

**CITY OF WOBURN
MAY 17, 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 May 2, 2022 was received from Ellen Callahan Doucette, City Solicitor as follows:

Re: Appointing Authority – Human Resources Director

In anticipation of Human Resources Director Elaine Pruyne’s retirement, Mayor Galvin asked that I take a look at the issue of whether the City Council can create a position under the Woburn Municipal Code (“WMC”), and reserve to itself the authority to appoint to that position. This issue is not new.

Attached hereto is a September 22, 1998 legal opinion rendered by former City Solicitor Edward Robertson, regarding the appointing authority for the position of Manager of Information Systems (“MIS”). The question addressed by Solicitor Robertson that is, could the City Council create the MIS position with itself as the appointing authority is identical to the one I was asked to review. In his thorough and well-reasoned opinion, Solicitor Robertson concluded that while Section 32 of the Charter gave the City Council, as the legislative branch of city government, the power to establish administrative offices and define the duties of incumbents of those offices, Section 23 of the Charter gave the Mayor as the executive branch, the power to appoint those officers.

I agree with Solicitor Robertson’s opinion, and it is equally applicable to the Human Resources Director position, notwithstanding that Section 2-41, Section 3.B of the WMC provides that the City Council is the appointing authority for that position. Interestingly, Solicitor Robertson ends his legal opinion by noting that a copy was provided to the Human Resources Director, “who, I think, would have some legal interest in the issue”.

In closing, I wish to make two additional comments. First, that Section 2-41 contains a severability provision (Section 23) which provides that any portion thereof which is deemed invalid will not affect the remaining provisions. Second, I strongly suggest that this ordinance be revised. There are a number of provisions which are not in accord with prevailing law or practice, and there are numerous references to a personnel plan and administrative regulations which, to my knowledge, do not exist.

Thank you for your attention to the above. Please contact me if you have any questions or wish to discuss this matter further.

Sincerely, s/ Ellen Callahan Doucette

ORDERED

Be it ordained by the City Council of the City of Woburn, that the Woburn Fire and Police Departments be and are hereby authorized pursuant to M.G.L c.44, §53A to accept gifts of funds in the amount of seven hundred and fifty dollars \$750.00 to each Department from Mr. Nicholas Leo of the BrickYard Restaurant, which funds to be used and expended for the specific purpose of purchasing equipment or uniforms for the Fire and Police Departments respectively, that the funds be deposited into a gift account for this specific purpose, and that the same be expended without further appropriation.

s/President Michael Concannon
Per Request of the Mayor

ORDERED

Be it ordained by the City Council of the City of Woburn that,

Whereas, Massachusetts General Laws Chapter 59, Section 5, Clause 45th, as amended by Section 61 of Chapter 8 of the Acts of 2021 allows a municipality to designate an “authorized officer” to negotiate and execute Payment in Lieu of Tax Agreements for solar or wind powered energy systems and co-located energy storage systems (hereinafter “PILOT Agreements”); and

Whereas the “authorized officer” may be the Mayor and Board of Assessors acting collectively; and

Whereas, it has been the City’s established practice that such PILOT Agreements be negotiated by the Mayor and the Board of Assessors, and executed by the Mayor and Board of Assessors pursuant to an Order from the City Council approving the terms of the specific PILOT Agreement;

Now, therefore, the City Council hereby Orders that the Board of Assessors and the Mayor collectively, be designated as the “authorized officer” to negotiate PILOT Agreements pursuant to Massachusetts General Laws Chapter 59, Section 5, Clause 45th, as amended by Section 61 of Chapter 8 of the Acts of 2021, and after City Council approval of any respective PILOT Agreement that has been so negotiated, to execute said PILOT Agreement on behalf of the City of Woburn.

s/President Michael Concannon
Per Request of the Mayor

ORDERED

Be it ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinance as amended, be further amended by adding the following new section:

SECTION 32
ADULT USE OF MARIJUANA

32.1 Statement of Purpose.

The purpose of this section is to provide for the limited establishment of Marijuana Retailers for the sale of non-medical use Marijuana products, as authorized pursuant to applicable state laws and regulations. It is the City’s intent to permit only Marijuana Retailers under this section. In accordance with Section 1.2 of this Ordinance, all other marijuana-related uses shall be prohibited, with the exception of Medical Marijuana Treatment Center, also known as Registered Marijuana Dispensary (RMD), as may be permitted under Sections 2 and 5.1 Table of Uses. Prohibited marijuana-related uses include, but are not limited to, Cannabis Cultivation, Craft Marijuana Cooperative, Marijuana Cultivator, Marijuana Establishment, Marijuana Independent Testing Laboratory, Marijuana Microbusiness, Marijuana Process or Processing, Marijuana Product Manufacturer, Marijuana Research Facility and Marijuana Transporter.

32.2 Definitions

1. **Adult-use Marijuana** means Marijuana that is cultivated, Processed, Transferred, tested or sold to adults 21 years of age or older pursuant to M.G.L. c. 94G.
2. **Cannabis Cultivation:** The use of land and/or buildings for planting, tending, improving, harvesting, processing and packaging, the preparation and maintenance of soil and other media and promoting the growth of cannabis by a cannabis

cultivator, micro-business, research facility, craft marijuana cultivator cooperative, registered marijuana dispensary or other entity licensed by the Commission for cannabis cultivation. Such use is not agriculturally exempt from zoning. The cultivation and processing of medical marijuana in accordance with these regulations is considered to be a manufacturing use and is not agriculturally exempt from zoning.

3. **Colocated Marijuana Operations (CMO):** means an MTC operating under a License pursuant to 935 CMR 501.000: Medical Use of Marijuana and a Marijuana Establishment operating under at least one License pursuant to 935 CMR 500.000 on the same Premises. Colocated Marijuana Operations pertain to cultivation, product manufacturing, and retail licenses, but not any other adult-use License.
4. **Commission:** The Massachusetts Cannabis Control Commission established by M.G.L. c. 10, § 76, or its designee. The Commission has authority to implement the state marijuana laws, which include, but are not limited to, St. 2016, c. 334 as amended by St. 2017, c. 55, M.G.L. c. 94G, and 935 CMR 500.000.
5. **Consumer:** a person who is at least 21 years of age.
6. **Craft Marijuana Cooperative:** A Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.
7. **Hemp** - The plant of the genus Marijuana or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis of any part of the plant of the genus Marijuana, or per volume or weight of marijuana product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus Marijuana regardless of moisture content.
8. **Host Community:** A municipality in which a Marijuana Establishment is located or in which an applicant has proposed locating an establishment.
9. **Host Community Agreement** - The agreement that must be executed by and between the intended owner/operator of each marijuana establishment and/or each medical marijuana treatment center with the City of Woburn prior to the issuance of a license, from the state's Cannabis Control Commission or Massachusetts Department of Public Health, whichever is applicable, and covering, at a minimum, the topics identified in M.G.L. c.94G, §3(d).
10. **Licensee:** A person or entity licensed by the Commission to operate a Marijuana Establishment under 935 CMR 500.000.

11. **Manufacture:** To compound, blend, extract, infuse or otherwise make or prepare a cannabis or marijuana product.
12. **Marijuana:** All parts of any plant of the genus Marijuana, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c.94G, §1; provided, however, that "marijuana" shall not include: (i) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (ii) hemp; or (iii) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.
13. **Marijuana Accessories:** Equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.
14. **Marijuana Cultivator:** An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.
15. **Marijuana Establishment** - A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, as those terms are defined in M.G.L. c.94G and 935 CMR 500.002, as they may be amended from time to time, but excluding from said definition, medical marijuana treatment centers, production areas within such centers, and medical marijuana cultivation operations as defined in Chapter 369 of the Acts of 2012 and as controlled this Ordinance.
16. **Marijuana Independent Testing Laboratory:** A laboratory that is licensed by the Commission and is:
 - (a) accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;
 - (b) independent financially from any Medical Marijuana Treatment Center (RMD), Marijuana Establishment or licensee for which it conducts a test; and
 - (c) qualified to test cannabis or marijuana in compliance with 935 CMR

17. **Medical Marijuana Treatment Center, also known as a Registered Marijuana Dispensary (RMD):** A not-for-profit entity registered under 105 CMR 725.100: Registration of Registered Marijuana Dispensaries, that acquires, cultivates, possesses, processes (including development of related products such as edible cannabis or marijuana products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing cannabis or marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of cannabis or marijuana for medical use.
18. **Marijuana Microbusiness:** A colocated Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.
19. **Marijuana Process or Processing:** To harvest, dry, cure, trim and separate parts of the cannabis or marijuana plant by manual or mechanical means, except it shall not include manufacture as defined in 935 CMR 500.002.
20. **Marijuana Products:** Products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures, but excluding all such items that are subject to the provisions of this Ordinance.
21. **Marijuana Product Manufacturer:** An entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.
22. **Marijuana Research Facility:** An entity licensed to engage in research projects by the Commission.
23. **Marijuana Retailer:** An entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.
24. **Marijuana Transporter:** An entity, not otherwise licensed by the Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana product

solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers. Marijuana Transporters may be an Existing Licensee Transporter or Third Party Transporter.

25. **Propagation:** The reproduction of cannabis or marijuana plants by seeds, cuttings, or grafting.
26. **Provisional Marijuana Establishment License:** A certificate issued by the Commission confirming that a Marijuana Establishment has completed the application process.
27. **RMD Applicant:** A previously Registered Marijuana Dispensary with a final or provisional certificate of registration in good standing with the DPH.
28. **Unreasonably Impracticable** — This term shall mean that the measures necessary to comply with this Zoning Ordinance article and any conditions imposed pursuant to a special permit granted hereunder shall not subject licensees M.G.L. c.94G to unreasonable risk or require such a high investment of risk, money, time or any other resource or asset that a reasonably prudent businessperson would not operate a marijuana establishment.

32.3 General Requirements

1. Marijuana Retailer as defined in this Zoning Ordinance, may establish a location from which it may sell Marijuana products for non-medical use in accordance with applicable state laws and regulations.
2. A Marijuana Retailer that has previously received a special permit to authorize a Registered Marijuana Dispensary shall be required to amend its previously issued special permit to authorize the conversion to or co-location for the non-medical use of Marijuana.
3. Licenses and Registration. A special permit issued pursuant to this Section shall be conditioned on the Permittee maintaining all required state and local licenses and/or registrations and complying with all applicable state and local public health regulations and all other applicable laws, rules and regulations at all times. No Building Permit or Certificate of Occupancy shall be issued for a Marijuana Retailer that is not properly licensed and/or registered with the applicable state and local agencies.
4. Limitation of Approval. A special permit, Building Permit, or Certificate of Occupancy authorizing the establishment of a Marijuana Retailer shall be valid only for the licensed or registered entity to which the permit was issued, and only for the site on which the Marijuana Use has been permitted. If the license or registration for a Marijuana Use has not been renewed or has been revoked, transferred to another

controlling entity, or relocated to a different site, a new special permit and building permit, where applicable, shall be required prior to issuance of a Certificate of Occupancy.

5. A Marijuana Retailer shall be located only in a permanent building and not within any mobile facility. All sales shall be conducted within the building.
6. No Marijuana shall be smoked, eaten or otherwise consumed or ingested upon the premises of the Marijuana Retailer, and vending machines and other “self-service” devices are prohibited.
7. No Marijuana Retailer shall be located in a building that contains any residential units, including transient housing such as hotels or motels.
8. No Marijuana Retailer shall be located in any premises for which an alcoholic beverages license has been issued.
9. No Marijuana Retailer shall have a drive-up window or provide/offer any drive-thru service or curbside pickup.
10. All Marijuana Retailers shall comply with the sign requirements for the IP-2 zoning district.

32.4 Operation Standards for Marijuana Retailers.

1. Marijuana Retailers shall be allowed only by special permit granted by the City Council, and only in the IP-2 zoning district as set forth in Section 5.1 Table of Use Regulations. A special permit is required in addition to, and not in lieu of, any other licensing and permitting requirements imposed by federal or state law.
2. The number of Marijuana Retailers shall be limited to no more than 20% of the number of licenses issued within the City for the retail sale of alcoholic beverages not to be drunk on the premises pursuant to M.G.L. c.138, §15. In accordance with M.G.L. c.94G, on the effective date of this Ordinance the number of marijuana retailers shall be limited to no more than two (2).
3. All Marijuana Retailers shall comply with all regulations promulgated by the Cannabis Control Commission.
4. No special permit shall be issued until an applicant has successfully negotiated a Host Community Agreement with the City.
5. A Marijuana Retailer shall not be permitted within one thousand (1,000) feet of another Marijuana Retailer, except if the applicant has been designated as an Economic Empowerment Applicant or certified as eligible to participate in the Social

Equity Program by the Massachusetts Marijuana Control Commission and it is made a condition of the special permit that such designation or eligibility shall be maintained.

6. The retail area of any Marijuana Retailer shall be limited to 5,000 square feet.
7. All products offered to consumers shall be pre-packaged off-site, and no packaging or repackaging of Marijuana or marijuana products shall take place on the premises of a Marijuana Retailer.
8. Marijuana accessories may only be sold by a properly licensed Marijuana Retailer or Medical Marijuana Dispensary.
9. A special permit issued for a Marijuana Retailer is not transferable nor assignable to a different location or to a different type of Marijuana Establishment.
10. Marijuana Retailers shall be exempt from Section 18, Mitigation, of this Ordinance.

32.5 Buffer Zones.

1. A Marijuana Retailer shall not be permitted within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades one through 12, or any pre-existing preschool or childcare facility.
2. A Marijuana Retailer shall not be permitted within 500 feet of a pre-existing public children's playground, public youth athletic field, or public youth recreation facility, except where the City Council, in issuing a special permit, approves a reduced distance upon finding that the location will cause no substantial adverse impact due to site-specific factors or other mitigating efforts agreed to in writing by the permittee and made conditions of the special permit.

32.6 Parking and Transportation.

1. Off-street parking for employees and customers shall be regulated by Section 8, Off Street Parking and Loading Facilities Regulations, of this Ordinance. Provisions set forth in Section 8 that allow for a reduction or waiver of required off-street parking shall apply except that required off-street parking for delivery vehicles may not be waived, as set forth below.
2. All Marijuana Retailers shall submit an Operations and Logistics Plan to the Woburn Police Chief or their designee, and to the Building Commissioner or their designee, before applying for a special permit, building permit, or certificate of occupancy, whichever occurs sooner. Such plan shall include the following information using narratives and graphics:

- (a) hours of operation and anticipated numbers of employees and consumers on-site during operating hours;
 - (b) expected frequency of loading/unloading trips by delivery and service vehicles;
 - (c) access and egress routes for customers and employees;
 - (d) locations of parking and bicycle parking areas for customers and employees;
 - (e) number of delivery vehicles, where applicable, and locations where they will be stored on-site;
 - (f) locations where loading/unloading and service activities will take place and a description of how such activities will be conducted;
 - (g) a description of transportation options for customers and employees, including public transportation services, on-site and off-site parking facilities, transportation demand management measures to encourage and support sustainable forms of travel for employees and customers, and short-term and long-term bicycle facilities;
 - (h) specific measures that will be employed by the Marijuana Retailer to prevent adverse impacts on the public way including but not limited to sidewalk crowding, blocking of vehicular or bicycle travel lanes, potential safety hazards, and other issues identified by City departments; and
 - (i) a specific plan for the initial opening period that includes measures to identify and respond to unexpected impacts.
4. The Woburn Police Chief in conjunction with the Building Commissioner shall approve a final Operations and Logistics Plan prior to issuance of a certificate of occupancy for a Marijuana Retailer, and may require operational practices to prevent or correct adverse impacts of the operation of the Marijuana Retailer on the public way, including but not limited to crowding on the public sidewalk, blocking of travel lanes by vehicles, or hazardous conditions. Such practices may include, but are not limited to, restrictions on the use of the public way, required pre-purchase and/or appointment-only customer service for a period of time, restrictions on the location and/or timing of loading/unloading activities, or similar measures. When granting a special permit, where applicable, the City Council may also include conditions pertaining to the Operations and Logistics Plan.

32.7 Application Requirements.

The Special Permit application shall contain, at a minimum, the following information:

1. Description of Activities: a narrative providing information about the type and scale of all activities that will take place on the proposed site, including but not limited to, on-site sales, distribution of educational materials, and other programs or activities.

2. Context Map: A map identifying, at a minimum, the location of the proposed establishment, the locations of all other Marijuana Retailers in the vicinity, the locations of all public or private schools providing education in kindergarten or any of grades one through 12, childcare facilities, preschools, and the locations of all children's playgrounds, youth athletic fields, or other youth recreation facilities, with measured distances provided to demonstrate whether the location complies with the standards of Section 32.4 above.
3. Site Plan: A plan or plans depicting all existing and proposed development on the property, including the dimensions of the building, the detailed layout of automobile and bicycle parking, the location of pedestrian, bicycle and vehicular points of access and egress, the location and design of all loading, refuse and service facilities, the location, type and direction of all outdoor lighting on the site, and any landscape design.
4. Building Elevations and Signage: Architectural drawings of all exterior building facades and all proposed signage, specifying materials and colors to be used. Perspective drawings and illustrations of the site from public ways and abutting properties are recommended but not required.
5. Initial Operations and Logistics Plan: Containing the information set forth in Paragraph 4 of Section 32.5 above.
6. License or Registration Materials: Copies of all materials submitted to applicable state and local agencies for the purpose of licensing and/or registration, and any certification or license issued by any such agency, excluding any information required by law to be kept confidential.
7. A filing fee of \$1,500.00 plus the cost of advertising notice.

32.8 Special Permit Criteria.

In granting a special permit for a Marijuana Retailer, in addition to the general criteria for issuance of a special permit as set forth in Section 11 of this Ordinance, the City Council shall find that the following criteria are met:

1. The site is designed such that it provides convenient, safe and secure access and egress for customers and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, bicyclists and public transportation users.
2. On-site loading, refuse and service areas are designed to be secure and shielded from abutting uses.
3. The building and site have been designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior and/or from restrictions on direct access by consumers.

4. The location and design of the Marijuana Retailer will not detract from the sense of activity with opaque, unwelcoming façades at the ground floor. Where interior activities must be screened from public view or where there is no access by customers, such areas should be screened by transparent, publicly accessible active business uses where possible. Opaque façades should be minimized, and where they are necessary they should include changing public art displays or other measures to provide visual interest to the public.
5. If the proposed Marijuana Retailer is not proposed to include a Medical Marijuana Treatment Center, it will nevertheless provide programs to assist qualifying patients within the city or neighborhood who are registered through the Massachusetts Medical Use of Marijuana Program in obtaining services under that program.

s/President Michael Concannon
Per Request of the Mayor

ORDERED Be it Ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinance, as amended, be further amended as follows:

by amending Section 2, Definitions, to delete the definition of Marijuana Establishment; and

to delete the current definition of Medical Marijuana Treatment Center and insert in its place the following new definition:

Medical Marijuana Treatment Center, also known as a Registered Marijuana Dispensary (RMD): A building or structure used by a not-for-profit entity licensed by the Department of Public Health pursuant to registered under 105 CMR 725.100: Registration of Registered Marijuana Dispensaries, that acquires, cultivates, possesses, processes (including development of related products such as marijuana infused food, edible cannabis or marijuana products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing cannabis or marijuana, and/or related marijuana supplies accessories, or educational materials to registered qualifying patients or their personal caregivers for medical use. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of cannabis or marijuana for medical use; and

by deleting in its entirety, Section 5.8, Marijuana Establishments Forbidden.

s/President Michael Concannon
Per Request of the Mayor

ORDERED Be it Ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinance, as amended, be further amended as follows:

by amending Section 5.1, Table of Use Regulations, to revise line 33(d) by replacing “Marijuana Establishment” with “Marijuana Retailer” as a special permit use only in the IP-2 zoning district and by deleting reference to Note 19(c); and

by deleting 19(c) from the list of Notes to 5.1 Table of Use Regulations.

s/President Michael Concannon
Per Request of the Mayor

ORDERED Be it Ordained by the City Council of the City of Woburn that the provisions of M.G.L. c. 64N, §3 be and are hereby accepted, and in accordance with such acceptance, a local sales tax shall be imposed upon the sale of adult use marijuana originating within the City by a vendor at a rate of 3% of the gross receipts of the vendor from the sale of adult use marijuana, marijuana products, and marijuana edibles. Such excise shall take effect on the first day of the calendar quarter commencing at least thirty days after such vote of this City Council and approval by the Mayor.

s/President Michael Concannon
Per Request of the Mayor

ORDERED That the amount of \$449,258.85 be and is transferred as so stated

From: Mayor Salary Adjustment
Acct# 0112151-511019 \$449,258.85

To: Various Department Salaries \$449,258.85

Purpose: Contract Settlement & Commitments SEIU Contract Settlement FY2022

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

NEW PETITIONS:

Petition by International School of Boston, 45 Matignon Road, Cambridge, Massachusetts 02140, for a Special Event Permit to allow a road race at Horn Pond on June 14, 2022.

Petition by Shamrock Running Club, 24 Ellen Road, Burlington, Massachusetts 01803, for Special Event Permit to allow a road race at Spence Farm and along neighboring streets on July 4, 2022.

Petition by Social Capital Inc., 165M New Boston Street, Suite 233, Woburn, Massachusetts 01801, for Special Event Permit to allow Juneteenth Celebration at the Woburn Public Library on June 18, 2022.

Petition by Rhino FE 400 Presidential LLC, c/o Tyler Murphy, Rhino Capital Advisors LLC, 125 Broad Street, Boston, Massachusetts 02110, for a special permit and site plan review pursuant to the 1985 Woburn Zoning Ordinance, as amended, Sections 5.1(41a) and 5.1(66), and Section 12, for approval for a life science laboratory with research and development uses and ancillary office space, at 400 Presidential Way.

Petition by Jennie Silva, 16 Danby Road, Stoneham, Massachusetts 02180, for a special permit pursuant to the 1985 Woburn Zoning Ordinance, as amended, Section 5.1(33b), to allow muscular therapy, at 21 Cummings Park, Suite 206.

Petition by Guardado Landscaping, 11 Green Street, Woburn, Massachusetts 01801, for a special permit to allow overnight parking for 3 trucks and 2 trailers, at 11 Green Street.

Petition by CCF New Boston Property Company LLC, 185 Dartmouth Street, Suite 402, Boston, Massachusetts 02116, for Special Permits pursuant to Section 5.1(30b); Section 5.1(41a); Section 5.1(53), Section 8.3.1, and Site Plan Review pursuant to Section 12.2.4 to allow for a two (2) story building containing approximately 133,738 sf of net floor area with the following uses: Office (approximately 39,229 sf); Manufacturing (approximately 33,514 sf); and Lab Use (approximately 58,845 sf) with accessory high hazard use and the parking

of ninety-two (92) vehicles on an adjacent lot located at 225 Merrimac Street, at 216 New Boston Street.

Petition by CCF New Boston Property Company LLC, 185 Dartmouth Street, Suite 402, Boston, Massachusetts 02116, for Special Permits pursuant to Section 5.1(30b); Section 5.1(41a), and Site Plan Review pursuant to Section 12.2.4 to allow for a four (4) story building containing approximately 174,812 sf of net floor area with the following uses: office (approximately 67,056 sf) and Lab Use (approximately 100,584 sf), as well as the Petitioner is proposing to construct a parking garage to accommodate approximately 451 parking spaces, at 225 Merrimack Street.

Petition by 8-10 Green Street LLC, 25 Pond Brook Circle, Weston, Massachusetts 02493, requesting extension of Landowner’s Decision and Notice of Special Permit dated July 30, 2020, at 0 Green Street and 8-10 Green Street.

PUBLIC HEARINGS:

On the petition by ARE-MA Region No. 95, LLC, 26 North Euclid Avenue, Pasadena, California 91101, for a new inflammable license, for 13,880 gallons of Class B gasoline fuel (stored in 694 vehicles), 400 gallons of Class B diesel fuel (stored in life safety generator), and 3,000 gallons of Class B diesel fuel (stored in UPS generator), at 225 Presidential Way.

On the petition by ARE-MA Region No. 95, LLC, 26 North Euclid Avenue, Pasadena, California 91101, for a new inflammable license, for 15,200 gallons of Class B gasoline fuel (stored in 760 vehicles), at 235 Presidential Way.

On the petition by Montvale Land LLC, c/o Joseph R. Tarby, III, Esquire, Rubin & Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 to amend Sections 13 (SIGN REGULATIONS) and 28 (TECHNOLOGY AND BUSINESS MIXED USE OVERLAY DISTRICT [TBOD]) of the 1985 Woburn Zoning Ordinances (WZO) as follows: (a) Adding a new provision as Section 13.9.1.6 that would allow, in B-I zoning districts, one free-standing sign per lot that advertises the street address, name of development(s) or project(s), and/or name of businesses in a TBOD district adjacent to such B-I zoning district; (b) Adding a new provision as Section 13.9.2.9 that would allow the off-premises free-standing signs noted in (a) above to be up to 100 sq. ft. in size per sign face (maximum of 200 sq. ft.), up to 30’ in height, and permissible anywhere on a lot regardless of applicable setback and “location” requirements with approval of the Building Commissioner; (c) Revising Section

28.3 and 28.6.3 to authorize the City Council to allow, by special permit, additional uses not otherwise permitted by Section 28.6.1.19; (d) Amending Section 28.6.1 to allow roof-mounted, solar carport/canopy, small-scale ground-mounted, medium-scale ground-mounted, large-scale ground-mounted, off-grid and passive solar energy systems, and solar thermal systems, by right with site plan review; (e) Adding a new Section 28.7.6 relating to solar photovoltaic installations that would incorporate the dimensional requirements of Section 26.5 (subject to the City Council’s authority to vary dimensional requirements pursuant to Section 28.3) and eliminate any setback requirement for solar photovoltaic installations in a TBOD that are within a yard abutting I-93; (f) Adding a new Section 28.11 entitled “Solar Photovoltaic Installations” to incorporate the requirements of Section 26 with respect to solar photovoltaic installations unless otherwise provided for in Section 28; and (g) Renumbering subsequent subsections (current subsections 28.11, 28.12, 28.13, 28.14 and 28.15) sequentially, to accommodate the insertion noted in (f) above. PUBLIC HEARING OPENED: A communication dated May 12, 2022 was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

RE: Zoning Amendment Petition of Montvale Land LLC

Dear Ms. Higgins:

I respectfully request that the public hearing on the above matter scheduled for May 17, 2022 be continued to the City Council meeting scheduled for June 7, 2022. The Planning Board meeting scheduled for May 10, 2022 was cancelled because of a lack of quorum.

If you need any further information, please do not hesitate to contact me. Thank you.

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

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

COMMITTEE REPORTS:

ORDINANCE, CHARTER AND RULES:

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

ORDERED Be it ordered that Schedule 1 Parking Restrictions of the 2017 Woburn Traffic Code, as amended, be further amended by adding the following:

EAST DEXTER AVENUE – No parking on the northerly side from North Maple Street westerly to Chester Avenue

PERSONNEL:

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

Reappointment of the following to the Woburn Council on Aging: Margaret Casey, Rosalie Travelo, Joanne Cahill, Jack Kelly, and Eleanor Collins.

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

Appointments of the following to the Woburn Council on Aging: Joyce Parker, Mitzie Stein, and Mary Jane Mastrodomenico.

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

Appointment of the following as a Trustee of the Woburn Public Library: Tracey Jolly, Laurence Rideout, James Juliano, Maria Soares, and Richard Mahoney.

PUBLIC SAFETY AND LICENSE:

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

Petition for renewal of Taxi Cab license by Woburn Cab Co., 100 Ashburton Avenue.

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

Petition for renewal of Taxi Cab License by Checker Cab of Woburn Inc., 827 Main Street.

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

Petition for renewal of Livery License by Checker Cab of Woburn Inc., 827 Main Street.

CITIZEN’S PARTICIPATION: None.

COMMUNICATIONS AND REPORTS:

A communication received April 28, 2022 was received from Eugene L. Demers, 1 Manny Terrace, Woburn, MA 01801, as follows:

To the Members of the Woburn City Council,

It is with mixed emotions that I must resign from my appointment to the Woburn Recreation Commission, effective May 15th 2022. I am moving onto a new chapter in my life and will no longer be a resident of Woburn. I have served with some of the most caring individuals while on the Rec. Commission. With one goal in mind, to make this City better for all its residents. I hope in some small way I have repaid Woburn for all this City has given me and my family for over 60 years. It has been an Honor and a Pleasure to serve over these past years. I will always be a Woburn Tanner no matter where I am.

Thank you, s/Eugene L. Demers

A communication dated April 22, 2022 was received from Elaine Pruyne, Director of Human Resources, as follows:

Dear President Concannon and Other Members of the City Council,

Please accept this letter as my official notice to you as my appointing authority that I have decided to retire from my position as the Director of Human Resources with the City of Woburn. My last day of employment will be Friday, July 29, 2022.

My employment with the City of Woburn spans more than 40 years. I started as a Page in the Woburn Public Library during High School. In 1980 I was appointed first step Junior Clerk in the City Treasurer's Department. My early duties were to reconcile City and School payroll checks. From there I moved up to administering the health and life insurance, and providing payroll back support, also in the Treasurer's Department. In 1997 a Human Resources Department was formed. In 1998 I became the Human Resources Assistant under then Director Jan Cox. I thoroughly enjoyed this position, as it gave me the opportunity to interact with employees, retirees and department heads. In 2015 I was appointed the Director of Human Resources.

There are significant challenges in the position of Director of Human Resources, and I have always tried to do my best to ensure that City of Woburn employees receive fair and equitable treatment. During my seven (7) years as Director I have developed many strong relationships with wonderful people here in the City. In addition to the day to day duties regarding employment, hiring, and contract administration, the Human Resources Department has provided Employee Assistance and Wellness programs aimed to assist our

employees with their overall health and wellness. During my tenure as Director, the City of Woburn has received two (2) Wellness awards; a Champion Wellness Award in 2018, and an Excellence in Wellness During Challenging Times Award in 2021. Although we did not offer any in-person exercise programs during this challenging time due to COVID-19, we offered many online health and wellness programs that City and School employees signed up for in droves, which put Woburn well above other communities participating in the programs that MIIA offered.

I want to thank you for the opportunity to work as Director of Human Resources for the City of Woburn. It has been a pleasure to work with all of you as well as the employees and retirees in the City of Woburn. I will be happy to offer my assistance in the employment search and selection of the new Director of Human Resources.

Sincerely, s/Elaine Pruyne, Director of Human Resources

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That the City Council Regular Meetings scheduled for July 5, 2022, July 19, 2022, and August 2, 2022 are hereby canceled and that the City Council Meetings shall be held on July 12, 2022 and August 16, 2022 the meetings shall begin at 6:30 p.m.

s/President Michael Concannon

ORDERED That the City of Woburn accept Clause 56 of G.L. c. 59, § 5, which would allow members of the Massachusetts national guard or military reservists who are on active duty to obtain a reduction of all or part of their City of Woburn real and personal property taxes for any fiscal year they are serving in a foreign country, to be effective beginning in fiscal year 2023.

s/President Michael Concannon

Motion made and 2nd to ADJOURN.