

**CITY OF WOBURN
MARCH 16, 2021 – 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBER, WOBURN CITY HALL**

Roll Call

Campbell	Ferullo
Concannon	Gately
Demers	Mercer-Bruen
Dillon	Tedesco

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

MAYOR'S COMMUNICATIONS: None.

NEW PETITIONS:

A communication dated March 5, 2021 was received from Chris Dagesse, President, DCD Automotive Holdings, 128 Carnegie Road, Suite 200, Norwood, Massachusetts 02062 as follows:

Dear William,

My name is Chris Dagesse and I am the new owner of the Lannan Chevrolet dealership, and am very excited to be a part of the Woburn business community.

In learning that there are a few additional licenses that the previous owners had for the location for flammables, I am writing to see if it is possible for the City Council to have these licenses transferred over to DCD Nucar WOMA, LLC. We certainly don't want there to be any missteps while we complete this transition. Additionally, I have been notified that the original Lannan Dealer License is currently being sent to City Hall.

Attached with this letter, are the license notifications and forms that were recently sent to the Lannan dealership.

Thank you for your consideration in this matter.

Sincerely, s/Chris Dagesse, President, DCD Automotive Holdings

Attached thereto were the annual Certificates of Registration of inflammable licenses held under the name Stephen P. Lannan at 29-33 Winn Street and 40 Winn Street.

A communication dated March 11, 2021 was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Second Class License, Kenneth L. O'Connor and Thomas F. Norton d/b/a City Line Motors, 30 Rear Torrice Drive, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent Kenneth L. O'Connor d/b/a City Line Motors. My client has owned and used his Class II License at 30 Rear Torrice Drive, Woburn, Massachusetts since 1996. In 2016 he added his nephew's name (Thomas F. Norton) to the License for a convenience to sign documents, etc. Mr. Norton has never held an ownership interest in the License.

Recently my client was contacted by the Internal Revenue Service who informed him that since his nephew was listed on the License he would be taxed as a Partnership. Although Mr. Norton is not a partner and holds no ownership in the License, in the eyes of the Internal Revenue Service he is a partner. As a result my client needs to amend the name on his License by removing the name of Thomas F. Norton so that the License reads "Kenneth L. O'Connor d/b/a City Line Motors."

On behalf of my client I respectfully request that the City Council approve the amendment to the License. I have also included correspondence from Thomas F. Norton assenting to the removal of his name from the License.

If you need any additional information please contact me. Thank you.

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

Attached thereto was a communication dated March 10, 2021 from Thomas F. Norton, 35 Lakeside Boulevard, North Reading, Massachusetts 01864 as follows:

Re: Second Class License, Kenneth L/ O'Connor and Thomas F. Norton d/b/a City Line Motors, 30 Rear Torrice Drive, Woburn, Massachusetts

Dear Mr. Campbell:

I support the request made by Kenneth L. O'Connor as outlined by his attorney in his correspondence dated March 10, 2021 and hereby consent to the removal of my name from the Class II License Number 112. Thank you.

Very truly yours, s/Thomas F. Norton

A communication dated March 11, 2021 was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Request for Minor Modification to Landowner's Decision and Notice of Special Permit dated December 28, 2020/True World Foods Boston LLC, 242 Salem Street, Woburn, Massachusetts (the "Decision")

Dear Mr. Campbell:

Please be advised that I represent True World Foods Boston LLC in connection with the above-referenced matter. On behalf of my client I respectfully request that the Site Plan of recorded referenced in the Decision be replaced with the plan filed with this request entitled "Site Layout Plan" Sheet C-1 dated November 5, 2020 as revised on March 10, 2021, Sheet V-101 dated March 4, 2021 and Sheet D-1 dated November 5, 2020 as revised on March 10, 2021, prepared by Allen & Major Associated Inc., 100 Commerce Way, Woburn, MA 01801 (the "Revised Plan").

I have included herewith ten (10) copies of the Revised Plan. The specific revisions are as follows:

1. The compactor has been relocated from the rear of the building to the easterly side of the building.
2. The loading dock has expanded from 12' x 12' to 12' x 24' on the northwesterly side of the building.
3. The sidewalk in front of the building has been modified for ADA compliance.

Section 11.12 of the 1985 City of Woburn Zoning Ordinance entitled Modification of Special Permits defines a "Minor Modification" as follows:

A Minor Modification is one which will result in insignificant changes to the project. The following changes are examples of revisions that may be deemed to be Minor Modifications by the SPGA for purposes of this section (this list is not intended to be inclusive):

1. Minor adjustments in the location of buildings.
2. Minor adjustments to parking, landscaping or other site details that do not affect the overall buildout of the site;
3. Reductions of less than five percent (5%) in the amount of landscaped usable open space.
4. Minor adjustments that do not affect the number of housing units;
5. Minor adjustments that do not materially affect any housing units set aside as affordable housing units.
6. Minor adjustments to interior building floor plans that do not increase the number of required parking spaces.
7. Minor adjustments to approved façade plans and building elevations.
8. Minor adjustments to underground utility infrastructure.

The revisions shown on the revised plan are minor adjustments to parking and other site details (dumpster location, dock and sidewalk) that do not affect the overall buildout of the site.

On behalf of my client I respectfully request that the City Council approve the revisions to the revised Plan as a minor modification. If you need any additional information please contact me. Thank you.

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

Petition by Landmark News Group Inc. dba Wicked Bagel Woburn, 171 Mass Avenue, Lexington, Massachusetts 02420 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.29 to allow a fast food restaurant at 345 Washington Street aka 8 Cummings Park.

Petition by Woburn APNA Bazar Incorporated, 4 Held Circle, Medford, Massachusetts 02155 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.69 and 7.3 to amend a special permit dated January 12, 2011, modified June 9, 2016 to allow for alteration of pre-existing non-conforming use and structure containing approximately 53,326 square feet of gross floor area to allow for 1. Retail store in Unit 2 consisting of approximately 14,440 square feet of net floor area, and 2. Provide for 232 parking spaces as shown on plan on file, at 335 Washington Street.

Petition by Woburn (Edens), LLC, 21 Customs House Street, Suite 450, Boston, Massachusetts 02110 pursuant to 1989 Woburn Zoning Ordinances, as amended, Section 30.13.2 for an amendment to special permit and plan approval dated June 13, 2019, modified April 10, 2020, modified December 3, 2020 to allow reconfigured retail and restaurant building pads and interactive outdoor retail, restaurant and entertainment uses in place of deferred construction of cinema building, parking and circulation modifications, utility modifications and building envelope adjustments at 300 Mishawum Road.

PUBLIC HEARINGS:

On the petition by ECA NEMA Brightfields I LLC and ECA NEMA Brightfields II LLC, 282 Moody Street, Suite 202, Waltham, Massachusetts 02453 for Site Plan Review to allow one 2,451 MWAC ground-mount solar photovoltaic energy generating facility and one 498 kWAC ground-mount solar photovoltaic energy generating facility at the Industri-Plex site at 134 Commerce Way, 39 Atlantic Avenue, 132 Commerce Way, four parcels off New Boston Street, 30 Atlantic Avenue and 0 New Boston Street. PUBLIC HEARING OPENED. A communication dated March 9, 2021 was received from Andrew Bunnell, ECA Solar, 282 Moody Street, Suite 202, Waltham, Massachusetts 02453 as follows:

Re; ECA NEMA Brightfields I & II, LLC – Site Plan Review Hearing

Dear Mr. Campbell:

Please allow this letter to request a continuance from the City Council as to the hearing presently scheduled for March 16, 2021 to the meeting scheduled on April 6, 2021. As reason therefore, we are working with the adjacent property owner to address certain site conditions and require additional time to prepare final site documents for the Council's review.

Should you wish to discuss this matter, please feel free to contact me.

Yours, s/Andrew Bunnell

On the petition by Verizon New England, Inc. for a grant of right in a way to install approximately two hundred feet of four-inch conduit beginning at existing manhole MH34/5 located on easterly side of Main Street and extending in a northeasterly direction to 4 Montvale Avenue. PUBLIC HEARING OPENED.

On the petition by Jackson Lumber, 10 Jefferson Avenue, Woburn, Massachusetts 01801 for special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 7.5 and 15.6.C.i as follows: 1. To amend a special permit dated March 14, 2019 to supplement plan of record to allow additional drainage and pavement to expand parking lot; and 2. Alteration of existing use that does not conform to Groundwater Protection District to allow for drainage and pavement, at 36 Prospect Street. PUBLIC HEARING OPENED. A communication dated March 11, 2021 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Modification of existing special permit and plan of record for property at 36 Prospect Street/Jackson Lumber

Dear Council:

The Planning Department has reviewed the above-referenced petition submitted for property at 36 Prospect Street (I-G Zoning District), which seeks approval of modifications to a previously-approved Plan of Record. The original Special Permit was granted in 2005 pursuant to the following Sections of the Woburn Zoning Ordinance (WZO):

- 5.1.42 (“for wholesale, showroom, storage space”);
- 7.3 (“for change and alteration of non-conforming structure and of non-conforming use of said structure to the extent that the structure and associated parking/loading areas are presently within the buffer zone requirements of Section 5.7”);
- 8.3.2 (“for parking on lot across Jefferson Avenue owned by applicant or entity controlled by the applicant”); and
- 15.6.C(i) (“for alteration of structure and use that is presently non-conforming pursuant to Section 15.6.C.i. of the Groundwater Protection District”).

The Plan of Record was also modified by the Council in 2019 to allow for the installation of three (3) lumber storage shelving/racks in the northeasterly corner of the property.

The current Petition proposes to extend and/or alter the existing, non-conforming structure and use within a Groundwater Protection District, pursuant to Sections 7.5 and 15.6.C(i) of the WZO, respectively, to allow for additional drainage and pavement to expand the parking lot, as cited by the Petition. Section 15.7(c) of the Groundwater Protection District ordinance requires the Council to find that the proposed alterations of an existing, non-conforming use in the Groundwater Protection District meets the following criteria:

- 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;
- Are designed to avoid substantial disturbance of the soils, topography, drainage, vegetation and other water-related natural characteristics of the site to be developed.

Planning staff reviewed the application and surveyor-certified site plan (dated 12/18/2020) jointly with the Building Commissioner and offers the following observations and comments:

- The Petitioner cites Section 7.5, which indicates that “no nonconforming use, once changed to a use permitted in the district in which it is located, shall be changed back to a nonconforming use.” Staff presumes that this may be related to an industrial/residential buffer requirement (detailed further below). However, the Petitioner should ultimately clarify the purpose of citing this Section for the record.
- Pursuant to Section 5.7.2 of the WZO, the site plan does not indicate the location of a required buffer zone boundary of seventy (70) feet for all industrially-zone properties adjoining a residential property (in addition to observing the baseline rear and side yard setback requirement of twenty [20] feet). The submitted site plan should be modified to depict the buffer zone and setback so that the status of conforming to these requirements can be verified.
- The proposed expansion of the bituminous concrete parking area is depicted on the submitted site plan, along with various proposed drainage features, such as a vegetated infiltration basin, vegetated filter strip, berm, and sediment forebay. However, other “proposed” features, such as a run of 4’ chain-link fencing, are not typically considered categories of parking expansion and drainage as indicated by the Petition. As a result, staff is unable to clearly discern which modifications are being proposed compared to the existing site plan/Plan of Record. The Council should ask the Petitioner to clarify all recent plan modifications for the record.
- Although the project is proposed to include an enlarged parking area, the site plan does not make any reference to the number of either the existing or proposed number of onsite parking spaces. The Petitioner should modify the current site plan to identify both the location and dimensions of all current and proposed parking spaces, in addition to including a zoning table containing parking calculations, in accordance with Section 8 (“Off Street Parking and Loading Facilities Regulations”) of the WZO and Title 521 CMR 23 (“Parking and Passenger Loading Zones”) of Architectural Access Board Code.

- The land over which the applicant proposes to install additional pavement area appears to overlap with conservation and sewer easements, in addition to further encroaching into a wetland buffer zone. The Council should ask the applicant to confirm that this proposal will not result in any inconsistencies with the purpose and/or intended function of the existing sewer or conservation easements. In addition, it is important to note that this application will also require a filing of a Notice of Intent (NOI) or Request for Determination of Applicability (RDA) with the Conservation Commission, pursuant to Title 7, Article I, Section 7-2 (“Wetlands Protection and Conservation”) of the Woburn Municipal Code.
- The enlargement of the paved parking area appears to have a significant impact on the existing forested area at the rear of the property, with an unspecified number of trees presumed to be removed. The Council should consider requiring tree plantings on other areas of the property, to the extent possible, to mitigate the environmental impact of tree removal. This is particularly relevant to a proposal that will lead to an increase in impervious surface area and stormwater runoff.
- Due to the proposed increase in impervious surface (parking pavement) area, the applicant should provide an updated calculation of the property’s landscaped usable open space to ensure that it meets the minimum requirement as a share of total land area (10% within the I-G zoning district, pursuant to the Section 6.1 Table of Dimensional Regulations). This information should be included on a modified version of the site plan for clarity.
- In recognition of the scope of the proposed parking lot expansion, staff encourages the Council to seek formal comments from the Engineering Department relative to the sufficiency of drainage measures being introduced to the site prior to further action on this Petition. This appears to be especially important to ensure that groundwater is not displaced to adjoining residential streets. Comments obtained from Engineering staff relative to drainage deficiencies may highlight the need for additional drainage-related data or eventual conditions of approval.
- Staff does not happen to note any area identified on the current site plan for snow storage. Such notation should be added to a modified version of the site to ensure that sufficient storage area exists for this purpose. In addition, the Conservation Commission should take no objection to the proposed snow storage areas.
- Although not related to the special permit request specifically, staff notes that the materials stored onsite at 36 Prospect Street are in the direct viewpoint of abutting residents and passersby. The Council may want to encourage the use of fence slats for the segment of the property fencing fronting Prospect Street, in addition to the segment facing the abutting residential structure located at #42 Prospect Street, to conceal these materials for the aesthetic benefit of surrounding residents.
- Staff notes that a prior special permit condition (#6) in the City Council’s Decision, dated February 10, 2005, requires the installation of a crosswalk from the Jackson Lumber property located at 35 Prospect Street to 10 Jefferson Street. Although a crosswalk currently appears at the intersection of Prospect Street and Jefferson Avenue, the Council should consider whether this crossing meets the intent of the original condition (presumed to accommodate safe pedestrian mobility between the adjacent properties).

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

1. That the Petitioner be required to file any modified Plan of Record with the Inspectional Services Department;
2. That a plan identifying snow storage areas and/or provisions for off-site removal must be filed with the Inspectional Services Department; and
3. That all conditions of the Council's February 10, 2005 and March 14, 2019 Decisions remain in full force and effect, to the extent still applicable, or unless otherwise modified by the Council's forthcoming Decision.

If you have any questions relative to this recommendation, please do not hesitate to contact me.

Respectfully, s/Dan Orr, City Planner/Grant Writer

On the petition by President Tedesco concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 31 Elm Street, Woburn, Massachusetts, for the purposes of determining whether said structure or structures are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts 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. PUBLIC HEARING OPENED. A communication dated February 2, 2021 from Building Commissioner Thomas C. Quinn, Jr. to Alderman Edward Tedesco with attachments was received as follows:

Re: 31 Elm Street

Regarding the above referenced addresses, this memo is to advise you that a site visit was conducted on January 26, 2021 from the public ways of Elm Street and Patricia Circle to view the existing conditions of the site, listed below are the concerns I have:

1. Exterior grounds have areas of accumulated trash and other discarded materials.
2. Exterior grounds have overgrown brush and trees.
3. Exterior porch (South Side) is unsafe and has partially collapsed.
4. Roof of Structure has partially collapsed.
5. Chimney above roof line has cracks and is missing bricks.
6. Site has an unregistered vehicle and a trailer.

Due to the concerns observed I also informed the Woburn Fire Department which resulted in an additional site visit with the Fire Chief and Deputy Fire Chief on January 27, 2021 so they are aware of this location in the event a response is required to this location.

I have also included some correspondence from a few years ago regarding this same address and similar concerns, at this time I would ask you to consider having the City Council declare the structure and grounds public nuisance.

As always if you need additional assistance with this matter do not hesitate to contact me.

s/Thomas C. Quinn Jr., Building Commissioner

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

COMMITTEE REPORTS: None.

CITIZEN'S PARTICIPATION: None.

COMMUNICATIONS AND REPORTS:

A communication dated March 8, 2021 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 2021 to February 2021: Number of violations issued 64, Numbers of violations paid 40, Number of violations outstanding 44, Amount collected and submitted to Collectors Office \$6,214.00, Parking fines referred to the Handicap Commission \$900.00.

There is a backlog of 1479 unpaid tickets dating from January 2004 to December 2019. A 21 day late notice is sent to vehicle owners who have not paid the fine. After 28 days, if the fine still has not been paid, that information is forwarded to the Registry of Motor Vehicles for administrative action.

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

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That the Committee on Special Permits meet with representatives of Dollar Tree of 425 Washington Street to discuss violations of the conditions of a

special permit issued November 10, 2011 relative to dumpsters, gate enclosure and fencing.

s/Alderman Mercer-Bruen

ORDERED Whereas, Ward 7 Alderman, Lindsay E. Higgins, resigned her position as Ward 7 Alderman effective March 2, 2021; and

Whereas, the Charter of the City of Woburn provides that any vacancy in the City Council shall be filled for the unexpired term by election by the City Council; and

Whereas, such election by the City Council shall be by ballot, after notice of at least one week, printed in at least one newspaper published in the City;

Now Therefore, Be It Ordained by the City Council of the City of Woburn that:

1. The City Clerk shall cause a Notice to be published in at least one newspaper published in the City inviting those that are interested in being considered to complete the unexpired term of Ward 7 Alderman to file a letter of interest and resume with the Office of the City Clerk by 7:00 p.m. on Thursday, March 25, 2021;
2. The City Council Committee on Liaison shall interview prospective candidates for the unexpired term of Ward 7 Alderman on Monday, March 29, 2021 and/or at such other time(s) as the Council President shall designate; and
3. The election of the individual to fill the vacancy for Ward 7 Alderman in the City Council for the unexpired term shall be held on Tuesday, April 6, 2021 at 7:00 p.m. during the Regular Meeting of the City Council in the Council Chamber at Woburn City Hall.

s/President Tedesco

ORDERED Be it Ordained by the City Council of the City of Woburn, that the 1989 Woburn Municipal Code, as amended, be further amended by deleting from Title 5, Businesses and Regulations, Article XIV Sunday Sales, Section 5-83 Licenses for Necessary Work on Sunday, and insert in its place the following:

XIV Innkeepers

5-83 Guest Registration

A. Definitions.

Innkeeper. Any person engaged in the ownership or operation of hotels, motels, extended-stay hotel, and similar types of businesses to transients (hereafter jointly "hotel"). The term innkeeper includes the proprietor or any other person who has the right to rent rooms within the hotel including clerks and other employees and agents of the hotel owner or operator.

Guest. Any person renting or otherwise using or inhabiting a sleeping room or living room unit in a hotel.

- B. Every innkeeper of any hotel, motel, or extended-stay hotel shall, at all times, maintain a manager on duty capable of assisting, communicating, and cooperating with the police or other law enforcement officials in maintaining the public health, welfare, and safety.
- C. Guest Register. Every innkeeper shall at all times keep and maintain on the premises of hotel a guest register in which shall be inscribed the name and home address of each guest and shall contain such guest's vehicle description and license plate state and number.

Upon registration, the innkeeper shall require all guests to provide a valid driver's license or identification card from within the U.S., U.S. Military identification, or a valid passport. The corresponding identification number and type of identification shall be recorded in the register.

The innkeeper shall write opposite each guest name the number of each room or unit assigned to and occupied by such guest, together with the date when such room or unit is rented, and shall sign the register. No person shall be allowed to occupy any sleeping room or living room unit in a hotel unless all of the aforesaid entries have been made in such guest register.

The innkeeper shall keep and maintain all guest registers a manner that provides quick and easy reference to the number of each room or unit assigned, and the name of the guest assigned to that room or unit, together with the date when such room or unit is rented.

The information required by this section shall be maintained by the innkeeper for one year from the date of rental. An officer of the City of Woburn Police Department ('Officer') may request to inspect the guest register as part of the Police Department's public safety responsibilities by asking the innkeeper's consent to inspect the guest register. If such inspection is refused, the innkeeper must secure the guest register in the presence of the Officer in a manner directed by the Officer to ensure that no one can tamper with the guest register and the innkeeper must maintain

the security of the guest register until such time as a subpoena, warrant, or court order has been issued or denied.

- D. The guest vehicle parking area of any hotel shall be accessible in a reasonable manner at all times to any law enforcement officer or by an official of the Fire Department with territorial jurisdiction while in the performance of his or her duties.
- E. Penalty and Enforcement. Violations of this Ordinance shall be subject to a fine of three hundred (\$300.00) for each violation. Each violation of this Ordinance shall constitute a separate offense, and each day that any such violation continues shall constitute a separate offense. The Police Chief or his designee, and any Woburn Police Officer shall have authority to enforce the provisions of this title. Any alleged violation of this Ordinance may, in the sole discretion of the enforcing agent, be made the subject matter of noncriminal disposition proceedings commenced by such agent in accordance with M.G.L.c.40, §21D.

Nothing in this section shall be deemed to limit the use of other lawful methods of abating violations of this section including, but not limited to, application for equitable relief from a court of law.

s/President Tedesco

Motion made and 2nd to ADJOURN.