

**CITY OF WOBURN
APRIL 5, 2022 – 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBER, WOBURN CITY HALL**

Roll Call

Campbell	Ferullo
Demers	Gately
Dillon	Mercer-Bruen
DiMambro	Viola
Concannon	

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

MAYOR'S COMMUNICATIONS:

A communication dated March 31, 2022 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear President Concannon and Council Members:

I am respectfully requesting time to meet at the beginning of your regularly scheduled meeting on Tuesday, April 5, 2022 at 7:00 pm to provide an update on the downtown safety plan with our design consultant, World Tech Engineering, LLC.

In addition, I am requesting time to meet at the beginning of your regularly scheduled meeting on Tuesday, April 19, 2022 at 7:00 pm to provide an update on PFAS testing results and the design of upgrades to our Horn Pond Water Treatment plant to remove PFAS from our water supply.

Thank you for your consideration on these matters.

Sincerely, s/Scott D. Galvin, Mayor

NEW PETITIONS:

Petition by Lord Hobo for a Special Event Permit to allow a road race starting at 5 Draper Street and along area streets on June 19, 2022.

Petitions for renewal of Common Carrier Licenses by the following: Boston Express Livery Service Inc., 165 New Boston Street, No. 275; Harmony Transportation Inc., 8 Conn Street (renewal for 1 vehicle, request for 1 additional vehicle); and Woburn Cab Co., 100 Ashburton Avenue.

Petition by NStar Electric Company, d/b/a Eversource Energy for grant of right in a way to relocate three poles, P591/38, P591/37, and P951/36, and to install one new pole, P951/37A, in Commerce Way.

Petition by ECA NEMA Brightfields I, LLC and ECA NEMA Brightfields II, LLC requesting a minor modification of special permit issued on June 10, 2021 regarding the site plan and solar array layout, 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 HEARINGS:

On the petition by True World Foods Boston LLC, 242 Salem Street, Woburn, Massachusetts 01801, for a special permit to modify Landowner's Decision and Notice of Special Permit dated December 28, 2020 as modified by Notice of Modification of Special Permit dated April 12, 2021, by amending Condition 5 limiting the property to twelve (12) box trucks and one (1) dumpster truck, and to modify to allow for overnight parking of the following commercial vehicles: nine (9) box trucks, fourteen (14) vans, and four (4) cars, at 242 Salem Street. PUBLIC HEARING OPENED: A communication dated March 10, 2022 was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: PLANNING DEPARTMENT COMMENTS ON SPECIAL PERMIT APPLICATION FOR 242 SALEM STREET TRUE WORLD FOODS BOSTON LLC

Dear Council:

The Planning Department has reviewed the above-referenced petition which seeks to modify a previously-granted special permit (initially granted on December 28, 2020 and modified on April 12, 2021). This modification would revise (increase) the number and type of vehicles authorized to be parked on the site overnight, in accordance with the provisions of Section 5.1.57(b) of the Woburn Zoning Ordinance (WZO). A number of changes would be made to the approved site plan/Plan of Record in order to accommodate the planned overnight parking expansion. Revisions include reconfiguring/adding parking spaces, deleting/replacing landscaped areas, adding an exterior trash compactor, removing/replacing stairs, and the like.

Planning staff consulted with Building Commissioner Thomas Quinn on this Petition and offers the following collective observations/comments to the Council relative to the site plan (dated November 5, 2020 and last revised on February 16, 2022):

- All parking spaces, including the cluster of nine (9) van parking spaces along the western building façade, must be striped in accordance with Section 8.5.5 of the WZO.
- The above-referenced cluster of nine (9) van parking spaces is located immediately in front of two loading bays and adjacent to a set of stairs. The Building Commissioner has determined that two of these spaces (the two closest to the western property line) will not comply with the Zoning Ordinance and should be eliminated from the proposed site plan. As a result, the Petitioner will need to reduce the number of overnight van parking spaces he is requesting, or else find other, alternative locations for appropriately-sized spaces.
- The proposed amount of landscaped usable open space is proposed to remain the same percentage wise, but the landscaped areas to be destroyed are superior to the proposed alternative. Two grassed landscaped areas are being torn up and replaced with asphalt to accommodate more parking, and the Petitioner proposes to replace the grassed areas with a 310 sq. ft. area of crushed stone in a different location. Planning staff recommends the Council reject the notion of creating a strip of crushed stone as an acceptable alternative and instead require living plants to be used in the relocated landscaped area.
- Most of the proposed van parking spaces are, appropriately, 21' long, but two of them are not (one on the westerly façade and one on the eastern façade, both equipped with wheel stops). All van parking spaces should be a minimum of 21' long to ensure the vehicles "fit" into the spaces without overhanging other parking spaces or a right-of-way. Respectfully, the single van parking space along the westerly façade should be eliminated. It cannot meet the 5' setback requirement from the side property line if it is elongated to 21' and more importantly, two planned snow storage areas on either side of it could impair visibility significantly. This particular parking space should be eliminated and the requested number of overnight vans reduced by one (1), or else some other space (9'x21' long) should be created in a compliant location.
- The proposed single van parking space on the eastern building façade (also referenced in the paragraph above) is located in front of two conventional parking spaces and cannot be accessed if either conventional space is occupied. Its location also means the two conventional spaces cannot have wheel stops. Planning recommends this proposed van space be deleted from the plans and either the number of overnight vans reduced by one (1), or some other space (9' wide by 21' long) substituted for it. Planning also recommends the two conventional parking spaces in question be equipped with curb stops.

- Various notations on the plan indicate that changes will be made to the façade. In particular, notes indicate a set of stairs and a landing will be removed/replaced and a 15 cubic yard compactor added along the eastern façade. The Petitioner should be required to submit for review renderings of all building facades on which changes will be made.

If the Council ultimately approves the special permit request, Planning respectfully recommends the Council impose a condition requiring the Petitioner to submit a written operations plan for incorporation into the Special Permit decision by reference that sets out the frequency with which parking space lines, directional/regulatory pavement markings, and any other pavement markings will be periodically refreshed after initial installation. This condition is especially important if the Petitioner intends to paint over existing pavement markings, rather than resurface the parking lot and driveway areas. And if the Petitioner does intend to resurface the entire lot, such action is subject to review by the Engineering Department in accordance with Section 8.5.3 of the WZO.

Please feel free to contact me if you have any questions regarding these comments.

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

Further, a communication dated March 31, 2022 was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 regarding “Special Permit Petition of True World Foods Boston LLC, 242 Salem Street, Woburn, Massachusetts”.

On the petition by Reliable Property Management Services, LLC, 283 Salem Street, Woburn, Massachusetts 01801, for special permit pursuant to the 1985 City of Woburn Zoning Ordinance, as amended, Section 5.1, Subsection 57b for accessory storage and overnight parking of up to 40 commercial vehicles, and Subsection 43 for open or outside storage of new or used building materials or equipment, relating to the operation of a fence assembly and manufacturing business, at 211 New Boston Street.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

COMMITTEE REPORTS:

LIAISON:

On the request by the City Solicitor to meet in Executive Session regarding Jackson Lumber v. Woburn City Council, et al, a committee report was reported out of executive session and received as follows: “to authorize the City Solicitor to enter into settlement negotiations with Jackson Lumber”.

ORDINANCE, CHARTER AND RULES:

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

ORDERED

Be it ordained by the City Council of the City of Woburn that Title 12, Streets, Sidewalks and Public Places, of the Woburn Municipal Code as amended, be further amended, by revising Article IV, Excavations, Section 12-15 Digging up or obstructing ways – Permit required as follows: (deletions in ~~striketrough~~, additions in **bold**)

C. Regulation ~~for~~ **of Utility**, Street and Sidewalk Openings

1. Fees:

a) A ~~\$200.00~~~~100.00~~ (~~one~~ **two** hundred dollar) non-refundable application fee is required.

~~b) A \$500.00 (five hundred dollar) certified check refundable deposit is required and will be held until the municipal contractor completes the permanent patch and payment is received. Interest on retained money is considered to be the property of the City of Woburn. Trenches not inspected due to the failure of the permittee to properly notify the Department of Public Works, shall be subject to loss of deposit and/or repeat of reconstruction procedures.~~

and that the remaining subsections be renumbered accordingly, and that all Tables of Contents to be similarly amended and renumbered.

s/President Michael Concannon
Per Request of the Mayor

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

ORDERED

Be it ordained by the City Council of the City of Woburn that Title 13, Public Services, of the Woburn Municipal Code as amended, be further amended, by revising Article II, Water System, Section 13.2.33 Cross Connection Control, Subsection B. Cross Connection Control – General Policy, as follows: (additions in **bold**)

2. Responsibility

The Woburn Department of Public Works shall have the authority to oversee and enforce the Cross Connection Control Program.

The Department of Public Works shall be responsible for the protection of the public distribution system from contamination or pollution due to the backflow or back siphonage of contaminants through water service connections. If, in the judgment of the Department of Public Works a backflow prevention device is needed for the safety of the water system, the Department or its designated agent shall give notice in writing to the appropriate Owner to install an approved backflow prevention device at each service connection to his premises and/or on a particular process within the facility.

The Owner shall be responsible for maintaining his water system in a manner which will not cause a hazard to other users of the potable water system by either eliminating cross connections or properly installing a backflow prevention device in conformance with this bylaw. Once directed, the Owner shall install such approved device at his own expense, and failure, refusal or inability on the part of the Owner to install said device within the allowable time, shall constitute a ground for disconnecting water service to the premises until such device has been properly installed. The maximum time allowed for the installation of a required device is outlined in Section C of this bylaw.

All administrative costs associated with the operation of the City of Woburn Cross Connection Control Program will be supported by a fee **of \$75.00 per device** for submittals on survey results, plan approvals, testing results, and permitting of testable devices. The Woburn City Council reserves the right to set ALL fees require for the implementation and operation of a successful cross connection control program.

All costs associated with the mandated cross connection control survey are the direct responsibility of the Owner of the premises being surveyed and/or the individual(s) leasing or renting such property. In the absence of clearly assigned responsibility the Owner of the premises shall be held responsible.

s/President Michael Concannon
Per Request of the Mayor

PUBLIC SAFETY AND LICENSE:

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

Petition by Transaction Corporate Shuttles Inc., 5 Wheeling Avenue, for renewal of Common Carrier License.

CITIZEN’S PARTICIPATION: None.

COMMUNICATIONS AND REPORTS:

A communication dated March 16, 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 2022 to February 2022: Number of Violations Issued 116, Numbers of Violations Paid 43, Number of Violations Outstanding 71, Amount collected and submitted to Collectors Office \$6,596.60, Parking fines referred to the Handicap Commission \$1,500.00.

There is a backlog of 1595 tickets dating from January 2004 to December 2020. 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

A communication dated March 28, 2022 was received from former Veterans Agent, Larry Guiseppe as follows:

Mike,

I have asked Gordon to put Robert (Bob) Davis on the next council mtg agenda. Would you be so kind as to introduce him to the council as the newly appointed Director of Veterans Services by his Honor Mayor Galvin.

Bob is a lifelong Woburn resident, graduated WHS 1985, joined the USMC immediately after high school and served 1985-1989 in the Philippines, Okinawa, Korea and Japan and received an Honorable Discharge. Bob lives in North Woburn with his wife Carmen, and daughters Alyssa and Lyndsey.

Thanks, s/Larry G

APPOINTMENTS AND ELECTIONS:

A communication dated March 23, 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, under Title 20, 20-2 of the Woburn Municipal Codes, I hereby re-appoint James T. Shattuck of 220 Forest Street, Winchester, MA 01890, as the Sealer of Weights and Measures, for a two-year term, set to expire July 1, 2023, subject to City Council approval.

Respectfully, s/Scott D. Galvin, Mayor

A communication dated March 24, 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 reappoint Margaret Casey, 23 Wade Avenue, Woburn, MA 01801 to the Woburn Council on Aging, with a term to expire on December 31, 2024, subject to approval of the City Council.

Respectfully, s/Scott D. Galvin, Mayor

A communication dated March 24, 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 reappoint Rosalie Travelo, 3 William Avenue, Woburn, MA 01801 to the Woburn Council on Aging, with a term to expire on December 31, 2023, subject to approval of the City Council.

Respectfully, s/Scott D. Galvin, Mayor

A communication dated March 24, 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 reappoint Joanne Cahill, 122 Green Street, Woburn, MA 01801 to the Woburn Council on Aging, with a term to expire on December 31, 2024, subject to approval of the City Council.

Respectfully, s/Scott D. Galvin, Mayor

A communication dated March 24, 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 reappoint Jack Kelly, 20 Barbara Circle, Woburn, MA 01801 to the Woburn Council on Aging, with a term to expire on December 31, 2024, subject to approval of the City Council.

Respectfully, s/Scott D. Galvin, Mayor

A communication dated March 24, 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 reappoint Eleanor Collins, 19 Squanto Road, Woburn, MA 01801 to the Woburn Council on Aging, with a term to expire on December 31, 2024, subject to approval of the City Council.

Respectfully, s/Scott D. Galvin, Mayor

A communication dated March 24, 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 Joyce Parker, 42 Vernon Street, Woburn, MA 01801, to the Woburn Council on Aging, with a term to expire on December 31, 2022, subject to approval of the City Council.

This appointment is to fill the seat of Barbara Ridley, who recently resigned due to health challenges, and whose term expires on December 31, 2022.

Respectfully, s/Scott D. Galvin, Mayor

A communication dated March 24, 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 Mitzie Stein, 285 Washington Street, Woburn, MA 01801 to the Woburn Council on Aging with a term to expire on December 31, 2023, subject to approval of the City Council.

This appointment fills the seat of Geraldine Bernacke, whose term expired on December 31, 2020.

Respectfully, s/Scott D. Galvin, Mayor

A communication dated March 24, 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 Mary Jane Mastrodomenico, 463 Place Lane, Woburn, MA 01801 to the Woburn Council on Aging with a term to expire on December 31, 2023, subject to approval of the City Council.

This appointment fills the seat of Vincent Simeone, whose term expired on December 31, 2020.

Respectfully, s/Scott D. Galvin, Mayor

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Be it ordained by the City Council of the City of Woburn that Title 3, Revenue and Finance, of the Woburn Municipal Code as amended, be further amended, as follows: (deletion in ~~striketrough~~, new language in **bold**)

VII DEMAND FEES – UNPAID TAXES [~~numbered as passed~~]

3-34 Demand fees - unpaid taxes

The Treasurer/Collector shall charge a fee of \$105.00 for each written demand issued for unpaid real estate, personal property and excise tax, which fee is to be added to and collected as part of the tax, as authorized by M.G.L. c.60, §15, effective as of July 1, 2014 **2022**, (~~added 7/17/2014~~),

and by renumbering VIII REVOLVING FUNDS,

and that all Tables of Contents be similarly amended and renumbered.

s/President Michael Concannon
Per Request of the Mayor

RESOLVED

Be it Resolved, the Committee on Special Permits meet to review the special permit for Diversified Construction at 271 Salem Street due to constituent complaints regarding noise from construction material and beeping vehicles after hours.

s/Councilor Mercer-Bruen

Motion made and 2nd to ADJOURN.