

**CITY OF WOBURN
OCTOBER 19, 2021 – 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBER, WOBURN CITY HALL**

Roll Call

Campbell	Ferullo
Concannon	Gately
Demers	Lannan
Dillon	Mercer-Bruen
Tedesco	

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

MAYOR’S COMMUNICATIONS:

ORDERED

Be it ordained by the City Council of the City of Woburn that the Mayor be and is hereby authorized to accept on behalf of the City a sewer access easement from G&C Realty Trust and 6-8 Borselli Drive, LLC as shown on a plan entitled “Sewer Easement Plan of Land Borselli Drive in Woburn, Middlesex County Massachusetts” dated September 16, 2021 prepared by Commonwealth Engineering, Inc., 27 Cambridge Street, Suite 106, Burlington, MA 01803, to be recorded in the Middlesex South Registry of Deeds.

s/President Tedesco
Per Request of the Mayor

A communication dated October 14, 2021 was received from His Honor the Mayor Scott D. Galvin as follows:

I am writing to you regarding the proposed construction of the \$317 million new high school for The Northeast Metropolitan Regional Vocational School District.

The MA School Building Authority recently awarded the District a \$140 million grant for the new building, with the balance to be paid by the member communities. Based on current enrollments, Woburn’s estimated share of the debt (exclusive of interest) is approximately \$28,248,583, which when reduced by our share of the MSBA grant will be approximately \$15,713,552. The annual city debt service will be approximately \$900,000 over the next thirty years.

The new vocational school will feature a 21 st century learning environment with state of the art shop space. This strategic long term investment in vocational education will enhance our children's talents, broaden their skill san better position them to obtain good high paying trade jobs.

To that end, I have attached a proposed approval order for your review and consideration, which should be acted on before 11/8/2021. The construction of the new vocational high school will proceed only if all 12 communities in the District, through their legislative bodies, do not oppose the project. If there is one or more negative votes, The Northeast Metropolitan Regional Vocational School committee plans on holding a district wide referendum vote for all registered voters in the 12 communities in the district this winter.

Please feel free to call if you have any questions.

Sincerely, s/Scott D. Galvin

ORDERED That the City hereby approves the \$317,422,620 borrowing authorized by the Northeast Metropolitan Regional Vocational School District Committee, for the purpose of paying costs of designing, engineering, constructing and equipping the New Northeast Metropolitan Regional Vocational School and related athletic facilities located at 100 Hemlock Road in Wakefield, MA 01880, including the payment of all costs incidental or related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of children of at least 50 years and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of Northeast Metropolitan Regional Vocational School Committee; that the Town's estimated share of the District's debt for this purpose, exclusive of interest, and based upon current enrollments, is approximately \$28,248,583, which amount will be reduced to the extent of MSBA grants received by the District, resulting in an estimated net share of principal allocable to the City, exclusive of interest, of approximately \$15,713,552; that the City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs that the District incurs in excess of any grant approved by and received from MSBA shall be the sole responsibility of the District and its member municipalities; provided further that any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) seventy-six and eighty-four one hundredths percent (76.84%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized by the District shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA.

In accordance with Chapter 44, Section 20 of the General Laws, any premium received by the District upon the sale of any bonds or notes issued pursuant thereto, less any such premium received by the District upon the sale of any bonds or notes issued pursuant thereto, less any such premium applied to the payment of the costs of issuance of such bonds or notes, shall be applied to pay costs of the new High School project, and the amount authorized to be borrowed for such project shall be reduced by the amount of any such premium so applied, further reducing Woburn's allocable share of the District's debt.

s/Mayor Scott Galvin

s/President Tedesco

NEW PETITIONS:

Petition for renewal of First Class Motor Vehicles Sales Licenses by M & L Transit Systems, Inc., 60 Olympia Avenue.

Petitions for renewal of Second Class Motor Vehicles Sales Licenses by the following: Velozo Enterprises, Inc. dba Rogers Radiator, 936 Main Street; David Dellarocco dba Woburn Auto Sales, 5 Crescent Avenue, #4; Capelo's Auto Service, Inc. dba Capelo's Auto Sales, 22 Winn Street; Capelo's Auto Service, Inc. dba J.C. Auto Sales, 84-86 Winn Street; Woburn Gas & Service, Inc., 545 Main Street; McSheffrey's-SE, LLC dba McSheffrey's of the South End, 75 Main Street; and Thomas Keane dba Woburn Classic Auto Sales, 13 Fowle Street.

Petition by NStar Electric Company, d/b/a Eversource Energy, and Verizon, New England Inc. for grant of right in a way to install approximately 60 feet of conduit in Gill Street to property located at 6 Gill Street.

Petition by Kristin L. Moraes for special permit pursuant to Section 5.1(56) of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for 9-foot-high garage doors at 10 Frederick Drive.

Petition by Rentokil North America, d/b/a Ambius for a special permit pursuant to Section 5.1(57b) of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for the overnight parking of up to twelve (12) commercial vehicles at 15 Constitution Way.

Petition by Garage 42 Degrees, LLC for a special permit pursuant to Section 7.3 and 5.1(69) of the 1985 City of Woburn Zoning Ordinance, as amended, to modify the Landowner's Decision and Notice of Special Permit dated November 7, 2019 to allow for: 1. the construction of a second building on the premises that will be used for light manufacturing; 2. for the continued parking within the buffers zone as shown on the plan filed herewith; and 3. for the continued use of the new building within a portion of the buffer zone, at 20-30 Sonar Drive.

PUBLIC HEARINGS:

On the petition by CONTINUUS Pharmaceuticals, Inc. c/o Ernest Penachio, 25-R Olympia Avenue, Woburn, Massachusetts 01801 for special permit to allow: 1. Revised site plan file with Special Permit Petition; 2. A Modification to the Landowner's Decision and Notice of Special Permit dated March 29, 2018 (the "Decision") to allow for a total of approximately 37,728 square feet of light manufacturing use; and approximately 13,038 square feet of office use; and 7,440 square feet of light manufacturing use; 3. A Special Permit pursuant to Section 9 to allow for the requested uses within the limits of the Floodway and Food Plain Districts; 4. Site Plan Approval pursuant to Section 12.2.4; and 5. A Special Permit pursuant to Section 5.1(53) to allow for a high hazard use, at 32 Cabot Road. PUBLIC HEARING OPENED: A communication dated October 7, 2021 was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

RE: Special Permit Petition of Continuus Pharmaceuticals, Inc., 32 Cabot Road, Woburn Massachusetts

Dear Ms. Higgins:

Enclosed please find ten (10) copies of a revised site plan last dated October 5, 2021 containing revisions requested by both DPW Superintendent Jay Duran and City Engineer Jay Corey.

If you have any questions, please do not hesitate to contact me. Thank you.

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

Further, a communication dated October 13, 2021 was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: CONTINUANCE OF PUBLIC HEARING: SPECIAL PERMIT /SITE PLAND
REVIEW APPLICATION to authorized 37,728 sq. ft. of light manufacturing floor
space at 32 CABOT ROAD / CONTINUUS Pharmaceuticals, Inc.

Dear Ms. Higgins:

At a meeting of the Woburn Planning Board held on Tuesday, October 12, 2021, members of the Board voted unanimously 5-0-0 (Turner, Callahan, Doherty, Ventresca, and Bolgen in favor; Edmonds and Donovan absent) to continue the public hearing on the above-referenced filing. The public hearing will resume at the Planning Board's meeting Tuesday, October 26, 2021, at 7:00 p.m.

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

Further, a communication dated October 13, 2021 was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

RE: Special Permit Petition of Continuus Pharmaceuticals, Inc.
32 Cabot Road, Woburn Massachusetts

Dear Ms. Higgins:

Due to the fact that the Planning Board continued its public hearing to October 26, 2021, I respectfully request that the public hearing on the above matter scheduled for October 19, 2021 be continued to the City Council meeting scheduled for November 9, 2021. If you need any further information, please do not hesitate to contact me. Thank you.

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

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.

On the petition by President Tedesco to amend the 1985 Woburn Zoning Ordinances, as amended, by amending Section 2, Definitions, to insert the following: "OUTDOOR DINING: the use of an adjacent, outside area by a Restaurant, Full-Service establishment for the same eating and drinking activities that occur within that establishment, operating in the

same manner thereof including hours of operation, and which is continuously supervised by management or employees of the establishment. The outdoor dining use is not permitted at a Restaurant, Fast Food.”

On the petition by 304 Cambridge LLC, 304 Cambridge Road, Woburn, Massachusetts 01801, to amend the 1985 City of Woburn Zoning Ordinance, as amended, be further amended to amend Section 5, Notes to Section 5.1 Table of Use Regulations Note 26.1.a by adding a new sentence as follows: “Notwithstanding the foregoing a Restaurant, Full Service located in such an office building shall be allowed to operate outdoors and adjacent to such Restaurant, Full Service.”. PUBLIC HEARING OPENED: A communication dated October 29, 2021 was received from Tina P. Cassidy, Woburn Planning Board Director. This communication was updated by subsequent communication dated October 5, 2021 received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: PUBLIC HEARING (CONTINUED) on PROPOSED ZONING AMENDMENT to amend Section 5, Notes to Section 5.1 Table of Use Regulations of the 1985 Woburn Zoning Ordinances by adding the following sentence to the end of Note 26.1.a.: “Notwithstanding the foregoing, a Restaurant, Full Service located in such an office building shall be allowed to operate outdoors and adjacent to such Restaurant, Full Service.” / Attorney Joseph Tarby on behalf of 304 Cambridge Road LLC

Dear Council:

This is to provide an amended letter to the City Council to eliminate a scrivener’s error contained in the Planning Board recommendation letter, dated September 29, 2021.

The corrected version of the proposed language recommended by the Planning Board, in accordance of a favorable vote (4-2-0, with Callahan, Doherty, Turner, and Donovan in favor; Bolgen and Ventresca opposed; Edmonds absent) at its September 28, 2021 meeting, is as follows (proposed amendment italicized and modified via red text/strikethrough):

- 26 1. Restaurant Full-Service/Fast Food located in an S-1 Zoning District shall be subject to the following conditions:
 - a. The full service/fast food restaurant must be located in an office building containing a minimum of 50,000 square feet of gross floor area; *Notwithstanding the foregoing, a Restaurant, Full Service located in such an office building shall be allowed to operate ~~outdoors and~~ an area or area(s) of outdoor dining provided the area(s) is/are physically located immediately adjacent to such Restaurant, Full Service.*

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

On the petition by President Tedesco and Alderman Ferullo to amend the 1985 Woburn Zoning Ordinances, as amended, be further amended by amending the definition of

“RESTAURANT, FULL- SERVICE” in Section 2 by inserting after “space” on the first line the following language: “(including outdoor seating and rooftop dining)” so that the revised definition will be as follow: “RESTAURANT, FULL-SERVICE: Any building, room space (including outdoor seating and rooftop dining) or portion thereof where food is sold for consumption on premises, customers are provided an individual menu, a restaurant employee serves the customer at the same table or counter at which items are consumed. A restaurant, full-service may provide “accessory” delivery service, takeout service (except drive-up customer service) and related retail sales items.

On the petition by President Tedesco, Alderman Ferullo, and Alderman Demers to amend Section 11.6.12 entitled “Rooftop Dining in the B-D District” and Section 5.1 entitled “Table of Use Regulations”, Note 27 of the 1985 Zoning Ordinance of the City of Woburn.

UNFINISHED BUSINESS OF PRECEDING MEETING:

ORDERED Be it Ordained by the City Council of the City of Woburn, that the Woburn Municipal Code, as amended, be further amended as follows:

by deleting “alderman” wherever it appears and inserting the word “city councilor”; by deleting “aldermen” wherever it appears and inserting the word “city councilors”; and by deleting “aldermen-at-large” wherever it appears and inserting the word “city councilors-at-large”.

s/President Tedesco

COMMITTEE REPORTS:

FINANCE:

A committee report was received “ought to pass” for the following:

ORDERED That the sum of \$129,000.00 be and is hereby transferred as so stated from Stabilization Fund Acct# 704059-591600 to Settlement Payment Applejack Realty Trust.

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

s/President Tedesco

PUBLIC SAFETY AND LICENSE:

A committee report was received “ought to pass” for the following:

Petition for renewal of Second Class Motor Vehicles Sales Licenses by ACT Leasing, Inc.,
215 Salem Street.

CITIZEN’S PARTICIPATION: None.

COMMUNICATIONS AND REPORTS:

A communication dated October 1, 2021 was received from Thomas C. Quinn, Jr., Building
Commissioner as follows:

Re: Woburn Municipal Code Title 15 Article VIII 15-42

Dear Members of the Council:

Regarding the above referenced section of the Woburn Municipal Code, I submit the
following quarterly nuisance report for the period of July 1, 2021 thru September 30, 2021.

8 Russell Court matter with City Council.
14 Hilltop Parkway has been sold.

As always if you have any questions do not hesitate to contact me.

s/Thomas C. Quinn, Jr., Building Commissioner

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED

Whereas, Eagle Scout is the highest honor for Boys Scouts of
America; and

Whereas, Woburn resident, Samuel Currier Baker, became a member
of Troop 507 in Winchester, Massachusetts; and

Whereas, Samuel Currier Baker chose for his community service project to design, fundraise, and lead others in building four octagonal picnic tables for a Fellowship Courtyard area at Immanuel Church in Chelmsford, Massachusetts; and

Whereas, on September 19, 2021, Samuel Currier Baker was recognized at a special Court of Honor for earning the rank of Eagle Scout;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that the Woburn City Council recognizes the achievements and accomplishments of Samuel Currier Baker, and extends the best wishes in hopes for continued future success.

s/President Tedesco, Councilor Concannon, Councilor Ferullo, Councilor Campbell, Councilor Gately, Councilor Dillon, Councilor Demers, Councilor Mercer-Bruen, and Councilor Lannan

RESOLVED

That the City Council requests that the DPW Superintendent forward to the City Council the updated road ratings from the City’s paving consultant.

s/Councilor Darlene Mercer-Bruen

ORDERED

That the City Council approve the following materials related to Reprecincting following the 2020 United States Decennial Census: final map; final Block Listing Report by precinct; and Legal Boundary Descriptions (Wards); and Legal Boundary Descriptions (Precincts).

Please see attached documents.

s/President Edward Tedesco

Motion made and 2nd to ADJOURN.