

**CITY OF WOBURN  
FEBRUARY 1, 2022 – 7:00 P.M.  
REGULAR MEETING OF THE CITY COUNCIL  
COUNCIL CHAMBER, WOBURN CITY HALL**

Roll Call

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

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President Concannon stated that Councilor Campbell told him something had come up, and that Councilor Gately was under the weather.

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VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE, all in favor, 7-0-2 (Campbell and Gately Absent).

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**MAYOR'S COMMUNICATIONS:**

A communication dated January 27, 2022 was received from His Honor the Mayor Scott D. Galvin as follows:

President Concannon and City Council Members:

I am respectfully requesting the opportunity to appear before The City Council at the beginning of your meeting on Tuesday, February 1, 2022 to present an update on the status of PFAS in our water system and the steps we are taking to address this issue.

By way of background, PFAS in drinking water is a challenge across the entire U.S. and throughout Massachusetts. Many communities – large and small – are impacted. Click on link to view local water systems dealing with PFAS

[PFAS in Mass. Water](#)

The City first tested its water supply for PFAS in 2015, in accordance with U.S. Environmental Protection Agency (EPA) methods, which at the time issued a health advisory that PFAS levels should not exceed 70 parts/trillion (ppt) in drinking water. This standard still applies to many States and communities across the U.S. In October 2019, in response to updated test methods, the City began routinely testing for PFAS in its wells and treated water. In April 2021, The Massachusetts Department of Environmental Protection (DEP) established a new drinking water standard of 20 parts per trillion (ppt) for the sum of 6 PFAS

compounds, called “PFAS6”, which is much more restrictive than the EPA. Over the past two years of testing, Woburn’s drinking water has averaged 18 ppt of PFAS6. The City has been in compliance with the new state regulation until the 3<sup>rd</sup> quarter of 2021, when residents were advised that the quarterly average value of 24 ppt for Woburn’s drinking water s exceeded DEP maximum contaminant level (MCL) for PFAS6 of 20 ppt. The results for the 4<sup>th</sup> quarter ending December 31, 2021 were also slightly elevated at 22 ppt.

Levels above the 20 ppt do not automatically mean there is a public health risk. The City has been working closely with the MA DEP over this period.

The 20 ppt is based on conservative assumptions that consider the populations that could be most affected by PFAS6, including those in sensitive populations. In addition, the MCL of 20 ppt also assumes that each person is substantially exposed to PFAS6 from other sources in addition to drinking water, such as stain- and water-repellant fabrics, nonstick cookware, polishes, waxes, paints, cosmetics and cleaning and other products.

**If you are an adult or older child, not in sensitive populations, you may continue to consume the water because the 20 ppt value is applicable to a lifetime of consuming the water and shorter duration exposures present less risk.**

The DEP advises that those people in sensitive populations, which include pregnant women, nursing mothers and infants, and people diagnosed by their health care provider to have a compromised immune system should not drink or cook with water that exceeds 20 ppt.

**We are taking several actions to address the PFAS6 levels in the drinking water and their impacts, as follows:**

- The Water Department has purchased and will be installing a water bottle filling station at the Senior Center on School Street. We must get DEP approval before it can be used. We will post information on our website and alert the media as soon as the station is available.
- For people considered in a sensitive population who must purchase bottled water, the City will provide a monthly credit to for those periods of time we are DEP non-compliant. The DEP defines sensitive populations as pregnant women, nursing mothers and infants and people diagnosed by their health care provider to have a compromised immune system.

*Qualifying Residents are able to enroll in this program on the City of Woburn website [Bottled Water Rebate Program - City of Woburn \(woburnma.gov\)](https://www.woburnma.gov/bottled-water-rebate).*

Most importantly, we will be upgrading our water treatment plant to treat and remove PFAS 6. Engineering firm, CDM Smith Inc. of Boston, has been hired to do the engineering studies. The City is working to get state and federal funding, including funds from the American Rescue Plan Act (ARPA) and the Bipartisan Infrastructure Bill, to construct the upgrades to our water treatment plant.

We will be available to provide additional information at your meeting, regarding this upgrade to the water treatment plant and other actions taken to address PFAS 6.

Sincerely, s/Mayor Scott Galvin

Motion made and 2<sup>nd</sup> that any and all communication be received and made part of the permanent record, all in favor, 7-0-2 (Campbell and Gately Absent). Motion made and 2<sup>nd</sup> to suspend the rules to allow His Honor Mayor Galvin or designee to speak, all in favor, 7-0-2 (Campbell and Gately Absent). Mayor Galvin thanked everyone for support as this process can be confusing, and that Carol Rego from CDM Smith will be giving an updated presentation. Mayor Galvin stated that PFAS is the forever chemical which is in items liked cleaning products, cosmetics, and many areas, and the water is regulated by DEP and EPA. Mayor Galvin stated that the EPA standard is 70 parts per trillion (“ppt”), which still is in effect in many states, but the DEP standard changed in April 2021 to the much stricter 20 ppt, and that the city has been testing for PFAS for last two years with an average of 18.5 ppt. Mayor Galvin stated the requirement is to measure monthly but to take the quarterly average, with the 2021 First Quarter being under, and the 2021 Second Quarter being 16 ppt, but 2021 Third and Fourth Quarters were over the 20 ppt threshold. Mayor Galvin stated that when a city is not within the requirements, it needs to explain, and provide notice of noncompliance to the residents. Mayor Galvin stated that the long-term plan is in process to install six carbon filters down at the water treatment plant, that there is a water rebate program for \$30, which 90 checks have been issued, and that there will be a water dispensary at the Senior Center, which is installed but awaiting approval. Mayor Galvin also recognized those present, such as City Engineer Jay Corey, Tony Blazejowski from the Water Department, DPW Asst. Superintendent Lenny Burnham, and DPW Superintendent Jay Duran. Carol Rego from CDM Smith stated that she will be giving most of the presentation and Michaela Bogosh will present the concept design. Ms. Rego stated the presentation will be in the same format as last November, some of which will the same information, but the updated results of the city sample are in darker green with the last quarter of 2021. Ms. Rego stated that the DEP requires communities to compute the average on a quarter-by-quarter basis, and the 2021 Third Quarter averages was 24 ppt, and that a ppt is equal to one drop in 20 Olympic size pools, which the notice talked about. Ms. Rego stated that the 2021 Fourth Quarter averages was 22 ppt, so another notice will go out shortly and will keep happening as long as the average is above 20 ppt. Ms. Rego stated that the slides are updated with newer information in bold, which includes the bottled water rebate program. Ms. Rego stated that the city received a notice of noncompliance and the response for that related to short-term Corrective Action Plan (“CAP”) is due January 10, 2022, and the long-term CAP id dues in early February. Ms. Rego stated that with respect to the concept design to remove PFAS she will be providing an update on cost and funding, and the water filling station is on the wall at the Senior Center with the blue circle around it. Ms. Rego stated that last time she spoke about the different options for treatment, and after preliminary evaluations thought the Granulated Activated Carbon (“GAC”) was the best approach, which takes the material granules in vessels and water passes through, allowing the PFAS to be absorbed, and the activated carbon is then changed out/reactivated and reinstalled, which requires a continuous monitoring but very reliable. Michaela Bogosh from CDM Smith stated that presentation shows the existing aerial Horn Pond Treatment Center and site, including the 2011

improvements of the support building and the area that houses the manganese treatment area, and the future PFAS treatment area is in the blue oval, which was identified to have the least amount of impact to the site. Ms. Bogosh stated that they are completing the concept design and will be providing a more comprehensive report. Ms. Bogosh stated that the PFAS treatment will fit nicely between the two existing 2011 buildings, which takes up the current location of Well B, which will have to be moved to within the future PFAS building. Ms. Bogosh stated that the rectangular building to north is used for backwash water, so the granulated carbon will need to be backwashed through there. Ms. Bogosh stated that water would be taken after the manganese filtering and travel to the PFAS removal building, which layout consists of three GAC lead/lag pairs. Ms. Bogosh stated that the water from manganese filtering will travel to lead vessel for filtering than to the lag vessel for polishing, and will go back and forth until PFAS is all removed, and the media will have to be removed to be regenerated. Ms. Bogosh stated they are currently performing tests to see how long the process will take, and that the GAC vessels for a similar system were 12 feet in diameter. Ms. Rego stated that based on the concept design, and all the piping, relocation of Well B, vessels, carbon, controls, and wiring, the anticipated cost is approximately \$17.5 million. Ms. Rego stated that there were additional costs that are not mandatory but optional and may want to do at the same time that will be approximately \$2.5 million which includes: 1. Changing the manganese media that is 10 years old, as part of the PFAS project; 2. The controls are from 2002 and are not upgraded. Technology has changed significantly since then especially with cybersecurity; and 3. Replace well pumps and Well B will be new, and the four other wells will need upgrades. Ms. Rego stated that the city should consider doing the optional upgrades at same time because 1. An efficient qualified contractor doing the PFAS improvements anyway; and 2. If city obtains funding, a lot of the costs could be covered such as the cybersecurity which is specifically called for in waste water treatment. Ms. Rego stated that built in to the cost estimates is a 25% contingency factor in the early states which includes engineering, implementation, permits, etc. Ms. Rego stated an additional 15% factor may need to be done at the midpoint of the project in December 2023. Ms. Rego stated in the last 2.5 years, she has observed cost increases of 20-30% in her projects, and electronic components as much as 40%. Ms. Rego stated in 2009, she was using 3% to 4% increases. Ms. Rego stated that in FY2021 the water usage was about 50% city supply and 50% MWRA supply, and the annual cost was 71% for MWRA and 29% for the city. Ms. Rego stated that the long-term cost, using a lifecycle cost comparison over 20 years, with upfront costs, operating costs, updated equipment in 20 years, maintenance each year, and at the end of the 20 years there is still residual value, and a 3% inflation interest rate, for the 2.8 million gallons per day that the city treats will give a present day value difference of approximately \$28 million less than if just used MWRA water. Ms. Rego stated the swing between the two options makes the Horn Pond option more attractive as well because of the reimbursements the city will receive. Ms. Rego stated the next steps are to submit the concept design plan, which is the long-term plan, for February 8, 2022, have discussions with the MA Clean Water Trust for funding, and then site investments, funding, and permitting, bid, and then construction. Ms. Rego stated that mid-2004 it should startup, with field investigations trying to get started two months early. Councilor Dillon thanked Ms. Rego for the presentation, and that Horn Pond is the jewel of Woburn, and that we should not be as nervous for new technology and added protections so no spill overs. Ms. Rego stated that the carbon vessels in the new buildings are round circles in pairs, with 6 pairs, and that the

manganese only differences is that they are horizontal, and everything in the existing building stays in service but just tap in to go to the new building, which is simple, but expensive. Ms. Rego stated that it is contained and safety measures are in place, and that the cost estimates are based on same architectural details that are there now, same brick but with translucent panels for the walkway. Ms. Rego stated that the online date was July/August of 2024. Mayor Galvin stated the power point presentation will be up on the slide tomorrow. Upon inquiry from Councilor Viola, Ms. Rego stated she tries to keep up with regulations, and that the EPA is looking at regulations with respect to manganese, and that Massachusetts regulates six of the compounds in the PFAS family, so with new technology and methods of analysis, the types of PFAS being regulated may change, as well as the more of PFAS to a lower level. Ms. Rego stated she does not know of any other regulations, and with respect to UV light disinfectants the city already has. Ms. Rego stated the only item that needs to be updated in current facilities is the manganese media. Councilor Mercer-Bruen thanked Ms. Rego and stated she learns more each time that PFAS is in everything. Upon inquiry from Councilor Mercer-Bruen, Mayor Galvin stated that the Mass. Clean Water Trust money that is from the federal government given to the DEP, which consist of loan and loan forgiveness program, that he feels very good that the city will qualify, as well as the infrastructure bill, and that PFAS is not just a Woburn problem. Councilor Mercer-Bruen thanked everybody, and stated that the water stations will be up soon, and that the city needs to push information out soon and maybe on social media. President Concannon thanked the mayor and the presentation, and stated that the more information that gets out the better, being proactive to act quickly to share updates. Mayor Galvin stated that in the future, updates will be provided at a city council meeting or a committee meeting. Motion made and 2<sup>nd</sup> to place the matter on file and to return to the regular order of business, all in favor, 7-0-2 (Campbell and Gately Absent).

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Motion made and 2<sup>nd</sup> that the next four matters be taken collectively, 7-0-2 (Campbell and Gately Absent). Motion made and 2<sup>nd</sup> that any and all communication be received and made part of the permanent record, all in favor, 7-0-2 (Campbell and Gately Absent). Motion made and 2<sup>nd</sup> that all four matters be referred to the Committee on Finance, all in favor, 7-0-2 (Campbell and Gately Absent).

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A communication dated January 27, 2022 was received from His Honor the Mayor Scott D. Galvin as follows:

President Concannon and Members of The City Council:

I am requesting a transfer of funds from the City of Woburn Surplus Overlay Account to fund (3) assessing activities necessary for a successful Fiscal Year 2023 recertification by the Massachusetts Department of Revenue (DOR), totaling \$145,000.

These programs are summarized as follows:

**Real Property:** Valuation, Valuation Review, Market Based Cost Schedules, Income Valuation Schedules and Guidance to Ensure Compliance with Unique DOR (5) Year Certification Standards, approximately 13,000 Parcels.

Cost: \$40,000          Account 530510

**Personal Property:** Discovery and Listing of Taxable Personal Property Accounts, Valuation and Identification of Allowable New Growth and Development of Appropriate Depreciation Schedules, approximately 1,900 Accounts.

Cost: \$45,000          Account 584042

**Defense of Values:** Litigation Services, Expert Valuation Services, Expert Court Testimony and the Review of Case Materials and Management of Appellate Tax Board Docket.

Cost: \$60,000          Account 571001

It has been 5 years (Fiscal Year 2018) since our last Recertification with the MA Department of Revenue. This current year, Fiscal 2023, is a full Recertification year for the City of Woburn.

The five-year certification review is conducted by BLA staff to ensure the proposed values are derived utilizing a methodology based on generally accepted mass appraisal practices, are supported with current market evidence and are uniformly and equitably applied to all property. The data quality, all cost and depreciation tables, and land schedules will be reviewed for all real property. In addition, income producing property will be reviewed for income and expense analysis, development of the economic rent schedules, capitalization rates and correlation of the values derived from two appraisal approaches.

Personal property accounts will be reviewed for appropriate listing and valuation of assets along with the cost and depreciation schedules.

The mass appraisal system is comprised of the following: data management, valuation, performance analysis, administration and appeals.

I am also requesting an additional transfer of \$750,000 from the Surplus Overlay to the OPEB Trust Fund to help reduce our outstanding liability for OPEB. I look forward to discussing these transfers during the next finance committee meeting.

Sincerely, s/Mayor Scott Galvin

ORDERED    That the sum of \$895,000.00 be and is appropriated as so stated from Overlay Reserve Acct# 01-322000 \$895,000.00 to Stabilization Fund Acct# 750048-483011 \$750,000.00, Assessors Appraisals Acct# 0113757-571001 Real

Property \$40,000.00 Valuation Services \$60,000.00, and Assessors Personal Property Acct# 0113757-584042 \$45,000.00.

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

s/President Michael Concannon

Motion made and 2<sup>nd</sup> that any and all communication be received and made part of the permanent record, all in favor, 7-0-2 (Campbell and Gately Absent). Motion made and 2<sup>nd</sup> that the MATTER BE REFERRED TO THE COMMITTEE ON FINANCE, all in favor, 7-0-2 (Campbell and Gately Absent).

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A communication dated January 27, 2022 was received from His Honor the Mayor Scott D. Galvin as follows:

President Concannon and Members of the City Council:

I am filing two transfers from the Unreserved Fund balance for your consideration. The first is for \$1,000,000 to The SPED Stabilization Fund. As we have discussed in the past it is important to have additional funding available to address unanticipated Special Education costs due to unplanned and unbudgeted out of district tuition expenses. The expenditure of funds from this stabilization fund will require a 2/3 vote by the City Council.

In addition, I am requesting the approval of a \$10,000,000 transfer from the Unreserved Fund balance to the general Stabilization Fund. This will provide the Treasurer with additional investment options, that are not allowed for funds in the general fund.

Sincerely, s/Scott D. Galvin, Mayor

ORDERED That the sum of \$1,000,000.00 be and is appropriated as so stated from Unreserved Fund Balance Acct# 01-359000 \$1,000,000.00 to SPED Stabilization Fund Acct# 704049-4971000 \$1,000,000.00.

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

s/President Michael Concannon

Motion made and 2<sup>nd</sup> that any and all communication be received and made part of the permanent record, all in favor, 7-0-2 (Campbell and Gately Absent). Motion made and 2<sup>nd</sup> that the MATTER BE REFERRED TO THE COMMITTEE ON FINANCE, all in favor, 7-0-2 (Campbell and Gately Absent).

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In addition, I am requesting the approval of a \$10,000,000 transfer from the Unreserved Fund balance to the general Stabilization Fund. This will provide the Treasurer with additional investment options, that are not allowed for funds in the general fund.

Sincerely, s/Scott D. Galvin, Mayor

ORDERED That the sum of \$10,000,000.00 be and is appropriated as so stated from Unreserved Fund Balance Acct# 01-359000 \$10,000,000.00 to General Stabilization Fund Acct# 704049-4971000 \$10,000,000.00.

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

s/President Michael Concannon

Motion made and 2<sup>nd</sup> that any and all communication be received and made part of the permanent record, all in favor, 7-0-2 (Campbell and Gately Absent). Motion made and 2<sup>nd</sup> that the MATTER BE REFERRED TO THE COMMITTEE ON FINANCE, all in favor, 7-0-2 (Campbell and Gately Absent).

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ORDERED That the sum of \$28,000.00 be and is appropriated from the Cemetery Interest Fund and distributed as follows for Fiscal Year 2022: \$8,000.00 to New Equipment Acct. 0149058-586600, \$8,500.00 to Equip/Bldg Maint Acct. 0149054-543000, \$2,500.00 to Tools/Supplies Acct. 0149054-546100, \$9,000 to Burial Sections Acct. 0149058-586601.

I hereby approve the above: s/John Sawyer, Chairman, Cemetery Commission  
I hereby recommend the above: s/Scott D. Galvin, Mayor  
I have reviewed the above: s/Charles E. Doherty, City Auditor

s/President Michael Concannon



Motion made and 2<sup>nd</sup> that any and all communication be received and made part of the permanent record, all in favor, 7-0-2 (Campbell and Gately Absent). Motion made and 2<sup>nd</sup> that the MATTER BE REFERRED TO THE COMMITTEE ON FINANCE, all in favor, 7-0-2 (Campbell and Gately Absent).

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**NEW PETITIONS:**

Petition by Give2Those for special event permit for Freedom Flag Memorial 5k road race at Horn Pond on October 15, 2022. President Concannon stated that he checked and Confirmed the Lions Club Monster Dash is the next day on Sunday, so there is no conflict. Motion made and 2<sup>nd</sup> to GRANT the special event permit, all in favor, 7-0-2 (Campbell and Gately Absent).

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Request by Seaver Properties, LLC for Minor Modification to Landowner's Decision and Notice of Special Permit dated November 17, 2021, at Dexter Avenue. A communication dated January 27, 2022 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 November 17, 2021, Seaver Properties LLC, Dexter Avenue, Woburn, Massachusetts (the "Decision")

Dear Ms. Higgins:

Please be advised that I represent Seaver Properties LLC in connection with the above-referenced matter. On behalf of my client I respectfully request that the Site Plan of record referenced in the Decision be amended by substituting in Condition One the Revised Plan referenced below.

I have included herewith ten (10) copies of the above Decision, the original Plan of Record entitled "Site Plan, East Dexter Avenue, Woburn, Massachusetts" dated September 10, 2018 and last revised on November 29, 2018 and December 7, 2018 (Sheet 6 of 8) prepared by ALAN Engineering L.L.C., 110 Winn Street, Woburn, MA 01801 and the revised plan entitled "Site Plan, East Dexter Avenue, Woburn, Massachusetts" dated September 10, 2018, revised November 29, 2018; March 10, 2021; June 4, 2021 and June 24, 2021, prepared by ALAN Engineering L.L.C., 110 Winn Street, Woburn, MA 01801.

In addition I have enclosed a "Summary of Plan Changes, Condominium Development East Dexter Avenue" prepared by ALAN Engineering L.L.C., 110 Winn Street, Woburn, MA 01801 summarizing the minor revisions to the Plan of Record. I have also included a full size copy of both plans.

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 and set forth on the Summary are minor modifications as noted above that do not affect the overall buildout of the site.

On behalf of my client I respectfully request that the City Council approve the revision as shown on 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

Further, a communication dated January 31, 2022 was received from John E. Corey, Jr., City Engineer as follows:

Subject: Special Permit – Condominium Development East Dexter Ave.

The Engineering Department has reviewed revised plans submitted for the above referenced project. Changes to the development include the following:

Final architectural design of the buildings changed the dimensions of all building units. The units remain within the originally submitted building envelopes. Seven units had an additional garage and wider driveways added. The net result of these changes was an increase in building coverage from 21.2% to 21.4% and a decrease in landscape area from 62.5% to 60.6%. All are in accordance with the Zoning By Law.

Changes to the drainage system were made based on comments from the Woburn Conservation Commission in conjunction with a Notice of Intent for the project. Based on additional soils investigation, the infiltration system was enlarged and separate infiltration systems for roof runoff were added for buildings 4,5 and 6.

The changes proposed to the project appear to be minor in nature and are a result of final building designs and Conservation Commission Comments.

I trust the foregoing information suffices for your current needs. Should you have any questions or comments regarding this matter, please do not hesitate to contact me.

Motion made and 2<sup>nd</sup> that any and all communication be received and made part of the permanent record, all in favor, 7-0-2 (Campbell and Gately Absent). Motion made and 2<sup>nd</sup> to suspend the rules to allow Attorney Tarby to speak on behalf of the petitioner, all in favor, 7-0-2 (Campbell and Gately Absent). Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 stated the petitioner is requesting a minor modification under Section 11.12 of the Zoning Ordinance, and that the Building Commissioner stated that except for the provisions for the setbacks on the plans, the changes could have been done. Attorney Tarby stated that the City Engineer reviewed the changes and they seemed minor and it was in respect to what the Conservation Commission comments. Attorney Tarby stated that other revisions for approved building envelopes were part of site plan so it the developer had to move the building slightly, the developer could, which have been approved on most projects. Attorney Tarby stated that Building No. 7 setback on the plan was 43.4 feet from North Maple, and it is now 25.5 feet, Building No. 1 was 39.15 feet from East Dexter, and is now 25.5 feet from East Dexter, but all are in the building envelope plans. Attorney Tarby stated that the garages on seven units have two bays not one, and there is a 1.9% reduction of open space, building ground coverage is up 0.02%, and that if the criteria under Section 11.12.1 are applied, they do qualify. Councilor Mercer-Bruen stated she was glad the petition is before the council to review it since the plans did specify setbacks. Attorney Tarby stated that the changes are still within the building envelope, but shifted closer to setbacks. Councilor Mercer-Bruen stated that the number of feet specified in the setbacks is not what was exactly voted on and what the public agreed on, and the expectation is that the setback would be that number, despite still being within zoning. Attorney Tarby stated but for the notation on plan, the petitioner would not have to be here. Scott Seaver, Seaver Properties, LLC, stated that his feeling is that he did not have to be before the council, and stated there are two dimensions that go to the building if not on drawings then would be all set. Upon inquiry from Councilor Mercer-Bruen, Mr. Seaver stated that needed to move the buildings because they were not fully designed at that stage and needed to shift around in the boxes. Councilor Dillon stated he spoke with the Building Commissioner, and the Commissioner's opinion it falls under a minor modification, and Councilor Dillon stated the plans do not always work out when they get to the site. Councilor DiMambro stated he spoke with the Building Commissioner and there were no issues, and if both him and the city engineer do not have problem with it, he does not. Motion made and 2<sup>nd</sup> to return to the regular order of business, all in favor, 7-0-2 (Campbell and Gately Absent). Motion made and 2<sup>nd</sup> to GRANT THE MINOR MODIFICATION, all in favor, 7-0-2 (Campbell and Gately Absent).

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Request by Bloomfield Hospitality 3, Inc. for Minor Modification to Landowner's Decision and Notice of Special Permit dated December 27, 2012 as modified by Landowner's

Decision Notice of Special Permit dated July 9, 2015, at 880 Main Street. A communication dated January 27, 2022 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 27, 2012 as modified by Landowner's Decision Notice of Special Permit dated July 9, 2015/Bloomfield Hospitality 3, Inc., 880 Main Street, Woburn, Massachusetts (the "Decision")

Dear Ms. Higgins:

Please be advised that I represent J&C Hospitality Inc. in connection with the above-referenced matter. On behalf of my client I respectfully request that J&C Hospitality Inc. be allowed to replace Bloomfield Hospitality 3, Inc. as the Petitioner.

I have included herewith ten (10) copies of both of the above Decisions.

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 replacement of Bloomfield Hospitality 3, Inc. with J&C Hospitality Inc. is a minor modification. J&C Hospitality Inc. will continue to operate a family style restaurant at 880 Main Street, Woburn, Massachusetts.

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

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

Motion made and 2<sup>nd</sup> that any and all communication be received and made part of the permanent record, all in favor, 7-0-2 (Campbell and Gately Absent). Motion made and 2<sup>nd</sup> to suspend the rules to allow Attorney Tarby to speak on behalf of the petitioner, all in favor, 7-0-2 (Campbell and Gately Absent). Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 stated that he provided copies of the two prior special permit decisions, and the December 27, 2012 special permit was issued to the petitioner only and if that changed it required an amendment, which was granted to Robert McSheffrey and NOWO Realty LLC, which operated a family style restaurant. Attorney Tarby stated that the 2015 special permit was issued to Bloomfield Hospitality 3, Inc. as the petitioner and the special permit was only issued to Bloomfield as petitioner. Attorney Tarby stated that J&C Hospitality Inc., is the new owner and wants to operate a family restaurant in the same site and change from one operation to another. Upon inquiry from Councilor DiMambro, Attorney Tarby stated the petitioner will initially act as WUBurger, but may change the menu and name in the future. Motion made and 2<sup>nd</sup> to return to the regular order of business, all in favor, 7-0-2 (Campbell and Gately Absent). Motion made and 2<sup>nd</sup> to GRANT THE MINOR MODIFICATION, all in favor, 7-0-2 (Campbell and Gately Absent).

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**PUBLIC HEARINGS:**

Petition by Skyworks Solutions, Inc., to amend an inflammable license, for N-Methyl2pyrrolidone Class B 4x350 gallons in IBC container to N-Methyl2pyrrolidone Class B 4x350 gallons in IBC container and/or Kwik Strip Class B 4x350 gallons in IBC containers, and/or a mixture of both types totaling no more than four IBC Containers, at 20 Sylvan Road. [This public hearing is being re-noticed for the February 15, 2022 City Council Meeting.] The City Clerk stated that this matter was being re-noticed for the Public Hearing on February 15, 2022. She stated it was notice was published in the newspaper but there was an email issue and the direct abutters were not notified by certified mail by the petitioner. The City Clerk stated she spoke with the petitioner earlier, and that the certified letters went out last week to abutters for the February 4, 2022.

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On the petition by NStar Electric Company, d/b/a Eversource Energy for grant of right in a way to install approximately 962 feet of conduit southeasterly from Montvale Avenue to the end of Hill Street, and one new manhole, MH31201, approximately 238 feet southwest of Montvale Avenue, in Hill Street. PUBLIC HEARING OPENED: A communication dated February 1, 2022 was received from Jay Duran, Superintendent, Department of Public Works as follows:

I have met with the applicant's engineer as well as the engineer and contractors for the Vale Project pursuant to the request from Eversource for a grant of right in a way on Hill Street. The request is to install manholes and conduit to support the Vale Project. The proposal has been mostly modified to meet my request to alleviate any existing or proposed conflict with

the City of Woburn Infrastructure. I recommend the following conditions of approval. The existing electric manhole identified on the plan as MH22459 is over 60 years old and should be removed and replaced approximately 10 feet southwesterly from the existing manhole/vault to allow proper clearances to the new proposed utilities to service the project. It is my understanding that this is the major power source to the Vale Project during construction so this may present a temporary inconvenience. However, given the scope of this project, it is inevitable that this will be a problem in the future as it has consistently been across the city. I will consider allowing test pits to assess the condition of this 5 by 10 by 8 foot deep vault. Unless it is in pristine condition, it should be replaced and relocated to eliminate future limitations in the city right of way as well as future replacement after the construction of this major development is complete.

In addition, all conduits shall be located a minimum of ten feet clear laterally from the proposed 16 inch water main location. This must be enforced to the maximum extent feasible. I recommend that a full time inspector be in place during all utility installations. Daily reports should be forwarded to the Woburn DPW and Engineering Office which clearly identify any problems encountered. DPW personnel can work with the project engineers to determine if field modifications can be made. All conduit crossings should be located a minimum of 1 foot clear below the water main and the city held harmless in the event of any leakage. Proper installation and inspection should curtail any such problems. A detailed as-built plan should be forwarded to the DPW and Engineering within 60 days of utility completion. The hydrant shown on the plan is not recommended to be within the proposed island. DPW will work with the Fire Chief and his staff on the proper location. This is not an Eversource issue but this needs to be addressed. The roadway will need to be milled and repaved from curb to curb at project completion with 2 inch bituminous concrete.

Please feel free to contact me with any questions, concerns or recommendations on this matter.

Motion made and 2<sup>nd</sup> that any and all communications be received and made part of the permanent record, all in favor, 7-0-2 (Campbell and Gately Absent). Appearing for the petitioner, Jacqueline A. Duffy, Eversource, 101 Linwood Street, Somerville, MA 02143, stated the petitioner is looking to install conduit and one manhole cover for a new development at the end of Hill Street. Ms. Duffy stated she did receive and see DPW Superintendent Duran's memorandum, but that the petitioner is not in agreement with moving the manhole. Councilor Mercer-Bruen stated that she wanted to add a condition related to having all construction vehicles being parked onsite on Hill Street or at the Gelly site, and she does not want vehicles parked on other properties or Montvale Avenue. Brian Murrhly, from Leggat McCall, stated he had updated plans he wanted to present. Motion made and 2<sup>nd</sup> that the plans be received and made part of the permanent record, all in favor, 7-0-2 (Campbell and Gately Absent). Mr. Murrhly stated he was going to give a brief overview current plan. Mr. Murrhly stated that they have been working with Eversource, and have been communicating with Woburn DPW. Mr. Murrhly stated there is one manhole adjacent to Montvale Avenue, which he will refer to as Manhole A, and another manhole which is adjacent to the bike path, Manhole B, and there are currently two 13 inch cables running underground, which provide power to the old Gelly and now the Vale. Mr. Murrhly

stated he would like to move poles from Hill Street, and to do so, there needs to be more conduits underground between Manhole A and Manhole B. Mr. Murrhly has accepted feedback from the DPW which will need to keep conduits away from the water supply. Mr. Murrhly stated there is currently a six-inch water line on Hill Street that will be replaced by a 16-inch water line on eastern side, making the waterline as far east as possible and the new electrical conduits as far west as possible, creating at least 10 feet separation. Mr. Murrhly stated that the reservations of the DPW with respect to Manhole B, which is an existing structure with live cables running through it, and it would be completely disruptive and the petitioner would completely lose power to the site. Mr. Murrhly stated in order to alleviate the DPW's concerns, the petitioner has moved proposed water line as far away from Manhole B, creating a clearance of 6.9 feet, slightly less than the requested 10 feet, but it is solely at a pinch point as shown on the Stantec plans. Mr. Murrhly stated that in the DPW memorandum, there is an inference that if existing manhole is in good condition it could remain. Mr. Murrhly stated that if the existing manhole is in good condition it should remain, and stated the DPW requirement is burdensome and wants the City Council to approve the grant of right in a way under DPW investigation to remain in place. Councilor Mercer-Bruen stated that if the DPW Superintendent is asking for something she is going to respect that opinion, and she was not going to support the petitioners request to change. Councilor Mercer-Bruen stated that the DPW Superintendent represents the best interest of the city, and that the petitioner represents the best interest of his client. Councilor Mercer-Bruen stated that she wants the DPW Superintendent's memo as a condition, and if he says the petitioner should update, the petitioner is on the hook to do it. Councilor DiMambro stated he agreed with Councilor Mercer-Bruen, and that a lot of time, effort, and money went into the Vale, and why not replace the 60-year-old problem. Councilor DiMambro stated he understood it would kick out the timeline but this way all of Hill Street will be updated, fresh and new. Mr. Murrhly stated he does not know it is a problem, and that believes there could be a satisfactory condition to move infrastructure is incredibly expensive and it powers the construction on site, as well as there is more than 10 feet of distance except at the pinch point. Councilor DiMambro stated that if the DPW Superintendent is asking for certain items, the petitioners should do what they can to accommodate the request. Councilor Dillon stated that the DPW Superintendent is the city's expert, and that it is a complicated process that he puts in layman's terms for the city council. Councilor Demers stated that normally he is sympathetic to not slow down business, but with the number of changes allowed at the Vale, he needs to put his foot down. Councilor Demers stated it is a smaller inconvenience now to fix, then in 10 to 15 years if the issue is still there and the amount of money would be more. Councilor Demers stated that there was more room to discuss, but would be supporting Councilor Mercer-Bruen on this matter. Councilor Viola stated he agreed with the councilors and the DPW Superintendent. Upon inquiry from Councilor Ferullo, Mr. Murrhly stated that the equipment for the buildings and tools on site to erect structures for construction would be without power. Upon inquiry from President Concannon, Mr. Murrhly stated the only issues he had with the recommendation is related to the manhole, and they are willing to do the test pits, which are the next step in addressing the manhole. Motion made and 2<sup>nd</sup> that the public hearing be opened for public comments, all in favor, 7-0-2 (Campbell and Gately Absent). PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 7-0-2 (Campbell and Gately Absent). President Concannon stated that it is the intention of the city council to accept the DPW Superintendent's memorandum in its entirety,

which calls for test pits. Councilor Mercer-Bruen stated that after that it will be worked out with the DPW Superintendent and the petitioner. Motion made and 2<sup>nd</sup> to approve the grant of right in a way as follows: 1. In accordance with the Department of Public Works communication dated February 1, 2021; and 2. All construction vehicles be parked on the construction site, all in favor, 7-0-2 (Campbell and Gately Absent).

**Presented to the Mayor: February 3, 2022**

**s/Scott D. Galvin February 3, 2022**

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On the petition by E.A. Spry, Inc., 54 Holton Street, Woburn, Massachusetts 01801, for special permit to modify Landowner's Decision and Notice of Special Permit dated November 13, 2015 as modified by Landowner's Decision and Notice of Special Permit dated February 27, 2020 and a special permit from Section 7.3 of the 1985 City of Woburn Zoning Ordinance as amended to allow for revised site plan, amendment to Condition 2, amendment to Condition 3 to allow overnight parking of additional vehicles, and the continuation of the nonconforming parking, loading bay fronting on Holton Street, area and landscaping requirements, at 80 Holton Street. PUBLIC HEARING OPENED: A committee report was received "ought to pass" with the following conditions: 1. The Petitioner shall construct and improve the Site as substantially described on the Plan of Record which for this project shall be "Layout & Materials Plan" dated December 15, 2021, prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01801 (hereinafter the "Site Plan") although design adjustments and modifications generally associated with: (i) preparing so-called "working drawings" or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan; 2. All dumpsters shall be enclosed, by means of a fence, wall or landscaping in compliance with the Woburn Zoning Ordinances; 3. No deliveries shall be allowed to the site prior to 8:00 a.m. or after 4:00 p.m. Monday through Friday. There shall be no deliveries to the site on Saturday or Sunday; 4. No deliveries shall be allowed from the site prior to 6:00 a.m. or after 6:00 p.m. Monday through Saturday. There shall be no deliveries from the site on Sunday; 5. The Petitioner shall post signs within its loading area requesting that its delivery companies obey the rules of the road while traveling on City of Woburn streets and to use caution while traveling on Nashua Street to and from Holton Street; 6. The Petitioner's commercial vehicles shall not use the section of Nashua Street between Draper Street and Holton Street or Blueberry Hill Road when traveling to and from the site; 7. That the commercial vehicles parked on the site shall be limited to seven (7) vehicles (seven (7) box trucks); 8. All commercial vehicles shall be registered in the City of Woburn; 9. No gasoline or other combustible material shall be stored in the building; 10. That all other conditions set forth in the Decision dated November 13, 2015 as modified by the Decision dated February 27, 2020 shall remain in full force and effect unless modified by



this Decision; 11. A snow storage plan shall be filed with the Building Dept; and the one finding that the proposed use by the Petitioner is consistent with the past use of the property and is not substantially more detrimental than the existing nonconforming use to the neighborhood. Motion made and 2<sup>nd</sup> that any and all communications be received and made part of the permanent record, all in favor, 7-0-2 (Campbell and Gately Absent). Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801, stated that on January 24, 2022 the petitioner met with the Special Permits Committee and at that meeting the petitioner addressed all outstanding concerns, with the committee voting “ought to pass” with 11 conditions. Attorney Tarby stated that the reference to the date of plans should reference January 24, 2022. Motion made and 2<sup>nd</sup> that the public hearing be opened for public comments, all in favor, 7-0-2 (Campbell and Gately Absent). PUBLIC COMMENTS: Councilor Mercer-Bruen read into the record a message dated January 18, 2022 from Tony Julio as follows: “I am not able to make the meeting tonight, but if I could let you know that I am in favor of Spry to rent the building, as I am an abutter and an employee and I can’t say enough that Spry family run a tight business and follows all the city’s rules. It will be a benefit to the city as it would be no more traffic than what already exists. The devil you know is better than the one you don’t. Please speak for me and thank you for all you do.” Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 7-0-2 (Campbell and Gately Absent). Motion made and 2<sup>nd</sup> to adopt the committee report, as amended with the January 24, 2022 plan date and to approve with the following conditions: 1. The Petitioner shall construct and improve the Site as substantially described on the Plan of Record which for this project shall be “Layout & Materials Plan” dated December 15, 2021, revised January 24, 2022, prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01801 (hereinafter the “Site Plan”) although design adjustments and modifications generally associated with: (i) preparing so-called “working drawings” or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan; 2. All dumpsters shall be enclosed, by means of a fence, wall or landscaping in compliance with the Woburn Zoning Ordinances; 3. No deliveries shall be allowed to the site prior to 8:00 a.m. or after 4:00 p.m. Monday through Friday. There shall be no deliveries to the site on Saturday or Sunday; 4. No deliveries shall be allowed from the site prior to 6:00 a.m. or after 6:00 p.m. Monday through Saturday. There shall be no deliveries from the site on Sunday; 5. The Petitioner shall post signs within its loading area requesting that its delivery companies obey the rules of the road while traveling on City of Woburn streets and to use caution while traveling on Nashua Street to and from Holton Street; 6. The Petitioner’s commercial vehicles shall not use the section of Nashua Street between Draper Street and Holton Street or Blueberry Hill Road when traveling to and from the site; 7. That the commercial vehicles parked on the site shall be limited to seven (7) vehicles (seven (7) box trucks); 8. All commercial vehicles shall be registered in the City of Woburn; 9. No gasoline or other combustible material shall be stored in the building; 10. That all other conditions set

forth in the Decision dated November 13, 2015 as modified by the Decision dated February 27, 2020 shall remain in full force and effect unless modified by this Decision; 11. A snow storage plan shall be filed with the Building Dept; and the one finding that the proposed use by the Petitioner is consistent with the past use of the property and is not substantially more detrimental than the existing nonconforming use to the neighborhood, all in favor, 7-0-2 (Campbell and Gately Absent).

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Motion made and 2<sup>nd</sup> to suspend the rules to take from the table the next matter under Unfinished Business of Preceding Meeting, all in favor, 7-0-2 (Campbell and Gately Absent).

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**UNFINISHED BUSINESS OF PRECEDING MEETING:**

**ORDERED**

Be it ordained by the City Council of the City of Woburn that Title 15, Buildings and Construction, of the Woburn Municipal Code as amended, be further amended, as follows:

by inserting at the end of Article I, Section 15-5 Building Permit Fees, the following:

Table 110 - Schedule for Periodic Inspection of Existing Buildings  
Per 780 CMR/Current Edition of Massachusetts State Building Code

Use Group	Use	Fee
A-1	Movie Theater or Theaters for Performing Arts	\$2 per seat
A-2	Restaurants or similar uses	\$100 for 0-50 seats; An additional \$2 for every seat over 50
A-3	Lecture halls, churches and places of religious worship, recreational centers, terminals, etc.	\$2 per occupant; Note: fee waived for churches/houses of religious worship
A	Special amusement buildings or portions thereof	\$2 per occupant; \$100 minimum fee
A	Clubs and Function Halls	\$200 Annual Fee
E	Educational, day care facility	\$100 for 0-50 occupants An additional \$2 for every occupant over 50; Note: Public Education: Fee waived
I-1	Group Home	\$100

I-2	Nursing Home	\$100 for 0-50 occupants: An additional \$2 each occupant over 50
I-4	Adult and/or Child Care Facility	\$100 for 0-50 occupants An additional \$2 each occupant over 50
R-1	Hotels, Motels	\$2 per room
R-1	Detoxification facilities	\$100 for 0-50 occupants An additional \$2 each occupant over 50
R-4	Residential care/Assisted Living	\$100 for 0-50 occupants An additional \$2 each occupant over 50
For uses not specified above: Minimum fee: \$100 up to 50 occupants/room \$2 per occupant/room greater than 50		

and by amending Article VI, Maintenance of Vacant Property, Section 15-27 Registration as follows: (deletion in ~~strike through~~, new language in **bold**)

All Mortgagee’s must register vacant, foreclosing and foreclosed residential property with the Building Commissioner on forms provided by The Commissioner. All Registrations must state the Mortgagee’s (or their agents) phone number and mailing address located within The Commonwealth as required by MA General Laws 59 sec. 57D and 156D sec 5.02. The Registration must designate and retain a local individual or local property management company responsible for maintenance of the property.

An annual registration fee of ~~\$~~**1500.00** must be paid until property is sold to third party and no longer vacant.

s/President Michael Concannon  
Per Request of the Mayor

Motion made and 2<sup>nd</sup> that the ORDER BE ADOPTED, all in favor, 7-0-2 (Campbell and Gately Absent).

**Presented to the Mayor: February 3, 2022** **s/Scott D. Galvin February 3, 2022**

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Motion made and 2<sup>nd</sup> to return to the regular order of business, all in favor, 7-0-2 (Campbell and Gately Absent).

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**COMMITTEE REPORTS:**

**PUBLIC SAFETY AND LICENSE:**

A committee report was received “ought to pass” for the following: Petition by Cargotiator LLC dba Cargotiator Auto Sales for a new Second Class Motor Vehicles Sales License, at 104 Winn Street. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT BE ADOPTED, all in favor, 7-0-2 (Campbell and Gately Absent).

**Presented to the Mayor: February 3, 2022**                      **s/Scott D. Galvin February 3, 2022**

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A committee report was received “ought to pass” for the following: Petitions for renewal of Second Class Motor Vehicles Sales Licenses by the following: Adamo Rufo dba Route 16 Auto Broker, 280 Salem Street; and McDermottroe Auto Sales, 229 Lexington Street. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT BE ADOPTED, all in favor, 7-0-2 (Campbell and Gately Absent).

**Presented to the Mayor: February 3, 2022**                      **s/Scott D. Galvin February 3, 2022**

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A committee report was received “ought to pass upon the provision of an insurance binder indicating there is valid workmen’s compensation insurance” for the renewal of Second Class Motor Vehicles Sales Licenses by E & C Auto Brokers, LLC, 505 Main Street. City Clerk Higgins stated that the office had received the insurance binder earlier today. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT BE ADOPTED, all in favor, 7-0-2 (Campbell and Gately Absent).

**Presented to the Mayor: February 3, 2022**                      **s/Scott D. Galvin February 3, 2022**

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**CITIZEN’S PARTICIPATION: None.**

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**COMMUNICATIONS AND REPORTS:**

A communication dated January 26, 2022 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 December 2021: Number of Violations Issued 507, Numbers of Violations Paid 193, Number of Violations Outstanding 290, Amount collected and submitted to Collectors Office \$34,586.20, Parking fines referred to the Handicap Commission \$9,600.00.

There is a backlog of 1578 tickets dating from January 2004 to December 2021. A 21 day late notice is sent to vehicle owners who have not paid the fine. After 28 days, if the fine still has not been paid, that information is forwarded to the Registry of Motor Vehicles for administrative action.

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

Motion made and 2<sup>nd</sup> that the MATTER BE RECEIVED AND PLACED ON FILE, all in favor, 7-0-2 (Campbell and Gately Absent).

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**APPOINTMENTS AND ELECTIONS:**

A communication dated January 26, 2022 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Higgins:

By the power vested in me as Mayor of the City of Woburn, I hereby re-appoint Shannon Ryan, 139 School Street, with three-year term to expire March 30, 2024, to the Woburn Board of Registrars of Voters, subject to approval by the City Council.

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2<sup>nd</sup> that the communication be received and made part of the permanent record and that the MATTER BE REFERRED TO THE COMMITTEE ON PERSONNEL, all in favor, 7-0-2 (Campbell and Gately Absent).

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A communication dated January 26, 2022 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Higgins:

By the power vested in me as Mayor of the City of Woburn, I hereby re-appoint Joseph A. Palmisano, 16 Senator Road, as Chairman to the Woburn Board of Registrars of Voters, with a term to expire June 30, 2024; subject to approval by the City Council.

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2<sup>nd</sup> that the communication be received and made part of the permanent record and that the MATTER BE REFERRED TO THE COMMITTEE ON PERSONNEL, all in favor, 7-0-2 (Campbell and Gately Absent).

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A communication dated January 26, 2022 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Higgins:

By the power vested in me as Mayor of the City of Woburn, I hereby re-appoint Daniel J. Gately, 16 Arcadia Street, to serve on the Housing Authority Board, with an expiration date of April 1, 2024, subject to confirmation by the City Council.

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2<sup>nd</sup> that the communication be received and made part of the permanent record and that the MATTER BE REFERRED TO THE COMMITTEE ON PERSONNEL, all in favor, 7-0-2 (Campbell and Gately Absent).

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A communication dated January 26, 2022 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Higgins:

By the power vested in me as Mayor of the City of Woburn, I hereby re-appoint Larry Rideout, 65 Arlington Road, Woburn, to serve on the Housing Authority Board, with an expiration date of March 31, 2023, subject to confirmation by the City Council.

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2<sup>nd</sup> that the communication be received and made part of the permanent record and that the MATTER BE REFERRED TO THE COMMITTEE ON PERSONNEL, all in favor, 7-0-2 (Campbell and Gately Absent).

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A communication dated January 26, 2022 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Higgins:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Mark R. Cavicchi, 1 Rag Rock Drive, as an alternate member to the Woburn Board of Appeals, subject to confirmation by the City Council, with a term to expire January 31, 2025.

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2<sup>nd</sup> that the communication be received and made part of the permanent record and that the MATTER BE REFERRED TO THE COMMITTEE ON PERSONNEL, all in favor, 7-0-2 (Campbell and Gately Absent).

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A communication dated January 26, 2022 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Higgins:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Mark J. Kiklis, 3 Belford Circle, to the Woburn Redevelopment Authority with a term set to expire on December 31, 2026. Subject to City Council approval.

Mr. Kiklis's appointment will fill the seat of David S. Ryan who's term has expired.

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2<sup>nd</sup> that the communication be received and made part of the permanent record and that the MATTER BE REFERRED TO THE COMMITTEE ON PERSONNEL, all in favor, 7-0-2 (Campbell and Gately Absent).

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**MOTIONS, ORDERS AND RESOLUTIONS:**

**ORDERED**

Be it Ordained by the City Council of the City of Woburn, that the Woburn Municipal Code, as amended, be further amended by inserting into Title 12, Streets, Sidewalks & Public Places, a new Article XV, Regulation of RoadWork in Operable Unit No. 1 of the Industri-Plex Superfund Site as follows:

**XV. REGULATION OF ROADWORK IN OPERABLE UNIT NO. 1 OF THE INDUSTRI- PLEX SUPERFUND SITE**

15-1 Purpose

To regulate work activities in roadway areas with Institutional Controls established for Operable Unit No. 1 of the Industriplex Superfund Site, as set forth in the "Record

of Decision, Industri-Plex Superfund Site, Woburn, Massachusetts,” dated September 30, 1986 (the “ROD”), said ROD being on file at the EPA Region I Record Center located at Five Post Office Square, Boston, Massachusetts. The Institutional Controls maintain the protectiveness of the Industri-Plex Operable Unit No. 1 remedy and establishes restrictions on excavation, construction and maintenance or other intrusive activities in Class A Land, Class B Land, Class C Land and/or Class D Land, as defined in the January 2018 Model Notice of Activity and Use Limitation (NAUL), Operable Unit No. 1, Industri-Plex Superfund Site. A copy of the January 2018 Model NAUL is attached to the Regulations for Roadwork as Appendix I.

#### 15-2 Permit Required

A permit issued by the Department of Public Works shall be required for any work performed in road rights of way within Industri-Plex Operable Unit No. 1, including along Merrimac Street, New Boston Street, Atlantic Avenue, Commerce Way and Presidential Way, that are designated as Class A Land, Class B Land, Class C Land or Class D Land, on the plan entitled “Plan of Restricted Areas (Record Boundaries, Ties to Survey Control and Restricted Areas Delineation) R.O.W./ Roads, Lot IC-47, Woburn, Massachusetts dated April 27, 2020 prepared by Fieldstone Land Consultants, PLLC”. A copy of such plan is available for review in both the Department of Public Works and the Engineering Department.

#### 15-3 Authority to Promulgate Regulations

In furtherance of this ordinance, the Superintendent of Public Works in consult with the City Engineer, shall promulgate regulations pursuant to which permits are to be issued for work to be performed in Operable Unit No. 1 including, application fees.

#### 15-4 Compliance with DPW Regulations

Any permit issued hereunder shall be in compliance with the regulations issued by the Department of Public Works in consultation with the Engineering Department. Such regulations shall incorporate the health and safety and related requirements that are documented in the January 2018 Model NAUL with respect to work within road rights of way situated in Operable Unit No. 1 of the Industri-Plex Superfund Site in order to comply with the provisions of the consent decree entered on April 24, 1989 by the United States District Court for the District of Massachusetts in the matter styled United States v. Stauffer Chemical Company *et al.*, Civil Action No. 89-0195-MC, and the Commonwealth of Massachusetts v. Stauffer Chemical Company *et al.*, Civil Action No. 89-0196-MC.

Per Request of the Mayor

Motion made and 2<sup>nd</sup> that any and all communications be received and made part of the permanent record, all in favor, 7-0-2 (Campbell and Gately Absent). Motion made and 2<sup>nd</sup> that the MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, CHARTER AND RULES, all in favor, 7-0-2 (Campbell and Gately Absent). City Clerk



Higgins stated that she spoke with the City Solicitor and she suggested inviting someone from the MassDEP to discuss.

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Councilor Mercer-Bruen asked for a moment of personal privilege. Councilor Mercer-Bruen stated that with all the snow, she wanted to personally thank all those who cleaned up the snow including the police, fire, and all the DPW employees for three days of cleaning streets and keeping the community safe. Councilor Mercer-Bruen stated that she was grateful personally and for her constituency even though understaffed. President Concannon stated that all the members share high praise as well.

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Motion made and 2<sup>nd</sup> to ADJOURN, all in favor, 7-0-2 (Campbell and Gately Absent).  
Meeting adjourned at 8:36 p.m.

A TRUE RECORD ATTEST:

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