

**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

Alderman Concannon led the City Council in observing a moment of silence in memory of former Woburn High School Principal James Joseph Foley who recently passed away.

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE, all in favor, 8-0.

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. Motion made and 2nd that the communication be received and made part of the record, all in favor, 8-0. Motion made and 2nd that the TRANSFER OF THE INFLAMMABLE LICENSES TO DCD NUCAR WOMA, LLC be APPROVED, all in favor, 8-0.

Presented to the Mayor: March 18, 2021 **s/Scott D. Galvin March 18, 2021**

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

Motion made and 2nd that the communication be accepted and made part of the record, all in favor, 8-0. Motion made and 2nd that the AMENDMENT OF THE SECOND CLASS MOTOR VEHICLE SALES LICENSE be APPROVED, all in favor, 8-0.

Presented to the Mayor: March 18, 2021

s/Scott D. Galvin March 18, 2021

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

Alderman Mercer-Bruen stated that the intention was to perform a site visit before taking action on this request, and that the matter could be laid on the table to the next meeting to allow time for the site visit. Motion made and 2nd that the MATTER be LAID ON THE TABLE, all in favor, 8-0.

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. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 8-0.

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. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 8-0.

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 including rooftop dining and interactive outdoor retail, restaurant and entertainment/special events uses in place of deferred construction of cinema building, parking and circulation modifications, utility modifications and building envelope adjustments at 300 Mishawum Road. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 8-0.

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

Motion made and 2nd that the communication be received and made part of the record, all in favor, 8-0. No one appeared for the petitioner. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 8-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 20, 2021, all in favor, 8-0.

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. A communication dated March 11, 2021 was received from Superintendent of Public Works John F. Duran III, P.E. as follows:

Subject: Verizon – Montvale Avenue

Pursuant to the petition from Verizon for a grant of right in a way on Montvale Avenue, I recommend approval under the following conditions. The request is to install conduits from the site on Montvale Avenue to the Verizon manhole in Main Street which will require curb to curb restoration for a minimum distance of 100 feet as we have done for all other utilities that excavated recently paved roadways. In addition, any disturbed curbing, traffic loops, concrete sidewalk panels and pavement and crosswalks in Montvale Avenue must also be restored per the direction of the DPW. The Verizon manhole should also carefully evaluate the frame and cover and replaced as necessary to avoid any detrimental noise impacts to the adjacent property owners.

Furthermore, I recommend that the Verizon representative discuss future improvements to their overhead infrastructure. In particular, the low cables from the double/triple poles in Warren Avenue are a constant complaint from the neighbors in this area. This presents problems for accessibility of larger vehicles, most importantly emergency vehicles to the Woburn Housing Authority. These matters should be formally addressed to prevent future inconvenience which has become more than aesthetics at this time.

Please feel free to call me with any questions or concerns on this matter.

Motion made and 2nd that the communication be received and made part of the record, all in favor, 8-0. Appearing for the petitioner was Bill Wallace, Verizon and he stated that the petition is to install one four-inch conduit approximately 200 feet to a new building at 4 Montvale Avenue, and that this will provide service to the new building. Alderman Mercer-Bruen stated that she will request a condition that the wires on the double utility poles at 6 Beach Street and on the two double utility poles on Montvale Avenue be removed. Alderman Gately stated that it appears the Superintendent of Public Works will require extensive repair work, and that once the project is complete the city does not want to see the road excavated again. Alderman Dillon stated that he will request a condition the two double poles on Bedford Road are removed. Alderman Gately stated that the city has been pursuing the issue of double utility pole removals but Verizon does not show up for meetings on the issue, that with the proposed conditions if the wires are not removed from those other locations then the new building on Montvale Avenue cannot be completed, and that he understands the issue but it is not proper to prevent the building project to be completed if Verizon does not act on other projects. Alderman Mercer-Bruen stated that Verizon does not pay attention unless they need something, and that the project may be held up but the issue is caused by Verizon's doing. Alderman Concannon stated that he understands the intention of the proposed conditions is that if the other wires are not removed then the project at the new building on Montvale Avenue cannot be completed. Alderman Mercer-Bruen stated that in another petition there was a similar condition and the petitioner was given sixty days to complete the utility pole removal. Alderman Concannon asked whether under that scenario Verizon would be allowed to go forward with the work for the service to the 4 Montvale Avenue building but that until the other wires are removed the project would not be considered complete. Alderman Mercer-Bruen stated that would be her understanding. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 8-0. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor, 8-0. Motion made

and 2nd that the GRANT OF RIGHT IN A WAY be APPROVED, AS AMENDED with the conditions as follows: 1. Curb to curb restoration shall be required for a minimum distance of one hundred (100) feet; 2. Any disturbed curbing, traffic loops, concrete sidewalk panels and pavement and crosswalks in Montvale Avenue must also be restored pursuant to the direction of the Superintendent of Public Works; 3. Verizon shall evaluate the frame and cover of the manhole and replace as necessary to avoid any detrimental noise impacts to the adjacent property owners; 4. That the Verizon wires on the double utility poles located at 6 Beach Street shall be removed; 5. That the Verizon wires on the double utility poles located at 267 Montvale Avenue shall be removed; 6. That the Verizon wires on the double utility poles located between 135 Bedford Road and 137 Bedford Road shall be removed; and 7. That the work required under conditions 4, 5 and 6 herein shall be completed within sixty (60) days of the date the issuance of the Grant of Right in a Way, all in favor, 8-0.

Presented to the Mayor: March 18, 2021

s/Scott D. Galvin March 18, 2021

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

A communication dated March 10, 2021 was received from Greg Rheaume, Senior Engineer, Engineering Department as follows:

Subject: 36 Prospect Street Special Permit

This office is receipt of a plan titled "SITE RE-DEVELOPMENT PLAN", WOBURN MASSACHUSETTS, 36-40 PROSPECT STREET, prepared for JACKSON LUMBER, dated December 20, 2020 and offer the following comments.

The redevelopment project consists of increasing the paved area on the site by 21,480 square feet along with the construction of an infiltration basin adjacent to the proposed pavement extension. The redevelopment plan also includes approximately 13,000 square feet of existing on site pavement to be milled and overlaid.

The majority of the redevelopment falls within the 150 foot buffer zone of a small isolated wetland and therefore will be reviewed by the Woburn Conservation Commission.

The majority of current storm water runoff sheet flows from building roof tops and pavement directly to the isolated wetland unfiltered.

The post re-development plan proposes the mitigation of this runoff with a vegetated filter strip, a sediment forebay and infiltration basin.

The applicant has submitted a storm water report outlining compliance with Massachusetts storm water standards including backup data and calculations.

One area of concern is the east end of the infiltration basin. An existing cross country sewer main running from Mount Pleasant Court northerly through the site is located under the east end of the proposed infiltration basin. A portion of the existing grade in the area of the sewer main is being lowered approximately 2 feet. The elevation of this sewer in the area of the infiltration basin should be indicated on the plan in order to determine if sufficient cover exists.

Additionally, given the age of this sewer, it is most likely vitrified clay (unable to verify the material in this office) and may be subject to ground water infiltration. The infiltration in the proposed basin over this section of sewer may increase the infiltration in the pipe.

s/Greg Rheame, Senior Engineer, Woburn Engineering Department

Motion made and 2nd that the communications be received and made part of the record, all in favor, 8-0. Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that the petitioner is looking to widen the driveway area in and out of the facility, that customers makes purchases on one side of the street and pick up the products on the other side of the street, that the matter is before the Conservation Commission which has continued the matter to March 25, 2021, that the petitioner wants any conditions required by the Conservation Commission to be part of this special permit, that an area of approximately 21,000 square feet will be paved, that there will be no additional parking, that the area will be for ingress and egress only to get trucks and customer vehicles in and out safely, that the petitioner is addressing the comments of the Engineering Department, that there is a shallow sewer line, and that the petitioner will be mindful of the location of the sewer line. Alderman Gately stated that once the sewer line is inspected it might be determined to be in a condition requiring replacement. Attorney Salvati stated that he does not believe the sewer line services the petitioner's property. Alderman Gately stated that a condition of the special permit was the petitioner's heavy trucks would not use Green Street, and that he has seen the petitioner's heavy trucks using Green Street. Alderman Concannon stated that he knows there is an issue at the end of Mt. Pleasant Court, and that there is a buildup of silt which causes issues at Mt. Pleasant Court. Alderman Campbell stated the Planning Board had concerns about the impervious surface and the many trees that are being removed. Attorney Salvati stated that he believes the landscaped useable open space is less than 10% but the petitioner is reviewing this issue. Alderman Campbell asked if the petitioner was willing to plant new trees. Attorney Salvati stated that the petitioner is willing to plant a buffer of trees. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 8-0. PUBLIC COMMENTS: Marylee Garvey, 10 Mt. Pleasant Court stated she has several concerns about the project including drainage and removal of trees, that the existing trees provide a visual and noise barrier for the neighbors and she wants similar conditions after the project is completed, that she wants the area maintained, that she wants the petitioner to be sensitive to the neighbors, that the border fence is owned by the lumber company, that there is an access point in the fence at the end of Mt. Pleasant Court, that she wants the petitioner to determine whether any corrective action in the landscape area should be made, and that she wants to know if there will be additional traffic particularly trucks in this area. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 20, 2021 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 8-0.

President Tedesco stepped down from the chair and Alderman Concannon assumed the chair.

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

A communication dated March 15, 2021 to President Edward Tedesco and Building Commissioner Thomas Quinn was received from Attorney Mark J. Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 as follows:

Subject: 31 Elm St

Tom and Ed, I have been retained by Ed Malloy regarding the nuisance petition. I will be at the hearing tomorrow night.

Tom, the property is empty and we can have you inspect within the next couple of weeks as the owner will have to clear the entrances to do so. I am not sure of the interior condition or how safe it is but will be glad to meet you there anytime.

My client's intent is to have it torn down and possibly build a new two family. He has a firm estimate from Koster & Sons Construction to do so. We understand the need to file a demo permit with the Historical Commission and that will be filed sometime tomorrow. We are of the opinion that it is unrepairable and should be demolished as an emergency safety concern.

I guess the issue will be what we are to do if Historical requires a 1 year delay. My suggestion is to discuss tomorrow night, probably with a request to continue until Historical hears the matter and Tom can inspect.

Please let me know your thoughts and concerns.

Mark J. Salvati, Attorney at Law

Motion made and 2nd that the communication from the Building Commissioner be received and made part of the record, all in favor, 8-0. Motion made and 2nd that the communication from Attorney Mark Salvati be received and made part of the record, all in favor, 8-0. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 8-0. PUBLIC COMMENTS: Theresa DiJoseph, 4 Patricia Circle stated that she moved into the neighborhood in 2010, that at the time the subject property was deemed an historical property, that the structure is imploding, that the roof is caving in, that she has seen lights on in the property, that there is a shack on the property that harbors rats and raccoons, that the property is unkempt, that the property is an attractive nuisance, that the owner agrees the property is a public nuisance, that she wants to see that the property will be torn down, that she understands the property will be torn down, that she understands the property will be removed and replaced with a new two-family, and that she wants assurances the property is not zoned for commercial use. Ms. DiJoseph offered photographs to the City Council to review. Motion made and 2nd that the photographs be received and made part of the record, all in favor, 8-0. Lee McLaughlin, 12 Foley Road stated that she is speaking on behalf of her parents who own 6 Patricia Circle, that the condition of the property has deteriorated over the last twenty years, that there is trash on the property, that there is a large hole in the roof of the building, and that the other house in the neighborhood are well kept. Kathleen Wing, 2 Patricia Circle stated that her property abuts the subject property, that the trees on site are a weak variety of maple tree that can fall in a storm, that branches from the trees hung over her property but were removed, that the property is a wildlife refuge, and that she is concerned about the asbestos on the deteriorating roof. Ms. Wing offered a document to the City Council to review. Motion made and 2nd that the document be received and made part of the record, all in favor, 8-0. Linda McLaughlin, 846 Main Street stated that she was appearing on behalf of her parents who own 6 Patricia Circle, that the house has been empty for fifteen or twenty years, that the property is rodent infested, that the building is dilapidated, that she has seen lights on in the property, and that she would like to know definitive timelines on the proposed work. Rob Boissonneault, 3 Granny Smith Lane stated that police were at the

property because people were in the building at 2:00 a.m., that the subject property is next to the Thompson Library, and that it can be determined from online photographs the hole in the roof has been present for at least three years. Mr. Boissonneault offered photographs to the City Council to review. Motion made and 2nd that the photographs be received and made part of the record, all in favor, 8-0. James Caterino, 30 Elm Street stated that he agrees with previous comments of the neighbors, that he has witnessed responding to the property as there were people in the building at night, and that the properties in the neighborhood are well kept except for this property which negatively impacts the neighboring properties. Mike Lennon, 40 Elm Street stated that he lives across the street from the subject property, that he has called the police to respond to issues on the property, and that he does not want to see a police officer or firefighter injured responding to the property. Ms. DiJoseph stated that she wants to be informed as to how the asbestos roof shingles will be removed as well as the time line for the work, and that the property owner is allowing others to store materials on the property. President Tedesco stated that he agrees with the comments of the neighbors, that the property is used as a dumping ground, that the collapsing of the roof warranted a nuisance proceeding, that although demolition of the building may take time unless the building is deemed unsafe by the Building Commissioner there is nothing to prevent the property from being cleaned, and that this matter can be continued to give the property owner time to obtain permits. Attorney Mark Salvati stated that the property owner will clean the property, that there will be no further dumping or storage on the site, that he agrees with the neighbors, that the property owner must proceed through the Historical Commission in order to demolish the building, that the property owner can avoid the Historical Commission proceeding if the Building Commissioner deems the property unsafe, that the Building Commissioner has requested a report from a professional indicating that the property is unsafe, that the property owner needs some time to obtain that report and pursue the demolition process, that demolition will have to follow safety standards, that no one lives in the property, and that the property owner will attempt to secure the property although the entries to the building are blocked. Alderman Dillon stated that an asbestos inspection report has to be prepared as part of the demolition permit process, and that this proceeding is exactly what needs to be done to protect the quality of life for people in the neighborhood. Attorney Salvati stated that a pest control report must also be prepared prior to demolition. Alderman Mercer-Bruen stated that all the trash must be cleared from the property immediately. Attorney Salvati stated that some items on the property cannot be put in the trash and make take some time to remove, and that the property is located in the R-2 zoning district. Alderman Mercer-Bruen stated that she would not support changing the zoning of the property as a property owner cannot let their property deteriorate in order to obtain a zoning change. Attorney Salvati stated that a two-family structure is planned for the subject property. Alderman Gately stated that this building should have been demolished some time ago, that the city cannot wait a year for the building to be demolished, and that he supports having the building demolished. Alderman Demers stated that he does not understand how the structure remains standing in its current condition let alone whether it needs to be demolished, that he is disappointed in the lack of enforcement once a property is declared a nuisance, that there are two problem properties in his ward, that the city needs the property owners and their attorneys to step up in order to resolve these issues, and that the property owner has jeopardized the residents of the neighborhood. Alderman Campbell stated that she is concerned about rats on the property particularly with the coming warmer months, and that

rodent control at the property can begin now. Attorney Salvati stated that he not know if a rodent control company would to inside the building but he will look into exterior rodent control. Alderman Dillon stated that a communication should be sent to the Fire Department to determine whether the building is uninhabitable and should be marked. Motion made and 2nd that a communication be sent to the Fire Department with a copy to the Board of Health asking that the building located at 31 Elm Street be marked as uninhabitable if they do determine, all in favor, 8-0. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 20, 2021, all in favor, 8-0.

Alderman Concannon stepped down from the chair and President Tedesco assumed the chair.

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

Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0.

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

Alderman Mercer-Bruen stated that this store and complex has been before the City Council many times, that the property management keeps changing, that when she passed the property recently the dumpster was not enclosed as required and there was substantial trash behind the building which was visible from the highway, that the company has no regard for the residents or other businesses, that she would advocate taking away their special permit if this was possible, and that she asks the Building Commissioner to levy fines as permitted under the ordinances. Motion made and 2nd that the ORDER be ADOPTED and that the matter be set up for review by the Committee on Special Permits with notice to the property owner and Building Commissioner to attend the meeting, all in favor, 8-0.

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

President Tedesco stated that he has called a special meeting for April 1, 2021 to hold the election in the event there are multiple ballots so as not to impact the business at the regular meeting. Alderman Campbell asked if the meeting could be scheduled at 5:45 p.m. Motion made and 2nd to amend paragraph number 3 by changing "April 6, 2021 at 7:00 p.m." to "April 1, 2021 at 5:45 p.m.", all in favor, 8-0. President Tedesco stated that this amendment is notice to the Aldermen of the change in time of the meeting. Motion made and 2nd that the ORDER be ADOPTED, AS AMENDED, all in favor, 8-0.

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

A communication dated March 16, 2021 was received from the Woburn License Commission as follows:

Dear President Tedesco,

The Woburn License Commission would like to go on record as being in full and complete support of the proposed amendment to Title 5, Article XIV, Section 5-83 of the Woburn Municipal Code currently before the City Council, regarding the requirement of government-issued photo identification from guests upon registration at any licensed hotel or inn in the City of Woburn.

In conjunction with the Woburn Police Dept., the License Commission has over the past several months endeavored to monitor activity at hotels in the city, to enhance safety for police officers who are responding to disturbance calls and hotel guests alike.

Requiring identification from all hotel guests upon registration will allow for better regulation and oversight by the License Commission and the Woburn Police Dept.

Thank you for your attention to this matter, and should you have any questions, please feel free to contact the Clerk of the License Commission at (781) 897-5853.

Sincerely, Thomas Skeffington, Chairman; David Gilgun, Member; William Pappalardo, Member; Woburn License Commission

Motion made and 2nd that the communication be received and made part of the record, all in favor, 8-0. Alderman Mercer-Bruen stated that at least one hotel in the city does not do a good job of managing guests, that any hotel that allows a guest to register should know who the guest is, that a hotel should not accept cash for payment and not require identification, and that this ordinance will be better for the city and the police department. Alderman Gately stated that there have been guests fighting at the hotel which moves out to the parking lot, and that the city must make this change. Alderman Demers stated that he would have thought this requirement was already in place, and that he wants to see this proposed ordinance moved forward. Alderman Dillon stated that this proposal helps the License Commission in keeping order, that the Police Department is trying to keep our residents as well as the hotel guests safe, that the proposal will reduce to calls to the Police Department, Fire Department and for ambulance services, and that the proposal will keep public safety resources available for our residents. Alderman Concannon stated that he would support laying this matter on the table to the next meeting rather than sending it to committee due to the support of the License Commission, the City Solicitor and the Police Department which are departments he would

have contacted for comment. Motion made and 2nd that the MATTER be LAID ON THE TABLE, all in favor, 8-0.

Motion made and 2nd to suspend the rules to add the following two matters to the Order of the Day as late filed matters, all in favor, 8-0.

ORDERED Pursuant to Rule 34 of the Rules and Orders of the City Council, the Committee on Personnel begin the process for the selection of a City Clerk.

s/President Tedesco

Motion made and 2nd that the ORDER be ADOPTED, all in favor, 8-0.

RESOLVED Whereas, following his graduation from Woburn High School, William C. Campbell continued his education graduating from Boston College and the University of Bridgeport School of Law, and following his admission to the Massachusetts Bar demonstrated a commitment to the City of Woburn with his election to two terms on the Woburn City Council as Ward Two Alderman from January 1, 1988 through January 6, 1992 where he served as Chair of the Committee on Ordinances and was elected by his colleagues to serve as President; and

Whereas, upon his appointment as Woburn City Clerk effective December 1, 1997, William C. Campbell worked to improve government operations at the local, state and national levels; and

Whereas, following the adoption of the Help America Vote Act of 2002, William C. Campbell had a role in setting national voting system standards being appointed as the first Massachusetts Local Election Official to the United States Election Assistance Commission Standards Board where he was elected to the Executive Board and served as Vice-Chair, Secretary and on many committees; and

Whereas, as a leader among Massachusetts City and Town Clerks, William C. Campbell was an active member of the Massachusetts City Clerks Association where he was elected President, Vice-President, Treasurer and served as Chair of the Legislative and Legal Affairs Committee and created educational opportunities for his peers to improve the professionalism of their offices and ultimately to serve their communities; and

Whereas, William C. Campbell has successfully conducted 64 state and local elections including six Presidential elections and managed significant changes in election laws ushering the city from lever voting machines to state of the art

optical scan voting machines and implementing sweeping changes including establishing new systems and methods to comply with early voting and vote-by-mail requirements during the pandemic and delivering a voting process that was secure and safe for voters and election officials, and

Whereas, William C. Campbell over his tenure has served under 35 Aldermen and five Mayoral administrations and became a trusted resource for his institutional knowledge of the city including the City Charter and the multiple ordinances; took steps to advance the preservation of the city's ancient records and increased transparency by actively posting information to the city's website; served as Clerk for 592 City Council regular and special meetings; administered the oath of office to city officials on 1,328 occasions; devoted his time to creating meaningful programs for the annual Student Government Day program; presided at hundreds of weddings; and co-authored a collection of historical essays on the history of the city; and

Whereas, William C. Campbell has been appointed as Director of the Massachusetts Office of Campaign and Political Finance where he will further serve the Commonwealth as the top regulator of campaign finance for all state and municipal offices;

Now, Therefore, Be it Resolved that the Woburn City Council hereby thanks Woburn City Clerk William C. Campbell for his longstanding service and commitment to the community and extends to him the best wishes of the community in his new role as Director of the Office of Campaign and Political Finance and in his future endeavors.

s/President Tedesco, Alderman Campbell, Alderman Concannon,
Alderman Demers, Alderman Dillon, Alderman Ferullo,
Alderman Gately, Alderman Mercer-Bruen

Each of the Aldermen thanked City Clerk Campbell for his many years of service to the city and extended their wishes for success in his new position. City Clerk Campbell thanked the Aldermen and their predecessors on the City Council for their comments and their support over the years. Motion made and 2nd that the ORDER be ADOPTED, all in favor, 8-0.

Presented to the Mayor: March 18, 2021

s/Scott D. Galvin March 18, 2021

Motion made and 2nd to ADJOURN, all in favor, 8-0. Meeting adjourned at 8:39 p.m.

A TRUE RECORD ATTEST:

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