Alteration of nonconforming structure; and 4. Alteration of nonconforming use within Groundwater Protection District and for a Second Class Motor Vehicle Sales License, at 193 Main Street. PUBLIC HEARING OPENED. A plan entitled "Project: 193 Main Street, Woburn, MA" dated 04/10/2020, rev. 05/28/2020 prepared by Allen & Major Associates, Inc. was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801. Motion made and 2nd that the document be received and made part of the record and that the public hearing be opened, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson - Yes. Appearing for the petitioner was Attorney Joseph R. Tarby, III and he stated that the property is located in the B-N zoning district, that the property has been used since 1945 as a repair garage and filling station according to records on file in the Building Department, that the filling station use was abandoned but the repair garage use continued, that the petitioner purchased the property in 2010 as a repair garage and for storage of new vehicles, that the petitioner wants to sell up to 26 vehicles from the property, that the hours of operation for the

repair garage are 7:00 a.m. to 7:00 p.m. Monday through Friday, 7:00 a.m. to 5:00 p.m. Saturday and no hours on Sunday, that the hours of operation for the sale of motor vehicles will be 7:00 a.m. to 7:00 p.m. Monday through Friday, 7:00 a.m. to 5:00 p.m. Saturday and 11:00 a.m. to 5:00 p.m. Sunday, that the petitioner has operated a Chrysler-Jeep-Dodge dealership on Lexington Street for 32 years, that the petitioner has 75 employees, that the petitioner supports local charities and organizations, that he submitted a memorandum in support of the petition, that the petitioner is reducing the request for the number of vehicles to be sold from 35 to 26, that the petitioner receives inquiries from customers by internet and then meets the customer by appointment, and that a plan was filed today showing the original proposal and the changes to the plan for comparative purposes. Carlton Quinn, P.E., Allen & Major Associates, Inc., 100 Commerce Way, Woburn, Massachusetts 01801 stated that the dumpster is three feet by six feet, that there is a four foot wide access area which is sufficient, that one rear row of vehicle storage stalls have been removed, that inventory parking was swapped out for customer parking, that a parking stall was removed from the front of the building, and that there is sufficient room to move the dumpster, additional parking stalls have been provided and there is more maneuverability onsite. A memorandum dated May 29, 2020 entitled "Special Permit Petition of Lawless, Inc., 193 Main Street, Woburn, Massachusetts" prepared by Attorney Joseph R. Tarby, III, Murtha Cullina LLP was received. Motion made and 2nd that the document be received and made part of the record and that the public hearing be opened, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson - Yes. Alderman Tedesco asked if the petitioner would have any objections to adopting the three bullet points in Section D of the memorandum as conditions of the special permit. Attorney Tarby stated that the petitioner would not object to the three bullet point being adopted as conditions of the special permit. Alderman Campbell asked if the petitioner would object to limiting repair work to only vehicles purchased from the petitioner. Attorney Tarby stated that the petitioner would object to a condition limiting repair work to only vehicles purchased from the petitioner, that the repair garage is now open to other vehicles and has been open to repairs on other vehicles since 1945, and that the petitioner has continued the repair garage use since 2010. Alderman Concannon stated that the parking plan has been improved, that the business model has been explained, that an average of 2.1 vehicle inspections per day allays fears of that issue, and that he can support the petition with these changes. Motion made and 2nd that the public hearing be opened, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson - Yes. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson - Yes. PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the hours of operation for the repair garage shall be between 7:00 a.m. and 7:00 p.m. Monday through Friday, between 7:00 a.m. and 5:00 p.m. Saturday and no hours on Sunday, and that the hours of operation for the sale of motor vehicles shall be between 7:00 a.m. and 7:00 p.m. Monday through Friday, between 7:00 a.m. and 5:00 p.m. Saturday and between 11:00 a.m. and 5:00 p.m. Sunday; 2. That the petitioner shall install striping, arrows and a do not enter sign at the southside entrance; 3. That there shall be no vehicle repairs taking place outside the building; 4. That the petitioner may sell up to 26 vehicles onsite; 5. That the City Council

finds pursuant to Section 7.3 of the Woburn Zoning Ordinances, as amended, that the extension or alteration of the use will not be substantially more detrimental than the present non-conforming use to the neighborhood; and 6. That the Plan of Record shall be the plan entitled "Project: 193 Main Street, Woburn, MA" dated 04/10/2020, revised 05/28/2020 prepared by Allen & Major Associates, Inc.; and that the City Council grants a Second Class Motor Vehicle Sales License to the petitioner with the same conditions, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson - Yes.
As to Second Class Motor Vehicle Sales License:

Presented to the Mayor: June 8, 2020

s/Scott D. Galvin June 8, 2020

On the petition by Randy J. MacDonald, Trustee of the MacDonald Trust, 13 Sturgis Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 7.1, 7.6 and 11.1 to allow construction of new three-family residential dwelling to replace pre-existing and non-conforming three-family residential dwelling destroyed by fire at 13 Sturgis Street. PUBLIC HEARING OPENED. A communication dated May 26, 2020 was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for 13 Sturgis Street/Randy J. MacDonald, Trustee of the MacDonald Trust

Dear Council:

The Planning Department recently received and reviewed a Petition seeking Special Permit(s) in accordance with Sections 7.1, 7.6 and 11.1 of the Woburn Zoning Ordinance (WZO). The Special Permits are needed to allow the reconstruction of a three-family dwelling that existed at the above-referenced address until it was destroyed by fire in August of last year.

Planning staff noted that one sheet of the plan set (no title, between Sheets A-210 and S-100) has been copied incorrectly and is therefore effectively unreadable. This sheet should be replaced so that the correct plan set can be cited in the Council's decision.

The Planning Department recommends the following with respect to this application:

- That the Petitioner be required to prove that the new building will not encroach any closer to the side lot lines (along the eastern and western property lines) than did the pre-existing building destroyed by fire;
- That adequate snow storage areas be shown on the plans;
- That an area be formally designated for trash and recycling containers, and the area deemed adequate to service the needs of all three units; and
- That the Petitioner be asked to consider filing an Approval Not Required plan (ANR) with the Planning Board to combine the two lots owned by the Petitioner into one lot. Planning staff does not believe this should be a requirement or condition of approval

since accessory parking on the lot which fronts on “Dows Lane” may be a legally pre-existing non-conforming use. Combining the lots will facilitate the task of accurately assessing the lots for real estate tax purposes.

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

Photographs of the subject property were received from Attorney Malcolm Houck, 7 Winn Street, Woburn, Massachusetts 01801. Motion made and 2nd that the document received from Attorney Houck and the Planning Board memorandum be received and made part of the record, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson – Yes. Appearing for the petitioner was Attorney Malcolm Houck and he stated that the petition is to allow the construction of a new triple-decker house to destroy one that was substantially destroyed by fire and demolished as unsafe in September 2019, that the building will be similar to the other triple-decker homes in the neighborhood, that the building will be complimentary and not more detrimental, that the new building will be constructed on the original footprint of the demolished building, that there will be a fire suppression system installed in accordance with new construction regulations, that there will be all new utilities installed, that this is a unique property, that the proposal includes two lots, that the owner has lived in the property since purchasing the property in 1958, that petitioner will continue to occupy the property and rent the other two units, that the petitioner wants to rebuild and restore what had been her home, that there will be two parking spaces provided off of Dow’s Lane, that he submitted photographs showing the existing condition and other houses on the street, and that the parking has been shown on the plan dated April 22, 2020. Alderman Gately stated that the basement unit shows a bedroom and a bathroom only including storage, that there cannot be a separate electric meter for the basement and electric service must be provided from the first floor unit, that the elevation of the building appears to be 30 to 32 feet, and that a pump may have to be provided for the fire suppression to reach the third floor. Attorney Houck stated that several units in the former building were updated in March 2019 but were destroyed by the fire, and that he is not certain whether the utilities were capped or shut off. Alderman Gately stated that he has no issue with the proposed building, that the building will not be a detriment to the neighborhood, that the buildings are kept well, and that the buildings in the neighborhood are unique at that location. Alderman Campbell stated that there was a non-conforming pre-existing building at the location before the fire, that another building of a different style would not fit well at that location, and that the proposed building would complement the neighborhood. President Anderson stated that there will be six onsite parking spaces as well. Motion made and 2nd that the public hearing be opened, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo. PUBLIC COMMENTS: Joseph Borselli, 15 Sturgis Street asked if there would be three bedrooms in each unit. Attorney Houck stated that there would be three bedrooms in each unit. Mr. Borselli stated that there will be an issue with parking, that there are only six parking spaces on the site, that other similar buildings in the neighborhood with two-bedroom units have four vehicles per unit and the vehicles park on the street, that if the proposed building has three bedrooms per unit and a basement bedroom there will be parking issues, and that he wants to be certain the new building will be constructed on the footprint of the former building because of the proximity of the buildings in the neighborhood. President Anderson stated that there have

been assurances the building will be constructed on the same footprint as the former building, that the basement area should not be rented out as a fourth unit, and there is no kitchen in the basement. Attorney Houck stated there is no intention for the basement to be used as a separate unit. Randy MacDonald stated that there were two bedrooms in each of the former units, that there will be three bedrooms in the new first floor unit and two bedrooms in the second and third floor units, that there will be no kitchen in the basement, that the basement is not a separate apartment, that ten vehicles can fit on the site, and that there will be assigned parking for each unit with six designated parking spaces. Alderman Gately stated that the snow storage area must be shown on the plan. Motion made and 2nd that the public hearing be closed, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson - Yes. PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the parking area shall be paved, the parking spaces shall be striped and designated parking spaces for each unit shall be provided; 2. That a snow storage plan shall be prepared and filed with the Inspectional Services Department and the Department of Public Works; 3. That the Plan of Record shall be the site plan entitled "Plot Plan for Proposed House, 13 Sturgis Street, Woburn, Mass." dated April 22, 2020 prepared by Edward J. Farrell; 4. That pest control shall be provided on site at the garbage storage area; and 5. That the City Council finds pursuant to Section 7.3 of the Woburn Zoning Ordinances, as amended, that the extension or alteration of the existing nonconforming use will not be substantially more detrimental to the neighborhood than the existing non-conforming use, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson - Yes.

On the petition by Robert Johnson, 14 Lexington Street, Stoneham, Massachusetts 02180 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.5, 8.3 and 12 to allow for 1. Four (4) residential dwelling units above first story in commercial structure at 12 Montvale Avenue; and 2. Parking within municipal parking lot (eight (8) spaces). PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner requests this matter be continued, that an issue arose that the second floor of the building cantilevers over the easement, that the easement is on the petitioner's property, that the cantilevered building will provide cover from the elements and lighting at the easement and entrance to the building, that the petitioner is working on a legal opinion supporting the fact that the building can be constructed over the easement area on his property. Alderman Campbell asked if the petitioner is looking to redesign the property. Attorney Tarby stated that the petitioner has not gotten to redesign, that the petitioner is obtaining an opinion as to his ability to build over the easement, and that the petitioner is keeping in consideration the comments raised at the last meeting. Motion made and 2nd to open the public hearing, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson - Yes. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JUNE 16,

2020, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson - Yes.

On the petition by Tesla Inc., 3500 Deer Creek Road, Palo Alto, California 94304 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.56 to allow installation of twelve (12) Tesla charging posts, four (4) Level 2 charging posts, transformer, one (1) switchgear, three (3) Tesla superchargers, electrical equipment, underground conduit and related equipment at 101 Commerce Way. PUBLIC HEARING OPENED. A communication dated May 26., 2020 was received from Tina P. Cassidy, Planning Board Director, WRA Administrator, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for property located at 101 Commerce Way/Tesla Inc.

Dear Council:

The Planning Department has reviewed the request for a Special Permit application pursuant to Section 5.1 (56) of the Woburn Zoning Ordinances (WZO). Specifically, the applicant proposes to install twelve (12) Tesla electric vehicle (EV) charging posts and two (2) Level II universal charging posts (supporting up to four [4] electric vehicles), amounting to fourteen (14) total proposed charging posts, in addition to supporting equipment. Although the Petition was submitted independent of the current principal use (i.e., not as a modification to an existing special permit), the project is proposed as an accessory use exceeding 900-square feet in an existing parking lot (located at a commercial property currently anchored by Target department store). The subject property is located within a Business Interstate (B-I) district. The Petitioner notes that no modifications to existing buildings or parking lot drainage infrastructure are contemplated as part of this project.

Planning staff noted that the Treasurer's/Collector's form in the application package was not signed by that office. Planning staff also reviewed the application and engineer-certified site plan set (dated 7/10/19, last revised 3/16/20) jointly with the Building Commissioner and offers the following observations and comments:

Zoning & Use Classifications

- Fundamentally, the applicant has not provided sufficient justification or documentation, to the satisfaction of the Building Commissioner, supporting the argument that the proposed use is accessory to the current principal use(s). Further, should the applicant instead choose to pursue approval of a special permit by categorizing the proposal as a new principal use, a use description within the Section 5.1 Table of Use regulations must be identified. It should be noted that applicant has made initial contact with Commissioner Quinn on this point, but the fundamental question of whether this use is a permitted accessory use remains unresolved. The applicant should be required to provide additional information to clarify the foregoing questions about proposed use prior to further action on this Petition.

- The charging stations and equipment accessory to it do not observe the 25-foot side setback requirements for the B-I zoning district set forth in Table 6.1 (“Table of Dimensional Regulations”). The Petitioner must either obtain a variance from the Board of Appeals using the current EV charger configuration or modify the site plan to meet zoning regulations prior to further action on this Petition. If a variance is needed, it must be obtained prior to submission of a special permit application (Section 11.3.1 of the WZO).
- The description found in the application appears to suggest that the Tesla electric charging posts will be exclusively for the purpose of charging Tesla-branded electric vehicles (EVs), whereas the “universal” Chargepoint posts are intended to service all other branded EVs. The Petitioner should verify that this is a correct understanding of the EV charging arrangement as proposed.

Parking & Mobility

- Sheet C-2 indicates 15 existing parking spaces will be affected if the special permit is granted (Sheet C-3 indicates 16). These spaces may be essential to ensuring the retail store (Target) still has sufficient parking to meet minimum zoning requirements. The Petitioner should amend the plan by adding a parking table that calculates the number of spaces required and provided for both Target and the envisioned use.
- The site plan adequately identifies the location of the proposed EV charging spaces. However, the impact of reducing standard parking spaces originally intended to serve the existing onsite uses has not been indicated in the form of an updated parking calculation table. Although there is potential for mixed-use “overlap” for patrons utilizing both the EV charging stations and electing to go shopping on the premises, the application does not contain a parking study supporting the likelihood of that activity. Moreover, the proportion of proposed spaces effectively reserved for Tesla vehicles may in fact be disproportionate to the percentage of Tesla owners amongst the general population, creating an unintended imbalance in parking availability.
- Due consideration should be given to the intensity of vehicle trips generated by introducing EV charging infrastructure to the site, including vehicle trips for the purpose of equipment maintenance and patrons of the EV charging stations who may visit other establishments on the property. The application presumes that the proposed use “should not significantly impact traffic volumes,” but this statement cannot be independently verified by any other information contained in the application package.

Access & Environment

- The site plan does not currently incorporate provisions to comply with 521 CMR (Architectural Access Board) or the Americans with Disabilities Act (ADA) regulations. The Council should require the Petitioner to demonstrate how the proposed use will meet compliance under these regulations.

- Although the proposed site improvements appear to be outside of the limits of an adjacent flood plain area (based on information provided on both the submitted site plan and the City's GIS database), construction of some of those improvements may in fact take place in the floodplain area. Given its proximity, it is difficult to imagine how some of the work, including gate relocation and partial fence replacement, could take place without some equipment or personnel within the floodplain area. The Council should consider requiring the Petitioner to submit a construction plan that verifies the existing floodplain will be unaffected by any and all planned demolition and construction activities. In addition, due to the area's historic contamination with Class A soils, the construction plan should provide written assurances that ground disturbances required by the installation of conduit will be completed with appropriate environmental safeguards and methods.
- Sheet C-2 indicates that the existing 14' wide swing gate in the chain link fence will be relocated to the south, and the void filled with new chain link fencing. This fencing will not provide any effective screening for the supporting equipment, which will be highly visible from roadways. In addition, the placement of the relocated swing gate appears to conflict with use of several existing parking spaces. Finally, how can work on the fence occur without impact to the abutting floodplain area?

Proposed Signage

- The applicant has included the design and dimensions of proposed Tesla parking signage as part of site plan on Sheet C-4 ("Equipment Elevation and Signage"). However, the Petitioner should verify whether this sheet comprises the entirety of new signage proposed for the site (for example, if identification signage will also be proposed for the Chargepoint-serviced spaces). Will any signage be visible from Commerce Way or Atlantic Avenue? If additional signage is contemplated, it should be included on a modified version of the site plan. If signage is included in the special permit package, the applicant should ensure that all signage in fact meets the requirements of Section 13 prior to action on this special permit application. Failure to verify zoning compliance now could prove problematic in the future. If the Building Commissioner determines the signage does not comply, the Petitioner will either need a variance from the Zoning Board of Appeals or will need to file a revised special permit application for review and approval by the Council.

Other Design Concerns

- The site plan does not contain any provisions for snow management/storage locations, screened refuse collection to service the users of the charging stations, and "dark sky" compliant lighting details for the two (2) proposed pole-mounted lighting fixtures. These features should be added to a modified version of the proposed site plan.

If the Council ultimately decides to grant the requested special permit after receiving all outstanding information, Planning staff recommends the following as minimum conditions of approval:

1. That the Petitioner be required to file all modified Plans of Record with the Inspectional Services Department; and
2. That any new signage is subject to review by the Inspectional Services Department for compliance with all general and B-I zoning district-specific sign regulations set forth in Section 13 of the WZO and will require the submission of separate application(s) to the Inspectional Services Department.

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

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

Motion made and 2nd that the communication be received and made part of the record, ,
ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson – Yes. Appearing for the petitioner was Ed Noseworthy of Tesla and he stated that the proposal is for electric vehicle charging stations at the Target parking lot, that they have constructed many sites with Target across the country, that this is a convenient location off of Routes I-93 and I-95/128, that the goal is to make the charging stations ubiquitous, that there will be twelve Tesla charging posts, two dual-charge posts in sixteen existing parking stalls and a new electric service with a pad mounted transformer with charger cabinets, that there is existing electric service 100 feet from the site, and two light posts will be installed to match the existing light posts. Alderman Mercer-Bruen stated that this is a relatively clean use with not a great impact, that there was some concern expressed by the Building Commissioner as to whether the application is for an accessory use, that the location seems to be a use anyone from the highway can use as opposed to being an accessory use of Target, that will be a lot going on in the parking lot, that this location will be like a gasoline station except the vehicle will be receiving electricity and not fuel, that this is a busy area, and that there is no outline indicate the impact on the number of required parking spaces. Mr. Noseworthy stated that the use is meant to be integrated with Target, that most jurisdictions view this as an accessory use, that they did not see an exact fit description in the zoning code, that the parking spaces are chosen intentionally in the back corner and in the last row, and that the use encourages good charging behavior. Alderman Mercer-Bruen stated that she wants to know the impact on the parking and traffic flow. Trevor Smith of Tesla stated that due to the charging times required for an electric vehicle there is not the same turnover as a gasoline station, that the average charge takes approximately thirty minutes, that at the most there would be 24 vehicles charging during each hour, and that there is a belief that at least a portion of those vehicles will be of patrons of Target as well. Alderman Mercer-Bruen stated that if it takes thirty minutes to charge a vehicle this may be an accessory use for Target as the driver could shop while the vehicle charges. Mr. Smith stated that the petitioner is flexible as to what signs need to be installed, that there is a similar location in Lynnfield with no signs, that the location fits organically into the parking system as a whole, that there are many Tesla charging stations across the country which are out of sight, and that Tesla vehicles have a touchscreen with a navigation system including the location of charging stations on the map. Alderman Higgins stated that she wants to know who signed the petition on behalf of Target, and that she wanted know what the contractual agreement is with Target in terms of leasing

the parking spaces. Mr. Smith stated that the agreement with Target is confidential, that there are approximately thirty Target locations with charging stations and they are working on dozens of other locations, that the petitioner has an agreement with Target, that he is reluctant to disclose the specifics of the agreement, that this will be a sizeable investment by the petitioner of approximately \$500,000.00 for the location, and that the petitioner has a long-term interest in the location. Alderman Higgins stated that if this is an accessory use it should be a modification of the existing special permit of Target and not a new special permit by the petitioner. Mr. Noseworthy stated that they met with a Building Department representative, and that after consulting thought this was the best method of presenting the petition. Alderman Gately stated that the area could be an issue with the Department of Environmental Protection and the property is located in a floodplain area as well, that there is capped land in the area, that digging and installing the charging posts could be an issue, and he asked with the petitioner consulted with the Department of Environmental Protection to determine if this area was capped. Mr. Noseworthy stated that the trench depth would be 36 inches, that they verified using a map where the floodplain is located and they will not be building in the floodplain, and that soil will not be taken from the site. Alderman Gately stated that all of the soil must be tested as there was contaminated soil in this area, and that when Target located at the site an issue was the condition of the soil. Matthew Tilden, Project Manager, Dewberry Engineers, Inc., 99 Summer Street, Boston, Massachusetts 02110 stated that an environmental study was performed of the area where the charging posts would be installed, and that it was determined there was no environmental issue in area of installation. Mr. Noseworthy stated the environmental study report can be provided to the City Council. Alderman Gately stated that there must be a commitment to snow storage and trash disposal, and asked if there is no employee in the area who will dispose of rubbish. Mr. Smith stated that there is no valet or service attendant, that the landlord takes responsibility for keeping the location maintained, that people do not sit in their vehicles for thirty minutes, that 80% of the customer leave their vehicles for ten minutes, that there are trash receptacles in the Target outer lots, that the petitioner will work with Target in the issue of trash disposal, that this not an area for snow storage, that all the charging units will be behind curbs, and that the parking spaces in that area will be cleared of snow like all the parking spaces in the lot. Mr. Noseworthy stated that the petitioner performed a full utility locate plan, and that the petitioner will not cross any utility lines or easements with the conduit to the pad. Alderman Dillon asked if there would be any tax benefit to the city for the charging station. President Anderson stated that this is an improvement to the property which could impact the real estate tax on the property. Alderman Higgins stated that she is not certain whether there is a tax imposed on electric vehicle charging stations. Motion made and 2nd that the public hearing be opened, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson - Yes. PUBLIC COMMENTS: None. Alderman Mercer-Bruen stated that the petition should be referred to committee, and that there should be a determination as to whether the Target special permit should be modified. Motion made and 2nd that a communication be sent to the City Solicitor requesting her opinion as to the definition of accessory use as it applies to the petition by the petitioner with respect to the Target special permit, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson - Yes. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO A MEETING AS DETERMINED BY THE CITY

COUNCIL PRESIDENT AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson - Yes.

On the petition by Ryan Cassidy and Patrick Cassidy, 17 Winship Drive, Wakefield, Massachusetts 01880 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.57a and 5.1.57b to allow overnight commercial parking at 3 Breed Avenue. PUBLIC HEARING OPENED. A communication dated May 21, 2020 was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for 3 Breed Avenue/Ryan and Patrick Cassidy

Dear Council:

The Planning Department recently received a Petition seeking Special Permit(s) to operate a “landscaping commercial business operation” with commercial parking, in accordance with Sections “5.1.57b to 5.1.57a” of the Woburn Zoning Ordinance (WZO).

Please be advised that this Department can conduct no meaningful review or nor offer substantive comments on this Petition due to the lack of information and absence of any engineered plans.

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

Motion made and 2nd that the communication be received and made part of the record and the public hearing be opened, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson – Yes. Appearing was the petitioner Ryan Cassidy and he stated that Pro Equipment was located at the locus previously but have vacated, that the petitioner seeks to park trucks outside the building overnight, that there will be no storage of materials, that this is a landscaping company, and that they will not be using the building for their office. Patrick Cassidy stated that they have ten or twelve vehicles. Ryan Cassidy stated that there is an abundance of parking at the locus, that over twenty vehicles can be accommodated but the parking spaces are not striped, and that the petitioner will be leasing the property from property owner. Alderman Gately stated that the City Council needs to see a plan of the site with information as to where the vehicles will be parked, how many vehicles there are, whether the vehicles are parked in Woburn and where their materials will be stored, that the petitioners must provide a plan, that the City Council is unable to determine whether the proposal will work without a plan, that the petitioners can either withdraw the petition without prejudice or come back with a certified site plan, that the special permit cannot be granted only on the word of the petitioners, and that these documents are required for the record. President Anderson stated that the petitioners should obtain a plan rather than withdraw the petition, and that the City Council needs to know the exact number of vehicles

and that the vehicles will be registered in Woburn. Patrick Cassidy stated that the vehicles are registered in Woburn at their Cummings Park address, and that the company also provides snowplow services. Alderman Tedesco stated that there appears to be ample parking onsite, and that this is an easy proposal to review if a plan could be provided by the next meeting. Patrick Cassidy stated that a plan can be provided by the next City Council meeting. Alderman Higgins stated that the petitioner should demonstrate that the parking will be sufficient for their uses as well as for any tenants who may occupy the building in the future. Ryan Cassidy stated that they will be the only tenant. President Anderson stated that the petitioners should consider what the parking needs will be if a tenant rents the building, that the petitioner should provide by the next meeting a site plan and a list of the specific number of vehicles, and that if the petitioner anticipates having more vehicles in the future that should be added to the number of vehicles. Ryan Cassidy stated that they will obtain the plan. Motion made and 2nd that the public hearing be opened, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson – Yes. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JUNE 16, 2020, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson - Yes.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to appropriate the sum of \$37,000.00 from Cemetery Interest Fund to various Cemetery Accounts, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson - Yes.

Presented to the Mayor: June 4, 2020

s/Scott D. Galvin June 4, 2020

On the Order to transfer the sum of \$750,000.00 from Overlay Reserve Acct to OPEB Trust Fund Acct, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson - Yes.

Presented to the Mayor: June 4, 2020

s/Scott D. Galvin June 4, 2020

On the Order to transfer the sum of \$25,506.95 from Fire/BLS Ambulance Acct to Apparatus Maintenance Acct, committee report was received “ought to pass”. Motion made and 2nd that

the COMMITTEE REPORT be ADOPTED, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson - Yes.

Presented to the Mayor: June 4, 2020

s/Scott D. Galvin June 4, 2020

On the Order to transfer the sum of \$813,000.00 from Fire/BLS Ambulance Acct to various Fire Department Accounts, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson - Yes.

Presented to the Mayor: June 4, 2020

s/Scott D. Galvin June 4, 2020

ORDINANCE:

On the Order to amend Title 2, Article XXVII, Section 2-180 relative to non-union department head salaries, committee report was received “ought to pass, as amended, by deleting the word ‘shall remain at’ in paragraph 6 to ‘shall be amended to’”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, ROLL CALL: Campbell - Abstained; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson - Yes.

Presented to the Mayor: June 4, 2020

s/Scott D. Galvin June 4, 2020

PUBLIC SAFETY AND LICENSES:

On the petition by Day and Knight Transportation, Inc. for a new Livery License, committee report was received “that the petition be given leave to withdraw without prejudice”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson - Yes.

On the petition by Woburn Bowladrome Inc. for renewal of Bowling Alley License, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson - Yes.

Presented to the Mayor: June 4, 2020

s/Scott D. Galvin June 4, 2020

On the petition by Musto Jewelers for renewal of Secondhand Dealers and Secondhand Collectors License, committee report was received “ought to pass with any existing conditions or limitations”. Motion made and 2nd that the COMMITTEE REPORT be

ADOPTED, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson - Yes.
Presented to the Mayor: June 4, 2020 **s/Scott D. Galvin June 4, 2020**

On the petition by Sams Liv Express, LLC for renewal of Livery License, committee report was received “ought to pass pending receipt of payment and any existing conditions and limitations”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson - Yes.
Presented to the Mayor: June 4, 2020 **s/Scott D. Galvin June 4, 2020**

On the petition by Woburn Cab Co. for renewal of Taxi Cab License, committee report was received “ought to pass with any existing conditions and limitations”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson - Yes.
Presented to the Mayor: June 4, 2020 **s/Scott D. Galvin June 4, 2020**

On the petition by TransAction Corporate Shuttles, Inc. for renewal of Common Carrier License, committee report was received “ought to pass with any existing conditions and limitations”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson - Yes.
Presented to the Mayor: June 4, 2020 **s/Scott D. Galvin June 4, 2020**

On the petition by Camargo Chauffeur Service, LLC for renewal of Livery License, committee report was received “ought to pass pending receipt of vehicle inspection report and with all existing conditions and limitations”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson - Yes.
Presented to the Mayor: June 4, 2020 **s/Scott D. Galvin June 4, 2020**

CITIZEN’S PARTICIPATION: None.

COMMUNICATIONS AND REPORTS: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED WHEREAS, there presently exists a structure or structures located in the City of Woburn, Massachusetts known and numbered as 11 Montvale Road; and

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Woburn that the City Clerk and Clerk of the City Council schedule a public hearing pursuant to Mass. General Laws Ch. 139, Sec. 1, et. seq., and give notice thereof to the owner of said building or buildings, said hearing to be conducted for the purposes of determining whether said building or buildings are a nuisance, a nuisance to the neighborhood, dilapidated or dangerous building or buildings or other structure or structures, as said terms are used in Mass. General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation.

s/Alderman Mercer-Bruen

Alderman Mercer-Bruen stated that this matter was before the City Council several months ago, that there have been no improvements of the property, that the property has been an issue for the neighbors for years, and that the City Solicitor has contacted the attorney for the landowner. Motion made and 2nd that the ORDER be ADOPTED, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson - Yes.

Presented to the Mayor June 4, 2020 and ten days having elapsed without same being approved, said Order became effective without his signature on June 16, 2020.

Motion made and 2nd to ADJOURN, ROLL CALL: Campbell - Yes; Concannon - Yes; Dillon - Yes; Ferullo - Yes; Gately - Yes; Higgins - Yes; Mercer-Bruen - Yes; Tedesco - Yes; Anderson - Yes. Meeting adjourned at 8:52 p.m.

A TRUE RECORD ATTEST:

William C. Campbell
City Clerk and Clerk of the City Council