

**CITY OF WOBURN  
OCTOBER 4, 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	

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

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**MAYOR'S COMMUNICATIONS:**

ORDERED Be it ordained by the City Council of the City of Woburn that the Mayor be and is hereby authorized to accept on behalf of the City of Woburn, two easements from 120 Commerce Apartments LLC. The first easement is entitled "Proposed 3' Sidewalk Easement" and the second, is a "Proposed 5' Fire Alarm Easement", as shown on a plan entitled "Easement Plan" dated May 5, 2022 prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01801, such plan and grant of easements to be recorded in the Middlesex South Registry of Deeds.

s/President Michael P. Concannon  
Per Request of the Mayor

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ORDERED That the sum of \$80,000.00 be and is hereby transferred as so stated

From:	Cemetery Interest Fund	\$80,000.00
	Acct# 65259-595000	
To:	New Equipment/Cemetery	\$80,000.00
	Acct# 0149058-586600	

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 P. Concannon

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ORDERED Be it Ordained by the City Council of the City of Woburn, that the Woburn Municipal Code, as amended, be further amended by deleting Title 2, Article XXIII, Sections 2-160 through 2-162A, in its entirety, and inserting in place thereof the following new Sections:

**XXIII. LOCAL COUNCIL ON AGING**

2-160 Establishment—Purpose

Pursuant to G.L. Chapter 40, §8B there is hereby established a local Council on Aging for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in coordination with programs of the department of elder affairs. The Council on Aging shall serve as elder advocates; offer services to elders; socialization; and wellness, fitness, and recreational activities; and lifelong learning. The Council on Aging shall determine its priorities based upon local needs and resources.

2-161 Membership; Organization.

The Council on Aging shall consist of not less than seven (7) nor more than ten (10) members who shall be appointed by the Mayor subject to confirmation by the City Council. Members shall serve without compensation for terms of three years. The first terms under this Section shall be for one, two or three years, and so arranged that the terms of one third of the members will expire each year. Thereafter, their successors shall each be appointed for terms of three years. The members of the Council on Aging shall elect annually at their first meeting in any calendar year, four of its members to serve as chairperson, vice-chairperson, treasurer and secretary.

2-162 Director of Council on Aging.

The City Council shall appoint a Director of the Council on Aging who shall have education and experience in health and human services or a related field, or in a social service or public health position with experience in working with the elderly; or any equivalent combination of education and experience.

2-162A Essential Duties of the Director

The essential duties of the Director are listed below and are illustrations of the type of work that is performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

- A. Develop, promote and implement a variety of social, recreational and educational programs at the Senior Center; participate in the Council on Aging meetings and administer and coordinate all activities of the Council on Aging to insure the development of plans, policies and procedures necessary for the establishment and maintenance of services for the elderly.
- B. Hire, train, manage, and supervise all personnel, including volunteers; and manage the Senior Citizen Property Tax Reduction Volunteer Program in accordance with Section 3-25 of this Woburn Municipal Code.
- C. Manage all aspects of the services and programs offered at the Senior Center including, but not limited to, transportation, meals (congregate or in home such as Meals on Wheels), the S.H.I.N.E. program to assist seniors with health insurance and prescription options, and tax form preparation assistance.
- D. Prepare and manage the department's operating and capital budget, manage all expenditures and revenues; search and apply for grant opportunities to supplement the department budget; fulfill compliance reporting and maintain records. Perform administrative duties, including grant administration and correspondence with State and Federal agencies.
- E. Provide community outreach services; and assistance, information and referrals to seniors and their families.
- F. Oversee the care of the Woburn Senior Center buildings/grounds and notify the DPW of any needed maintenance, repairs or improvements.
- G. Act as liaison to the Friends Helping Seniors group which raises money to supplement the budget for enhanced program opportunities. Assist the Friends group with any grant opportunities that become available.

H. Provide similar or related work as required, directed, or as situations dictate.

s/President Michael P. Concannon  
Per Request of the Mayor

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**NEW PETITIONS:**

Petitions for renewal of Second Class Motor Vehicles Sales Licenses by the following: ACT Leasing, Inc., 215 Salem Street; David Dellarocco dba Woburn Auto Sales, 5 Crescent Avenue, #4; and Capelo's Auto Service, Inc. dba Capelo's Auto Sales, 22 Winn Street.

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NStar Electric Company d/b/a Eversource Energy and Verizon New England Inc., for grant of right in a way: (1) on the north side, approximately 486 feet west of Merrimac Street, to install new pole 60/25 approximately 94 feet east of current location; and (2) on the north side, approximately 394 feet west of Merrimac Street, to install new pole 60/26 approximately 31 feet north of current location, in East Dexter Avenue.

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Rumsford Linscott, LLC, 200 West Cummings Park, Woburn, Massachusetts 01801, for special permit pursuant to Section 7.3 of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for a single-story building addition totaling 4,994 gross square feet to a preexisting nonconforming structure, at 35 Cabot Road.

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**PUBLIC HEARINGS:**

On the petition by Verizon New England, Inc. for a grant of right in a way to install: (1) four (4) four-inch conduits approximately 244 feet from existing manhole 204A to the DOT/City jurisdiction line at the intersection of Montvale Avenue and Hill Street; and (2) four (4) four-inch (4") conduits approximately seven hundred six (706) feet in length with two (2) manholes on Hill Street. Starting from the DOT/City jurisdiction line at the intersection of Montvale Avenue and Hill Street place  $\pm 60'$  southeasterly to proposed manhole, MH1, then an additional  $\pm 350'$  of conduit to proposed manhole, MH2. From MH2 place  $\pm 96'$  of conduit easterly to the private property line of 1 Hill Street and then an additional  $\pm 200'$  of conduit to be placed southeasterly to the private property line at the end of Hill Street. PUBLIC HEARING OPENED: A communication dated September 30, 2022, was received from Jay Duran, Superintendent, Department of Public Works as follows:

Subject: Verizon GOL Petition – Hill Street

This memo is pursuant to the request from Verizon for the Grant of Way for the installation of underground conduits and appurtenant structures on Hill Street for service to the Vale Project. I reviewed the plan provided by Verizon. It is unclear if it the same 4 conduits previously approved for Comcast. If they are the same, I recommend approval as long as the plan prepared by Stantec is incorporated into the record and it is clearly denoted that these are the same group of conduits. The same conditions of approval for the Comcast petition should be included for the record.

However, if it is not the same four conduits, I do not recommend approval. These conduits should be included and depicted in the design plan by Stantec for further review and evaluation.

Please feel free to call me with any questions or concerns

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On the petition by National Grid for a grant of right in a way to install approximately 1900 feet of 2-inch, plastic gas main in New Boston Street for both new and replacement mains as shown in and accordance with plans.

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On the petition by National Grid for a grant of right in a way to install approximately 60 feet of 4-inch, plastic gas main in Grape Street to connect to an existing main in Albany Street as shown in and accordance with plans.

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On the petition by Carden Muffin, Inc. d/b/a Graze Craze, 4 Mostika Road, Woburn, Massachusetts 01801, for a special permit pursuant to Section 5.1(29), Section 7.3, Section 12, and Section 15, of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for the alteration of the existing nonconforming use and structure for a fast-food restaurant (sale of charcuterie boards), with existing nonconforming parking spaces within the Groundwater Protection District, at 221 Main Street. PUBLIC HEARING OPENED: A communication dated September 29, 2022, was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: PLANNING DEPARTMENT COMMENTS ON SPECIAL PERMIT APPLICATION FOR 221 MAIN STREET CARDEN MUFFIN INC. d/b/a GRAZE CRAZE

Dear Council:

The Planning Department has reviewed the above-referenced Special Permit application which requests permission to allow for a fast food restaurant at the above-referenced location, in accordance with Section 5.1[29], Section 7.3 (Extension or Alteration of Non-Conforming Use), Section 12 (Site Plan Review), and Section 15 (Groundwater Protection District) of the

Woburn Zoning Ordinance (WZO). The property is zoned Neighborhood Business (B-N) and therefore such use is permitted by City Council Special Permit, subject to Site Plan Review. No exterior construction is proposed in connection with this application.

The applicant seeks permission to alter "...the existing nonconforming use and structure for use as a fast-food restaurant (sale of charcuterie boards), with existing non-conforming parking spaces within the Groundwater Protection District" at 221 Main Street. The use is nonconforming because a shopping center is not an allowed use in a B-N District and because there is insufficient parking spaces on site to service the establishments that are there.

Planning staff offers several comments for the Council's consideration:

- The plan submitted with the Petition is inadequate to serve as a site plan. It should be revised to show which of the storefronts the fast-food establishment will occupy; the size of the new establishment in square feet; a calculation of how many parking spaces are required for the new use; and identification of the location of the parking spaces that will service the new restaurant. A floor plan of the new establishment illustrating storage areas, customer service areas, and the like should also be submitted for review and for the record.
- Unless authorized by a subsequent Special Permit, the hours of operation of this establishment must be between the hours of 6:00 a.m. and 11:00 p.m., in accordance with Note 16 to Section 5.1, Table of Use Regulations.
- The issue of trash storage and its regular pickup seems particularly important given that food waste will compose a portion of the business's trash. The application does not indicate whether there is an exterior Dumpster on the property that will be used by the proposed establishment to safely store the business's refuse outside between refuse collections. A site plan should be submitted which identifies the location of the Dumpster (if any) that will be used by this business, and the Council should consider referring the plan to the Municipal Inspections and Police Departments for review and comment, since those two offices are the entities that regulate Dumpsters in accordance with Title 8, Article VII, Section 8-17 of the Woburn Municipal Code (general regulations for Dumpsters). If the refuse will be stored inside the building between collection days rather than using a Dumpster, the location of the interior refuse area should be shown on the plan(s) referred to in the first bulleted paragraph above.
- Will deliveries be made to the establishment through its front door and if so, where will suppliers' trucks be parked? Does the establishment intend to deliver food off-site as part of its business activities and if so, how will product be loaded into vehicles for delivery? The Council should consider imposing a condition that (a) prevents the delivery activities from blocking the pedestrian walkway that runs along the storefronts and (b) limits the hours of delivery to times of day that are outside of peak parking demand times on site.

If members of the Council have any questions or concerns regarding the foregoing, please feel free to contact me.

Respectfully, s/Tina P. Cassidy, Planning Director

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On the petition by Dan N. Zhu d/b/a Jo Salon, 3 Dunstable Street, Charlestown, Massachusetts 02129, for a special permit pursuant to Section 5.1(33b) of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for muscular therapy, at 440 Main Street a/k/a 442 Main Street. PUBLIC HEARING OPENED: A communication dated September 29, 2022, was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: PLANNING DEPARTMENT COMMENTS ON SPECIAL PERMIT APPLICATION FOR 440/442 MAIN STREET DAN ZHU D/B/A JO SALON

Dear Council:

The Planning Department has reviewed the above-referenced Special Permit application which requests permission to operate a muscular therapy business in accordance with Section 5.1[33b] of the Woburn Zoning Ordinance (WZO) at the above-referenced location. The property is zoned Downtown Business (B-D) and therefore such use is permitted by City Council Special Permit.

Planning staff offers the following comments and recommendations:

- The Petition indicates the proposed business will be located at “440 Main Street, aka 442 Main Street”. There are two different businesses at these addresses: Niki’s Nails is located at #440 and Zaika Indian Restaurant is located at #442. Will the new business be replacing either Niki’s Nails or the restaurant? If not, and the use will be sharing space with another business instead, will it be located at 440 or 442?
- No plans were submitted with the Petition. A proposed floor plan showing all demising walls, restroom facilities, client waiting areas, and the like should be required. The plan should note and identify the square footage of not only the new use but of any existing uses that will remain on the site, and the number of parking spaces required by the new use should be calculated.

Section 8.3 allows, by right, commercial enterprises to rely on municipal off-street parking lots to meet the parking requirements of the zoning ordinance (e.g. no special permit is needed). Although the application is silent on the issue of parking, it is presumed that the business will rely on the Walnut Hill parking lot (which is within 500’ of the establishment) to provide parking for employees and customers.

- If the Council authorizes the use, all massage therapists employed on the site shall be licensed massage therapists; and

- Any new business signage shall be subject to separate application(s) to the Inspectional Services Department and compliant with Section 13 of the WZO entitled Sign Regulations.

Please feel free to contact me if you have any questions or concerns regarding the foregoing.

Respectfully, s/Tina Cassidy, Planning Director

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On the petition by Veir Inc, 3 Gill Street Suite D, Woburn, Massachusetts 01801, for a special permit pursuant to Section 5.1(57b) and Section 5.1(66) of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for overnight parking of five (5) commercial vehicles, and to allow for the accessory use for scientific research to install a temporary test bed for the next generation superconducting power cables, at 6 Draper Street.

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On the 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. PUBLIC HEARING OPENED: A communication dated September 29, 2022, was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

RE: Special Permit Petitions, CCF New Boston Property Company LLC, 216 New Boston Street/225 Merrimac Street, Woburn Massachusetts

Dear Ms. Higgins:

I respectfully request that the public hearings on both the above matters scheduled for October 4, 2022 be continued to the City Council meeting scheduled for October 18, 2022. As we informed the Special Permits Committee on September 26, 2022, Allen & Major Associates and Vanasse & Associates have responded to peer reviews. However, no response has been received from the peer reviews. If you need any further information, please do not hesitate to contact me. Thank you.

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

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On the 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 Merrimac Street. PUBLIC HEARING OPENED: A communication dated September 29, 2022, was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

RE: Special Permit Petitions, CCF New Boston Property Company LLC, 216 New Boston Street/225 Merrimac Street, Woburn Massachusetts

Dear Ms. Higgins:

I respectfully request that the public hearings on both the above matters scheduled for October 4, 2022 be continued to the City Council meeting scheduled for October 18, 2022. As we informed the Special Permits Committee on September 26, 2022, Allen & Major Associates and Vanasse & Associates have responded to peer reviews. However, no response has been received from the peer reviews. If you need any further information, please do not hesitate to contact me. Thank you.

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

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On the petition by U-Haul Co. of Massachusetts and Ohio, Inc., 31 Olympia Avenue, Woburn, Massachusetts 01801, for special permit pursuant to Section 7.3 and site plan review under Section 12 of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for: 1. a modification of Special Permits dated September 1, 2011 and July 9, 2015; 2. the alteration of the existing nonconforming use and structure under Section 7.3 to allow for a one story addition containing approximately 19,831 gross square feet of gross floor area for the storage of U-Boxes, an increase of U-Boxes from 816 to 1200, and an increase in self-storage units from 802 to 1202; 3. Site Plan Review under Section 12 since there is an increase of gross floor area in excess of 5,000 square feet (19,831 square feet); and 4. the construction of the addition within the Flood Plain District under Section 9, at 31 Olympia Avenue. PUBLIC HEARING OPENED: A communication dated September 29, 2022, was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

RE: Special Permit Petition/Modification of Special Permit Decision of U-Haul Co. of Massachusetts and Ohio, Inc., 31 Olympia Avenue, Woburn, MA

Dear Ms. Higgins:

I respectfully request that the public hearing on the above matter scheduled for October 4, 2022 be continued to the City Council meeting scheduled for October 18, 2022. My client is continuing to work with the Woburn Fire Department to address all of its questions. If you need any further information, please do not hesitate to contact me. Thank you.

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

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On the petition by TDC Development Group, LLC, 125 High Street, Boston, Massachusetts 02110, to amend the 1985 City of Woburn Zoning Ordinance, as amended, to add new Section 32 Life Sciences and Business Overlay District (LBOD) located at Woburn Assessors' Map 29, Block 01, Lot 2; Map 29, Block 01, Lot 3; Map 29, Block 01, Lot 4; and Map 29, Block 01, Lot 5; and to amend the zoning map for the four parcels of land known as Middlesex Canal Park (29-01-02), Middlesex Canal Park (29-01-03), 25 Middlesex Canal Park (29-01-04), 15 Middlesex Canal Park (29-01-05), together containing approximately 32.96 acres of land as shown on a plan entitled "Zoning Amendment Plan" dated July 6, 2022 from the B-I zoning district to Life Sciences and Business Overlay District (LBOD) proposed zoning district. PUBLIC HEARING OPENED: A communication dated September 29, 2022, was received from Ellen Callahan Doucette, City Solicitor, as follows:

Re: Review of Proposed Order – Life Sciences and Business Overlay District ("LBOD")

The City Council requested that I review the proposed Order to create the Life Sciences and Business Overlay District (the "LBOD") currently pending before both the Council, and the Planning Board as required by c.40A, §5. Prior to preparing this memorandum, I also spoke with the Planning Director, Tina Cassidy, to get a sense of the Planning Board's concerns, if any.

As a preliminary matter, now that the Council has enacted Section 32 – Adult-Use Marijuana, this proposed ordinance, if enacted, must be renumbered as Section 33. For purposes of this memorandum however, I will continue to refer to Section 32.

1. Section 32.2 Definitions

- The definitions set forth in Section 32.2 are only applicable to Section 32. However, I share the Planning Director's concern that a number of these definitions are similar to those in Section 2. For instance, a couple of the terms; laboratory, research and development are similar to the existing definition in Section 2 of research and testing laboratory. These uses/definitions are not unique to the LBOD but may be located in other zoning districts.
- Though not fatal to the enactment of Section 32, the better practice would have been to amend Section 2 for the definition of uses that are common throughout the Woburn Zoning Ordinance ("WZO"). I note however, that amending Section 2 Definitions, would delay progress on the review of the proposed LBOD.

- There is a typographical error in the first sentence of the definition of “Advanced/Light Manufacturing”, “inoffensive motive power” should be “motor power”.
  - Section 32.2 defines “Group H-2 and Group H-3 Uses” by reference to the current International Building Code. I have always held the opinion that the better practice is to state the definition rather than reference materials that are not themselves part of the [in this case] WZO. If the current Building Code definitions are to be used, then why not set them forth in the definition so that the Council knows what the actual uses are?
  - The last sentence of the “definition” of the Group H-2 and Group H-3 Uses is not a definition, but a regulation of the use, and should be relocated to 32.6.2.10.
  - Section 5.1, Table of Uses, should be amended to reflect any new uses that may be added to the WZO by the Order if it is passed.
2. Section 32.3 Establishment and Applicability
- When creating an overlay district, it is imperative that language be included also amending the Woburn Zoning Map. This ordinance does that at Section 32.3.1. I call out this language for the Council’s edification in order to highlight the importance of ensuring that the zoning map is also amended. Just this week I read a Land Court decision that annulled a special permit because the zoning map had not been amended to include the lot that was the subject of the special permit in the overlay district.<sup>1</sup>
  - Section 32.3.2 is a regulation which should be relocated and numbered as Section 32.7.5.
3. Section 32.4 Authority of Permit Granting Authority
- I’m not sure where to start with this provision. To the second sentence, if the Council is authorized to “vary” the dimensional or parking requirements of 32.7 and 32.8, or to allow an accessory use “not otherwise permitted by Section 32.6.2.10”, then standards for the exercise of that authority should be established and set out in Section 32. That “the Council may believe varying those provisions would result in “an improved project” is subjective and vague. Further, allowing an accessory use not otherwise permitted sounds like a “use variance” which is not allowed by the WZO, and any such variance from Sections 32.7, 32.8 or 32.6.2.10 could well result in a project that is quite different than the project initially advertised and noticed. So too could a Council decision to “vary” the maximum height limit or other dimensional requirements listed in Section 32.
4. Section 32.5 Exclusivity/Control
- The exclusivity provision included in the third sentence states that Section 32 controls over all other provisions of the WZO with the exception of Section 9 – Floodway and Flood Plain Districts. This is inconsistent with Section 32.11 which makes Section 18, Mitigation applicable to the LBOD as well as Section 8, Off Street Parking and Loading (see Section 32.8.1), Section 26 which must apply to Solar projects under

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<sup>1</sup> The abutters called out the defect on appeal as apparently, neither the planning board nor anyone else in the town were aware of this oversight.

Section 32.6.1, and Section 2 to the extent it is needed to define uses not specifically included in Section 32.

5. Section 32.6 Uses

- Following up my comments about Section 32.4 above, rather than attempting to identify all accessory uses that might exist in a potential LBOD development and then allowing the Council to grant one not included in the list, consider revising Section 32.6.2 to read in part, “other accessory uses are allowed provided they meet the definition of accessory use, which is a use incidental and subordinate to the principal uses identified in Sections 32.6.1 and 32.6.2, and located on the same lot.
- Further to the above, what type of accessory uses does the proponent of this zoning amendment consider to be “incidental and subordinate” to advanced manufacturing, research and development or life sciences?
- How do full-service or fast food restaurants, which are usually principal uses of property, meet the definition of an accessory use? Are they limited in floor area or hours of operation? Are members of the public “invitees”?

6. Section 32.12 Permitting Requirements

- 32.12.3 is nonsensical. An application for a waiver? No other section allows for the filing of a waiver. What appeal is being referred to?

7. Section 32.13 Application Requirements

- In addition to the filing fee of \$1,500.00, the applicant should also be required to pay the cost for advertising the requisite public notice.

8. Section 32.15 Procedures for Approval

- The last sentence of 32.15.3 provides that the “[failure to provide comments shall be deemed lack of an objection]”. Under no circumstance should a City department/board/commission be foreclosed from commenting on a project especially, if after that project undergoes changes once filed with the Council.

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

Further, a communication dated September 29, 2022, was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: PETITIONS TO ADOPT ZONING TEXT AND MAP AMENDMENTS TO CREATE A LIFE SCIENCES AND BUSINESS OVERLAY DISTRICT (LBOD) / TD DEVELOPMENT GROUP

Dear Ms. Higgins:

At a meeting on September 27, 2022, members of the Planning Board concluded the Board's public hearing on the above-referenced Petitions. The Board's public hearing commenced on August 23, 2022 and continued on September 13<sup>th</sup> and September 27<sup>th</sup>.

Following the hearing and considering the Petition and testimony during the public hearing, members of the Board voted 5-1-1 (Donovan, Doherty, Edmonds, Callahan, and Turner in favor, Bolgen against and Ventresca absent) to recommend the Council NOT ADOPT the proposed zoning text and map amendments. Members voting in favor of this motion shared the opinion that, despite the potential positives that could arise from a life sciences-focused development, the development's proximity to an established neighborhood of residential homes remains an unresolved concern.

Should the Council decide to act favorably on the Petition, the Board does recommend the Council consider revising the proposed text as shown on the attachment. It should also note that if the proposal is adopted it should be adopted as Section 33, not Section 32 because the recently-enacted ordinance on adult-use marijuana was adopted as Section 32.

Please feel free to contact me if you have any questions relative to the Board's deliberations.

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

Further, a communication dated September 29, 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 and Zoning Map Petition of TDC Development Group LLC

Dear Ms. Higgins:

I respectfully request that the public hearing on the above matters scheduled for October 4, 2022 be continued to the City Council meeting scheduled for October 18, 2022. If you need any further information, please do not hesitate to contact me. Thank you.

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

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**UNFINISHED BUSINESS OF PRECEDING MEETING:**

Communication from Mayor requesting time to discuss update on PFAS drinking water standard at the October 4, 2022 meeting.

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**COMMITTEE REPORTS:**

**FINANCE:**

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

ORDERED That the sum of \$19,550.00 be and is hereby transferred as so stated

From:	Traffic Safety and Infrastructure	\$19,550.00
To:	Washington Street Drainage Improvements Acct# 360058-588235	\$10,700.00
	UHall Olympia Ave Acct# 360058-588206	<u>\$8,850.00</u>
	Total	\$19,550.00

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

s/President Michael P. Concannon

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**PUBLIC SAFETY AND LICENSE:**

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

Musto Jewelers for renewal of Secondhand Dealers and Secondhand Collectors License at 186 Cambridge Road, #9.

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**CITIZEN’S PARTICIPATION: None.**

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**COMMUNICATIONS AND REPORTS**

A communication dated September 13, 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 August 2022: Number of Violations Issued 377, Numbers of Violations Paid 192, Number of

Violations Outstanding 148, Amount collected and submitted to Collectors Office \$30,982.60, Parking fines referred to the Handicap Commission \$7,900.00.

There is a backlog of 1572 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

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A communication dated September 21, 2022, was received from the Woburn License Commission as follows:

Woburn City Council

Dear President Concannon and Members:

At its meeting on Thursday, September 15, 2022, the Woburn License Commission voted unanimously to support the extension of Chapter 86 of the Acts of 2020, specifically a Home Rule Petition allowing the License Commission to grant as many as seven all alcohol licenses and four beer and wine licenses under MGL Ch. 138 Section 12 at the so-called Woburn Village property on Mishawum Road.

The License Commission acknowledges the complications from Covid-19 and requests the City Council, Mayor and state Legislature endeavor to extend the Home Rule Petition for three subsequent years until May 29, 2026, to allow any prospective licensees ample time to be considered for approval.

Members of the License Commission are available for any further discussion or input about the presumptive extension of the Home Rule Petition at any upcoming City Council or Committee meetings.

Should any member of the City Council request any further information, please contact Gordon Vincent, Clerk of the License Commission, at 781-897-5853 or [gvincent@cityofwoburn.com](mailto:gvincent@cityofwoburn.com).

Regards,

WOBURN LICENSE COMMISSION

Thomas M. Skeffington, Chairman

David I. Gilgun, Commissioner

William Pappalardo, Commissioner

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**APPOINTMENTS AND ELECTIONS: None.**

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**MOTIONS, ORDERS AND RESOLUTIONS:**

**ORDERED** That in accordance with Massachusetts General Laws Chapter 54, as amended, the City Clerk is hereby authorized and directed to notify and to warn such of the inhabitants of the City of Woburn as are qualified to vote in the State Election to assemble at the polling places in the City of Woburn as designated herein, on **TUESDAY, the EIGHTH DAY OF NOVEMBER, 2022** from 7:00 a.m. to 8:00 p.m., then and there to cast their votes in the State Election for the candidates for the following offices at the following polling places:

GOVERNOR AND LIEUTENANT GOVERNOR ..... FOR THIS COMMONWEALTH  
ATTORNEY GENERAL ..... FOR THIS COMMONWEALTH  
SECRETARY OF STATE..... FOR THIS COMMONWEALTH  
TREASURER ..... FOR THIS COMMONWEALTH  
AUDITOR ..... FOR THIS COMMONWEALTH  
REPRESENTATIVE IN CONGRESS ..... FIFTH DISTRICT  
COUNCILLOR ..... THIRD DISTRICT  
SENATOR IN GENERAL COURT ..... 4<sup>TH</sup> MIDDLESEX DISTRICT  
REPRESENTATIVE IN GENERAL COURT ..... 15<sup>TH</sup> MIDDLESEX DISTRICT  
(Ward 1, Precincts 1, 2; Ward 7)  
REPRESENTATIVE IN GENERAL COURT ..... 30<sup>TH</sup> MIDDLESEX DISTRICT  
(Ward 1, Precinct 2A, Wards 2, 3, 4, 5, 6)  
DISTRICT ATTORNEY ..... NORTHERN DISTRICT  
SHERIFF ..... MIDDLESEX COUNTY

**QUESTION 1: PROPOSED AMENDMENT TO THE CONSTITUTION**

Do you approve of the adoption of an amendment to the constitution summarized below, which was approved by the General Court in joint sessions of the two houses on June 12, 2019 (yeas 147 – nays 48); and again on June 9, 2021 (yeas 159 – nays 41)?

**SUMMARY**

This proposed constitutional amendment would establish an additional 4% state income tax on that portion of annual taxable income in excess of \$1 million. This income level would be adjusted annually, by the same method used for federal income-tax brackets, to reflect increases in the cost of living. Revenues from this tax would be used, subject to appropriation by the state Legislature, for public education, public colleges and universities; and for the repair and maintenance of roads, bridges, and public transportation. The proposed amendment would apply to tax years beginning on or after January 1, 2023.

**A YES VOTE** would amend the state Constitution to impose an additional 4% tax on that portion of incomes over one million dollars to be used, subject to appropriation by the state Legislature, on education and transportation.

**A NO VOTE** would make no change in the state Constitution relative to income tax.

**QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2022?

## SUMMARY

This proposed law would direct the Commissioner of the Massachusetts Division of Insurance to approve or disapprove the rates of dental benefit plans and would require that a dental insurance carrier meet an annual aggregate medical loss ratio for its covered dental benefit plans of 83 percent. The medical loss ratio would measure the amount of premium dollars a dental insurance carrier spends on its members' dental expenses and quality improvements, as opposed to administrative expenses. If a carrier's annual aggregate medical loss ratio is less than 83 percent, the carrier would be required to refund the excess premiums to its covered individuals and groups. The proposed law would allow the Commissioner to waive or adjust the refunds only if it is determined that issuing refunds would result in financial impairment for the carrier.

The proposed law would apply to dental benefit plans regardless of whether they are issued directly by a carrier, through the connector, or through an intermediary. The proposed law would not apply to dental benefit plans issued, delivered, or renewed to a self-insured group or where the carrier is acting as a third-party administrator.

The proposed law would require the carriers offering dental benefit plans to submit information about their current and projected medical loss ratio, administrative expenses, and other financial information to the Commissioner. Each carrier would be required to submit an annual comprehensive financial statement to the Division of Insurance, itemized by market group size and line of business. A carrier that also provides administrative services to one or more self-insured groups would also be required to file an appendix to their annual financial statement with information about its self-insured business. The proposed law would impose a late penalty on a carrier that does not file its annual report on or before April 1.

The Division would be required to make the submitted data public, to issue an annual summary to certain legislative committees, and to exchange the data with the Health Policy Commission. The Commissioner would be required to adopt standards requiring the registration of persons or entities not otherwise licensed or registered by the Commissioner and criteria for the standardized reporting and uniform allocation methodologies among carriers.

The proposed law would allow the Commissioner to approve dental benefit policies for the purpose of being offered to individuals or groups. The Commissioner would be required to adopt regulations to determine eligibility criteria.

The proposed law would require carriers to file group product base rates and any changes to group rating factors that are to be effective on January 1 of each year on or before July 1 of the preceding year. The Commissioner would be required to disapprove any proposed changes to base rates that are excessive, inadequate, or unreasonable in relation to the benefits charged. The Commissioner would also be required to disapprove any change to group rating factors that is discriminatory or not actuarially sound.

The proposed law sets forth criteria that, if met, would require the Commissioner to presumptively disapprove a carrier's rate, including if the aggregate medical loss ratio for all dental benefit plans offered by a carrier is less than 83 percent.

The proposed law would establish procedures to be followed if a proposed rate is presumptively disapproved or if the Commissioner disapproves a rate.

The proposed law would require the Division to hold a hearing if a carrier reports a risk-based capital ratio on a combined entity basis that exceeds 700 percent in its annual report.

The proposed law would require the Commissioner to promulgate regulations consistent with its provisions by October 1, 2023. The proposed law would apply to all dental benefit plans issued, made effective, delivered, or renewed on or after January 1, 2024.

**A YES VOTE** would regulate dental insurance rates, including by requiring companies to spend at least 83% of premiums on member dental expenses and quality improvements instead of administrative expenses, and by making other changes to dental insurance regulations.

**A NO VOTE** would make no change in the law relative to the regulations that apply to dental insurance companies.

### **QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2022?

#### **SUMMARY**

This proposed law would increase the statewide limits on the combined number of licenses for the sale of alcoholic beverages for off-premises consumption (including licenses for “all alcoholic beverages” and for “wines and malt beverages”) that any one retailer could own or control: from 9 to 12 licenses in 2023; to 15 licenses in 2027; and to 18 licenses in 2031.

Beginning in 2023, the proposed law would set a maximum number of “all alcoholic beverages” licenses that any one retailer could own or control at 7 licenses unless a retailer currently holds more than 7 such licenses.

The proposed law would require retailers to conduct the sale of alcoholic beverages for off-premises consumption through face-to-face transactions and would prohibit automated or self-checkout sales of alcoholic beverages by such retailers.

The proposed law would alter the calculation of the fine that the Alcoholic Beverages Control Commission may accept in lieu of suspending any license issued under the State Liquor Control Act. The proposed law would modify the formula for calculating such fee from being based on the gross profits on the sale of alcoholic beverages to being based on the gross profits on all retail sales.

The proposed law would also add out-of-state motor vehicle licenses to the list of the forms of identification that any holder of a license issued under the State Liquor Control Act, or their agent or employee, may choose to reasonably rely on for proof of a person’s identity and age.

**A YES VOTE** would increase the number of licenses a retailer could have for the sale of alcoholic beverages to be consumed off premises, limit the number of “all-alcoholic beverages” licenses that a retailer could acquire, restrict use of self-checkout, and require retailers to accept customers’ out-of-state identification.

**A NO VOTE** would make no change in the laws governing the retail sale of alcoholic beverages.

### **QUESTION 4: REFERENDUM ON AN EXISTING LAW**

Do you approve of a law summarized below, which was approved by the House of Representatives and the Senate on May 26, 2022?

#### **SUMMARY**

This law allows Massachusetts residents who cannot provide proof of lawful presence in the United States to obtain a standard driver’s license or learner’s permit if they meet all the other qualifications for a standard license or learner’s permit, including a road test and insurance, and provide proof of their identity, date of birth, and residency. The law provides that, when processing an application for such a license or learner’s permit or motor vehicle registration, the registrar of motor vehicles may not ask about or create a record of the citizenship or immigration status of the applicant, except as otherwise required by law. This law does not allow people who cannot provide proof of lawful presence in the United States to obtain a REAL ID.

To prove identity and date of birth, the law requires an applicant to present at least two documents, one from each of the following categories: (1) a valid unexpired foreign passport or a valid unexpired Consular Identification document; and (2) a valid unexpired driver’s license from any United States state or territory, an original or certified copy of a birth certificate, a valid unexpired foreign national identification card, a valid unexpired foreign driver’s license, or a marriage certificate or divorce decree issued by any state or territory of

the United States. One of the documents presented by an applicant must include a photograph and one must include a date of birth. Any documents not in English must be accompanied by a certified translation. The registrar may review any documents issued by another country to determine whether they may be used as proof of identity or date of birth.

The law requires that applicants for a driver's license or learner's permit shall attest, under the pains and penalties of perjury, that their license has not been suspended or revoked in any other state, country, or jurisdiction.

The law specifies that information provided by or relating to any applicant or license-holder will not be a public record and shall not be disclosed, except as required by federal law or as authorized by Attorney General regulations, and except for purposes of motor vehicle insurance.

The law directs the registrar of motor vehicles to make regulations regarding the documents required of United States citizens and others who provide proof of lawful presence with their license application.

The law also requires the registrar and the Secretary of the Commonwealth to establish procedures and regulations to ensure that an applicant for a standard driver's license or learner's permit who does not provide proof of lawful presence will not be automatically registered to vote.

The law takes effect on July 1, 2023.

**A YES VOTE** would keep in place the law, which would allow Massachusetts residents who cannot provide proof of lawful presence in the United States to obtain a driver's license or permit if they meet the other requirements for doing so.

**A NO VOTE** would repeal this law.

<u>Ward-Precinct</u>	<u>Polling Place Location</u>
1-1	Joyce Middle School, 55 Locust Street
1-2	Joyce Middle School, 55 Locust Street
1-2A	Joyce Middle School, 55 Locust Street
2-1	Shamrock Elementary, 60 Green Street
2-2	Shamrock Elementary, 60 Green Street
3-1	Hurd-Wyman Elementary School, 39 Wyman Street
3-2	Hurd-Wyman Elementary School, 39 Wyman Street
4-1	old Wyman Elementary School, Main Street and Eaton Avenue
4-2	White Elementary School, 36 Bow Street
5-1	Goodyear Elementary School, 41 Central Street
5-2	Goodyear Elementary School, 41 Central Street
6-1	Altavesta Elementary School, 980 1/2 Main Street
6-2	Altavesta Elementary School, 980 1/2 Main Street
7-1	Reeves Elementary School, 240 Lexington Street
7-2	Reeves Elementary School, 240 Lexington Street

s/President Michael P. Concannon

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Motion made and 2<sup>nd</sup> to ADJOURN.