

**CITY OF WOBURN
OCTOBER 18, 2022 – 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBER, WOBURN CITY HALL**

Roll Call

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

Reading of the previous meeting's Journal. City Clerk Higgins stated the previous meetings journal was not submitted yet and no action was necessary at this time.

Motion to suspend the rules to take the next two matters, one from Motions, Orders, and Resolutions, as well as one matter from Personnel Committee Reports, out of order, all in favor, 7-0-2 (Ferullo and Gately Absent).

RESOLVED Whereas, Elaine Pruyne is retiring after over 40 years of dedicated service to the City of Woburn, starting as a Page in the Woburn Public Library during high school, and culminating in the Director of Human Resources; and

Whereas, Elaine was appointed first step Junior Clerk in the City Treasurer's Department in 1980, where she reconciled City and School payroll checks, and then moved on to administering health and life insurance, and providing payroll back support; and

Whereas, Elaine became the Human Resources Assistant in 1998, which gave her the opportunity to interact with employees, retirees and department heads.

Whereas, Elaine was appointed the Director of Human Resources in 2015; and

Whereas, during her seven (7) years as Director, Elaine, in addition to the day to day duties regarding employment, hiring, and contract administration, has provided employee assistance and wellness programs aimed to assist our employees with their overall health and wellness; and

Now, therefore, the City Council of the City of Woburn hereby recognizes the long and distinguished career of Elaine Pruyne and her many accomplishments and contributions in improving the quality of life of the citizens of the City of Woburn, thanks her for her service to the city, and

extends the best wishes of the community for a long, happy and well-deserved retirement.

s/Michael P. Concannon, President, Councilor Robert J. Ferullo, Jr., Councilor Joanne E. Campbell, Councilor Richard F. Gately, Jr., Councilor Jeffrey P. Dillon, Councilor Joseph E. Demers, Councilor Lou DiMambro, Councilor Darlene Mercer-Bruen, and Councilor Charles Viola

President Concannon asked Elaine Pruyne to come forward. President Concannon stated the City Council wanted to acknowledge the work Elaine has done as Human Resource Director. President Concannon read the resolve. President Concannon congratulated Elaine. Ms. Pruyne thanked the City Council and stated it was an honor and a pleasure working with them throughout the years, and during the hiring process for various positions. Motion made and 2nd that the RESOLVE BE ADOPTED, all in favor, 7-0-2 (Ferullo and Gately Absent).

Presented to the Mayor: October 20, 2022 **s/Scott D. Galvin October 20, 2022**

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

A communication dated September 15, 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 Meg Ann Meaney, 3 Dearborn Terrace, Woburn, MA, to the Board of Trustees for the Woburn Public Library, subject to the approval of the City Council, with a term to expire on April 13, 2024.

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2nd that the COMMITTEE REPORT BE ADOPTED, all in favor, 7-0-2 (Ferullo and Gately Absent).

Presented to the Mayor: October 20, 2022 **s/Scott D. Galvin October 20, 2022**

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

MAYOR’S COMMUNICATIONS: None.

NEW PETITIONS:

Petitions for renewal of First Class Motor Vehicles Sales Licenses by the following: M&L Transit Systems, Inc., 60 Olympia Avenue; and Northeast Tree, Inc., 62 Holton Street. Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND LICENSE, all in favor, 7-0-2 (Ferullo and Gately Absent).

Petitions for renewal of Second Class Motor Vehicles Sales Licenses by the following: Kenneth L. O’Connor dba City Line Motors, 30 Rear Torrice Drive; and Cargotiators LLC d/b/a Cargotiator Auto Sales, 104 Winn Street. Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND LICENSE, all in favor, 7-0-2 (Ferullo and Gately Absent).

A communication dated October 7, 2022, was received from Robert D. Hewitt, Fairfield Residential, 5 Burlington Woods, Suite 203, Burlington, Massachusetts 01803 as follows:

Dear Ms. Higgins,

As discussed, the purposed of this letter is to request that the license for the above referenced property be terminated. You have informed us that the License number is 2022-34 and was originally granted in 1940.

The indoor, above ground tank was removed by Cyn Environmental in December. Please see attached documentation.

Please let me know if you have any questions, comments, or require additional information.

Sincerely, Robert D. Hewitt.

City Clerk Higgins stated a communication dated October 14, 2022 was received from the Fire Department confirming there is no tank onsite. Motion made and 2nd that all communications be received and made part of the permanent record, all in favor, 7-0-2 (Ferullo and Gately Absent). Motion made and 2nd that the INFLAMMABLE LICENSE BE REVOKED, all in favor, 7-0-2 (Ferullo and Gately Absent).

A communication dated October 7, 2022, was received from Attorney Gordon T. Glass, Johnson & Borenstein, LLC, 12 Chestnut Steet, Andover, Massachusetts 01810-3706 regarding “Willow Street Brook/31 Columbus Road” on behalf of Donald and Dorothy Hamilton. Motion made and 2nd that the communication be received and made part of the permanent record, all in favor, 7-0-2 (Ferullo and Gately Absent). Motion made and 2nd that

the MATTER BE REFERRED TO THE COMMITTEE ON LIAISON, all in favor, 7-0-2 (Ferullo and Gately Absent).

Petition by Marcelo Goncalves Gonzaga, 708 Main Street, Woburn, Massachusetts, 01801, for a special permit pursuant to Section 5.5 of the 1985 City of Woburn Zoning Ordinance, as amended, to bring in additional fill for a retaining wall, at 708 Main Street. Motion made and 2nd that the MATTER BE REFERRED TO PUBLIC HEARING, all in favor, 7-0-2 (Ferullo and Gately Absent).

PUBLIC HEARINGS:

On the petition by NStar Electric Company, d/b/a Eversource Energy, for grant of right in a way to install 52 feet of conduit, in East Dexter Avenue [easterly from pole 60/25, approximately 485 feet west of Merrimac Street, to private property, install approximately 26 feet of conduit; and westerly from pole 60/26, approximately 395 feet west of Merrimac Street, to private property, install approximately 26 feet of conduit]. PUBLIC HEARING OPENED: City Clerk Higgins stated a communication dated September 14, 2022 from Jay Duran was received at the September 20, 2022 meeting. Appearing for the petitioner, Jacqueline A. Duffy, Eversource, 101 Linwood Street, Somerville, MA 02143, stated they are here to install 52 feet of conduit in East Dexter Avenue to provide service to private property. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 7-0-2 (Ferullo and Gately Absent). PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CLOSED, all in favor, 7-0-2 (Ferullo and Gately Absent). Motion made and 2nd that the GRANT OF RIGHT IN A WAY BE APPROVED SUBJECT TO THE CONDITIONS as outlined by the DPW Superintendent communication dated September 14, 2022 as follows: 1. The poles should be field staked for evaluation by DPW; 2. All work must be properly coordinated with the developer, his engineer and National Grid which also has made a similar request; 3. Utilities are tight in this area and all efforts must be undertaken to not damage the City of Woburn infrastructure; 4. The developer's engineer should clearly locate, evaluate and depict the proposed location on a design plan prior to the issuance of a permit for the pole installation; and 5. Upon installation of all utilities, an as-built should be prepared and sent to the Engineering Department and DPW for record information, all in favor, 7-0-2 (Ferullo and Gately Absent).

On the petition by 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. PUBLIC HEARING OPENED: City Clerk Higgins stated that the communication dated September 14, 2022 from Jay Duran that was received at the September 20, 2022 meeting for the

previous public hearing, would still apply to this public hearing. Motion made and 2nd that the communication be received and made part of the permanent record, all in favor, 7-0-2 (Ferullo and Gately Absent). Appearing for the petitioner, Jacqueline A. Duffy, Eversource, 101 Linwood Street, Somerville, MA 02143, stated this request is for the two new poles to attach to the conduit from the previous public hearing. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 7-0-2 (Ferullo and Gately Absent). PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CLOSED, all in favor, 7-0-2 (Ferullo and Gately Absent). Motion made and 2nd that the GRANT OF RIGHT IN A WAY BE APPROVED SUBJECT TO THE CONDITIONS as outlined by the DPW Superintendent communication dated September 14, 2022 as follows: 1. The poles should be field staked for evaluation by DPW; 2. All work must be properly coordinated with the developer, his engineer and National Grid which also has made a similar request; 3. Utilities are tight in this area and all efforts must be undertaken to not damage the City of Woburn infrastructure; 4. The developer's engineer should clearly locate, evaluate and depict the proposed location on a design plan prior to the issuance of a permit for the pole installation; and 5. Upon installation of all utilities, an as-built should be prepared and sent to the Engineering Department and DPW for record information, all in favor, 7-0-2 (Ferullo and Gately Absent).

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: City Clerk Higgins stated she has not heard anything from the petitioner, not even after the last meeting. City Clerk Higgins stated she was not sure if anyone would be in attendance. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 7-0-2 (Ferullo and Gately Absent). PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON November 15, 2022, and to send a communication to the DPW Superintendent for any comments on the petition. Before the motion was called to a vote, Councilor Demers stated at what point does the city council deny the petition as the clerk's office has reached out several times. President Concannon stated that is certainly in the council's purview. President Concannon stated to give them another chance and see what happens. Upon inquiry from Councilor Mercer-Bruen, City Clerk Higgins stated the petition letter was dated August 23rd, it was received in the office on August 29th, 2022, on September 20th the city council referred it to a public hearing, and on October 4, 2022 there was the first public hearing. Councilor Mercer-Bruen stated she was okay with continuing it one more meeting and then denying it. City Clerk Higgins stated since it is a utility you can place the matter on file. On the motion made and 2nd that the

PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON November 15, 2022, and to send a communication to the DPW Superintendent for any comments on the petition, all in favor, 7-0-2 (Ferullo and Gately Absent).

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. PUBLIC HEARING OPENED: City Clerk Higgins stated that Jay Duran has not met with the petitioner on site yet, and that the Diana Cuddy from the petitioner indicated she would like this to be continued to the next meeting. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 7-0-2 (Ferullo and Gately Absent). PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON November 1, 2022, all in favor, 7-0-2 (Ferullo and Gately Absent).

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. PUBLIC HEARING OPENED: City Clerk Higgins stated that Jay Duran has not met with the petitioner on site yet, and that the Diana Cuddy from the petitioner indicated she would like this to be continued to the next meeting. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 7-0-2 (Ferullo and Gately Absent). PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON November 1, 2022, all in favor, 7-0-2 (Ferullo and Gately Absent).

On the petition by NAI Entertainment Holdings LLC, 846 University Avenue, P.O. Box 9108, Norwood, Massachusetts 02062-9108, for a special permit pursuant to Section 7.3 of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for the alteration of its existing nonconforming pylon sign by replacing said sign with a new sign having the same dimensions, at 25 Middlesex Canal Park. PUBLIC HEARING OPENED: A communication dated October 13, 2022, was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: SPECIAL PERMIT PETITION FOR ALTERATION OF EXISTING NON-CONFORMING FREE-STANDING SIGN AT 25 MIDDLESEX CANAL PARK DRIVE / NAI ENTERTAINMENT HOLDINGS

Dear Council:

The Planning Department has reviewed the above-referenced Petition which seeks a special permit in accordance with Section 7.3 (Extension or Alteration of Non-conforming Uses) of

the Woburn Zoning Ordinance (WZO). The proposal calls for renovating an existing non-conforming sign by (a) replacing both of the sign's faces, (b) adding new LED lighting fixtures on each side, and (c) removing the railings above the existing catwalk.

Planning staff offers the following comments on this Petition:

1. The Petition indicates the proposed sign faces will be the same size as the existing faces. The Petition does not note the size of the existing faces but it does specify the size of the ones being proposed (182" high by 572" wide, or roughly 15' high by 48' wide). See paragraph #7 below for a related suggested condition.
2. The plans note that five (5) LED flood lighting fixtures will be added to each side of the sign which will be "...pointed up" onto the face of the sign. While illumination of the sign faces is reasonable, the placement/orientation of the fixtures will mean the lighting will not be dark sky compliant. Planning staff recommends the Council explore whether the lighting fixtures can be mounted on the top of the sign and pointed downward onto the sign faces instead, to ensure the lighting is dark sky compliant. Alternatively, staff recommends the Council explore ways to minimize the extent to which light glare will be cast above/beyond the sign faces.
3. Section 7.3 requires a finding that the proposed change/alteration of this non-conforming use will not be substantially more detrimental than the existing non-conforming use to the neighborhood.
4. The property is located in a flood plain district, and the work appears to technically meet a filing threshold for a special permit in accordance with Section 9.4.2.1. of the WZO. That section authorizes the Council to approve a special permit to allow "*Substantial improvements to...any building or structure. For the purposes of this section, substantial improvement shall be taken to mean: any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the assessed value of the structure...before the improvement is started...*". Despite this, all parties should recognize that the nature of the contemplated work explained in the application will seemingly have no effect at all on the flood plain.
5. The existing sign and supporting structure are within twenty (20) feet of a watercourse and, as noted above, are also within a flood plain. While the nature of the proposed work would seem to have no negative impact on either resource, any earth work or stockpiling of material on the ground could raise a concern with the Conservation Commission. Planning staff recommends the Council require the Petitioner to amend the plans by adding the physical limits of the flood plain district to the plan. It also recommends the Council impose the following as a condition of any approval: "*No earth work or soil disturbance, or stockpiling of any material, within the flood plain or other area of flooding shall take place unless and until the Woburn Conservation Commission has authorized same.*"

6. Though there is a narrow exception for time and temperature displays, Section 13.3.4. of the WZO prohibits “Signs or other advertising devices with visible or moving parts or with flashing animated or intermittent illumination...”. Respectfully, Planning staff recommends the Council reinforce this prohibition by explicitly conditioning any approval of this Petition upon the following:
 - a. The images shown on both sign faces shall remain steady and stationary at all times, and without changeable/changing messages of any kind; and
 - b. Both sign faces shall at all times reflect only the stationary image shown on the submitted plan entitled: “Showcase Cinema De Lux, Woburn, MA, Drawing Name 30566.12, drawn by Mandeville Sign, 676 George Washington Highway, Lincoln, RI 02865-4255, dated 6/2/22 and revised 8/24/22”.

7. The following submitted plans should be cited as the official Special Permit Plans of Record:

“Marquee Signage Plan, Sheet No. C-1 drawn by Allen & Major Associates, Inc., 100 Commerce Way, Suite 5, Woburn, MA 01801-8501; Dated: 08-22-22, Scale: 1”=50”;

“Showcase Cinema De Lux, Woburn, MA, Drawing Name 30566.12, drawn by Mandeville Sign, 676 George Washington Highway, Lincoln, RI 02865-4255, dated 6/2/22 and revised 8/24/22”;

“Showcase Cinema De Lux, Woburn, MA, Drawing Name 30566.13, drawn by Mandeville Sign, 676 George Washington Highway, Lincoln, RI 02865-4255, dated 6/2/22”;

and

“Showcase Cinema De Lux, Woburn, MA, Drawing Name 30566.14, drawn by Mandeville Sign, 676 George Washington Highway, Lincoln, RI 02865-4255, dated 1/24/2018 and revised 6/2/22”.

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

Motion made and 2nd that the communication be received and made part of the permanent record, all in favor, 7-0-2 (Ferullo and Gately Absent). Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Woburn, Massachusetts 01801, stated he was here on behalf of the petitioner and is seeking approval of relief under Section 7.3 of the Woburn Zoning Ordinances for the alteration of an existing nonconforming pylon sign. Attorney Tarby stated this is a similar request to that of the Chateau restaurant at 311 Mishawum Road. Attorney Tarby stated the NAI sign is along I-95 and they want to replace nonconforming existing sign face. Attorney Tarby stated the sign has been on the property since the 1980s. Attorney Tarby stated that the existing sign is 507.8 sq. ft. and the new one will be 507.8 sq. ft. Attorney Tarby stated the sign will be the same but with upgrades and the new sign is not substantially more detrimental than the old side. Attorney Tarby stated that he would like to address the planning department comments and

has proposed conditions for the council to consider. Motion made and 2nd that the proposed conditions be received and made part of the permanent record as a working draft, all in favor, 7-0-2 (Ferullo and Gately Absent). Attorney Tarby stated that in response to Comment No. 1, the sign is 507.8 sq. ft. Attorney Tarby stated that in response to Comment No. 2, it was requested to have the lights at the top and shine downward, and the Proposed Condition No. 2 states the lights shall be mounted and pointed down. Attorney Tarby stated that in response to Comment No. 3, he would request that the city council make the appropriate finding under Section 7.3. Attorney Tarby stated that in response to Comment No. 4 was in reference to any work in the floodplain district is required under Section 9.4.2.1. Attorney Tarby stated that there is no work being done in the floodplain, as the work is just on the sign and not the structural support. Attorney Tarby stated that in response to Comment No. 5 in reference to adding a condition for no earthwork, that there is not going to be any earthwork being done, but that he included this in as Proposed Condition No. 3. Attorney Tarby stated that in response to Comment No. 6, that the sign will be similar to that of the Chateau sign and there will be no flashing illumination and made this Proposed Condition No. 4. Attorney Tarby then read Proposed Condition No. 5 which reads: Subject to the requirement of Condition 4 above and the issuance of a Sign Permit, the Petitioner shall be allowed to replace the sign face from time to time. Attorney Tarby stated that in response to the final comment, the floorplans with site plan of record have been included in Proposed Condition No. 1. Councilor Demers stated he was concerned with the possibility of light pollution for True Place, but that the light for the signage is down and dark sky compliant. Upon inquiry from Councilor Demers, Attorney Tarby stated they are taking the existing sign and inserting a new panel, nothing is being done to the structure, the existing catwalk is being removed, and that the sign is the one seen from the highway. Councilor Dillon stated he is all set and that his questions were answered. Upon inquiry from Councilor Mercer-Bruen, Attorney Tarby confirmed that they would change the marquis from time to time. Upon inquiry from Councilor Mercer-Bruen, Attorney Tarby stated that the sign message will be “Showcase Cinema” and “Luxury is Standard” and from time to time the messaging may change. Attorney Tarby stated he incorporated all the signs filed as plans in the first proposed condition. Councilor Mercer-Bruen stated she was ok if ward councilor is ok with it. Upon inquiry from Councilor DiMambro, Kevin Barry, NAI VP of Construction stated the internal lighting from the original sign will be cut off and that the lighting will now be on top, and the panel will remain the same. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 7-0-2 (Ferullo and Gately Absent). PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CLOSED. Before the motion was called to a vote, President Concannon stated they could always keep the public hearing opened to discuss further. On the main motion that the public hearing be closed, all in favor, 7-0-2 (Ferullo and Gately Absent). Motion made and 2nd to make the following finding under Section 7.3 of the Woburn Zoning Ordinances, that such change, extension or alteration is not substantially more detrimental than the existing nonconforming use to the neighborhood, all in favor, 7-0-2 (Ferullo and Gately Absent). Motion made and 2nd that the SPECIAL PERMIT BE GRANTED with the following conditions: 1. The Petitioner shall install the proposed signage as substantially described on the following plans: “Marquee Signage Plan, Sheet No. C-1 drawn by Allen & Major Associates, Inc., 100 Commerce Way, Suite 5, Woburn, MA 01801-8501; Dated: 08-22-22, Scale: 1”=50””; “Showcase Cinema De Lux, Woburn, MA, Drawing Name 30566.12, drawn by Mandeville Sign, 676 George Washington

Highway, Lincoln, RI 02865-4255, dated 6/2/22 and revised 8/24/22”; “Showcase Cinema De Lux, Woburn, MA, Drawing Name 30566.13, drawn by Mandeville Sign, 676 George Washington Highway, Lincoln, RI 02865-4255, dated 6/2/22”; and “Showcase Cinema De Lux, Woburn, MA, Drawing Name 30566.14, drawn by Mandeville Sign, 676 George Washington Highway, Lincoln, RI 02865-4255, dated 1/24/2018 and revised 6/2/22”. (Said plans collectively shall be hereinafter the “Site Plan”) although design adjustments and modifications generally associated with (i) preparing so-called “working drawings” or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the signage plans filed with the sign permit application are not in substantial conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan; 2. The five (5) LED lighting fixtures shall be mounted on top of the sign and pointed downward onto the sign face; 3. No earthwork or soil disturbance, or stock piling of any material, within the flood plain or other area of flooding shall take place unless and until the Woburn Conservation Commission has authorized same; 4. The images shown on the sign face shall remain steady and stationary at all times; and 5. Subject to the requirement of Condition 4 above and the issuance of a Sign Permit, the Petitioner shall be allowed to replace the sign face from time to time, all in favor, 7-0-2 (Ferullo and Gately Absent).

On the petition by Trio Community Meals LLC, 100 Valley Drive, Pearl, Mississippi 39208, for a special permit pursuant to Section 5.1(57b), Section 7.3 and Section 9 of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for a modification to the Landowner’s Decision and Notice of Special Permit dated May 19, 2020, to allow for an increase in the overnight parking of commercial vehicles from twenty (20) to twenty-eight (28), at 39 Olympia Avenue. PUBLIC HEARING OPENED: A communication dated October 13, 2022, was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: SPECIAL PERMIT PETITIONS FOR PROPERTY AT 39 OLYMPIA AVENUE: (A) FOR CORPORATE CHEFS LLC, TO ALLOW FOR A WHOLESALE ESTABLISHMENT, WAREHOUSE AND DISTRIBUTION CENTER, OVERNIGHT PARKING OF SEVEN (7) COMMERCIAL MOTOR VEHICLES AND CONTINUED USE OF NON-CONFORMING PARKING AND LOADING DOCKS; and (B), FOR TRIO COMMUNITY MEALS, TO ALLOW FOR AN INCREASE IN THE OVERNIGHT PARKING OF COMMERCIAL VEHICLES FROM TWENTY (20) TO TWENTY-EIGHT (28)

Dear Council:

The Planning Department has reviewed both of the above-referenced Petitions and respectfully informs you it is unable to provide any meaningful commentary on either application. The plan accompanying both applications appears to be obsolete and/or provides either incomplete or conflicting information.

Here is an illustrative but not exhaustive list of the deficiencies that make it impossible to develop adequate recommendations for your consideration:

1. The plan is dated April 16, 2020 and is virtually identical to the plan filed by a previous tenant of the site several years ago (Preferred Meal Systems). The plan submitted in 2020 identified multiple areas of “proposed snow storage” and locations where parking spaces were to be eliminated or added. However, the plans submitted recently and which are now under review show the exact same things: The parking spaces labeled as being proposed or slated to be eliminated in 2020 are still labeled as “proposed” or “to be removed” on the plan now under review. Does that mean the 2020 Petitioner never implemented the approved site plan? Or, were the site plan changes implemented but the plans not simply updated to accurately reflect on the ground conditions today? If the latter, the plan should be revised to accurately show existing conditions.

Similarly, the plan notes the addition of a proposed grease trap, the replacement of a drain manhole with a Stormceptor, and proposed snow storage areas. If the grease trap and Stormceptor have been installed, and if the snow storage areas have been in use for the previous two years, the plan should be updated to reflect the fact that this work is not in fact being proposed now, but rather has already been implemented under a previous special permit.

2. The parking calculations included on the plan are confusing and incomplete. They are confusing in that parking requirements are listed for a “future tenant” and for “unused spaces”. Which business is the “future tenant” – Corporate Chefs or Trio Community Meals? Is the other the “unused spaces”? The parking table should be revised to clearly note which business is which in terms of floor

area calculations, uses, and parking requirements. The floor areas, proposed floor uses, and parking calculations remain unchanged from the 2020 plan. Are they accurate for the two tenants with pending applications?

The parking calculations are incomplete in other ways. The plans identify the location for twenty (20) vans which were the subject of the 2020 Petition, but not the twenty-eight (28) commercial vehicles now being requested by Trio Community Meals. Are the vehicles vans as proposed with the 2020 Petition, or are they larger? If larger, will the spaces created for them be adequate in terms of size? The parking location for the seven (7) commercial vehicles (vans) being requested by Corporate Chefs are not shown on the plan either.

The parking calculations do not account for the additional parking spaces needed to house any authorized overnight commercial vehicles. The Inspectional Services Department requires one (1) additional parking space for each commercial vehicle stored on site overnight, to account for the personal vehicles of employees who will drive to work and park at the site and then leave in the company’s commercial vehicles for their work shift. The parking table (and site plan) should be revised to account for

all proposed commercial vehicles for which overnight parking authorization is being sought.

Finally, the site plan indicates that a total of 145 parking spaces are needed for the proposed uses and that 162 spaces will be provided. Those numbers do not account for the thirty-five (35) spaces that will be needed for the commercial vehicles being requested by the two pending petitions; 145 parking spaces plus 35 overnight vehicle spaces equals 180 spaces and the site plan only shows 162. Additionally, the extra parking spaces the Inspectional Services Department will require for the personal vehicles of the employees who will use the commercial vehicles have not been accounted for on the site plan either.

1. There were several other points raised in the Planning Department's comment letter on the 2020 petition of Preferred Meal Systems that also apply to these filings but remain unaddressed to staff's knowledge. A copy of that letter is attached for your information.

The Planning Department would be happy to review an updated/corrected site plan and offer more insightful comments and observations.

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

Further, a communication dated October 14, 2022, was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

- Re: (1) Special Permit Petition of Trio Community Meals LLC, 39 Olympia Avenue, Woburn, Massachusetts
- (2) Special Permit Petition of Corporate Chefs LLC, 39 Olympia Avenue, Woburn, Massachusetts

Dear Ms. Higgins:

Enclosed please find for the filing thirteen (13) copies of a revised Site Plan for both of the above-referenced special permit petitions.

Please let me know if you would prefer separate copies for each Petition. Thank you for your assistance in this matter.

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

Motion made and 2nd that the communication be received and made part of the permanent record, all in favor, 7-0-2 (Ferullo and Gately Absent). Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Woburn,

Massachusetts 01801, stated he was going to give a brief presentation. Attorney Tarby stated he discussed with Councilor Mercer-Bruen and filed a revised plans last week and have this petition go to committee to explain the plan. Attorney Tarby stated Trio took over the existing location from Preferred Meals, which is a related company. Attorney Tarby stated trio has over 60 years of experience in providing meals to schools and seniors, similar to that of Preferred Meals. Attorney Tarby stated the request is increase the amount of overnight vehicles from 20 to 28. Attorney Tarby stated on the original plan it was not clear where the additional vehicles would be parking. Attorney Tarby stated that he would like to review this in committee and be clear that all parking requirements be met as part of the proposal. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 7-0-2 (Ferullo and Gately Absent). PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON November 1, 2022, AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 7-0-2 (Ferullo and Gately Absent).

On the petition by Corporate Chefs LLC, 39 Olympia Avenue, Woburn, Massachusetts 01801, for a special permit pursuant to Section 5.1(42), Section 5.1(57b), Section 7.3 and Section 9 of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for: (1) a wholesale establishment, warehouse and distribution center; (2) overnight parking of seven (7) commercial motor vehicles (vans); and (3) for the continued use of the nonconforming parking and loading docks, at 39 Olympia Avenue. PUBLIC HEARING OPENED: A communication dated October 13, 2022, was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: SPECIAL PERMIT PETITIONS FOR PROPERTY AT 39 OLYMPIA AVENUE: (A) FOR CORPORATE CHEFS LLC, TO ALLOW FOR A WHOLESALE ESTABLISHMENT, WAREHOUSE AND DISTRIBUTION CENTER, OVERNIGHT PARKING OF SEVEN (7) COMMERCIAL MOTOR VEHICLES AND CONTINUED USE OF NON-CONFORMING PARKING AND LOADING DOCKS; and (B), FOR TRIO COMMUNITY MEALS, TO ALLOW FOR AN INCREASE IN THE OVERNIGHT PARKING OF COMMERCIAL VEHICLES FROM TWENTY (20) TO TWENTY-EIGHT (28)

Dear Council:

The Planning Department has reviewed both of the above-referenced Petitions and respectfully informs you it is unable to provide any meaningful commentary on either application. The plan accompanying both applications appears to be obsolete and/or provides either incomplete or conflicting information.

Here is an illustrative but not exhaustive list of the deficiencies that make it impossible to develop adequate recommendations for your consideration:

3. The plan is dated April 16, 2020 and is virtually identical to the plan filed by a previous tenant of the site several years ago (Preferred Meal Systems). The plan submitted in 2020 identified multiple areas of “proposed snow storage” and locations where parking spaces were to be eliminated or added. However, the plans submitted recently and which are now under review show the exact same things: The parking spaces labeled as being proposed or slated to be eliminated in 2020 are still labeled as “proposed” or “to be removed” on the plan now under review. Does that mean the 2020 Petitioner never implemented the approved site plan? Or, were the site plan changes implemented but the plans not simply updated to accurately reflect on the ground conditions today? If the latter, the plan should be revised to accurately show existing conditions.

Similarly, the plan notes the addition of a proposed grease trap, the replacement of a drain manhole with a Stormceptor, and proposed snow storage areas. If the grease trap and Stormceptor have been installed, and if the snow storage areas have been in use for the previous two years, the plan should be updated to reflect the fact that this work is not in fact being proposed now, but rather has already been implemented under a previous special permit.

4. The parking calculations included on the plan are confusing and incomplete. They are confusing in that parking requirements are listed for a “future tenant” and for “unused spaces”. Which business is the “future tenant” – Corporate Chefs or Trio Community Meals? Is the other the “unused spaces”? The parking table should be revised to clearly note which business is which in terms of floor

area calculations, uses, and parking requirements. The floor areas, proposed floor uses, and parking calculations remain unchanged from the 2020 plan. Are they accurate for the two tenants with pending applications?

The parking calculations are incomplete in other ways. The plans identify the location for twenty (20) vans which were the subject of the 2020 Petition, but not the twenty-eight (28) commercial vehicles now being requested by Trio Community Meals. Are the vehicles vans as proposed with the 2020 Petition, or are they larger? If larger, will the spaces created for them be adequate in terms of size? The parking location for the seven (7) commercial vehicles (vans) being requested by Corporate Chefs are not shown on the plan either.

The parking calculations do not account for the additional parking spaces needed to house any authorized overnight commercial vehicles. The Inspectional Services Department requires one (1) additional parking space for each commercial vehicle stored on site overnight, to account for the personal vehicles of employees who will drive to work and park at the site and then leave in the company’s commercial vehicles for their work shift. The parking table (and site plan) should be revised to account for all proposed commercial vehicles for which overnight parking authorization is being sought.

Finally, the site plan indicates that a total of 145 parking spaces are needed for the proposed uses and that 162 spaces will be provided. Those numbers do not account for the thirty-five (35) spaces that will be needed for the commercial vehicles being requested by the two pending petitions; 145 parking spaces plus 35 overnight vehicle spaces equals 180 spaces and the site plan only shows 162. Additionally, the extra parking spaces the Inspectional Services Department will require for the personal vehicles of the employees who will use the commercial vehicles have not been accounted for on the site plan either.

2. There were several other points raised in the Planning Department's comment letter on the 2020 petition of Preferred Meal Systems that also apply to these filings but remain unaddressed to staff's knowledge. A copy of that letter is attached for your information.

The Planning Department would be happy to review an updated/corrected site plan and offer more insightful comments and observations.

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

Further, a communication dated October 14, 2022, was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

- Re: (1) Special Permit Petition of Trio Community Meals LLC, 39 Olympia Avenue, Woburn, Massachusetts
- (2) Special Permit Petition of Corporate Chefs LLC, 39 Olympia Avenue, Woburn, Massachusetts

Dear Ms. Higgins:

Enclosed please find for the filing thirteen (13) copies of a revised Site Plan for both of the above-referenced special permit petitions.

Please let me know if you would prefer separate copies for each Petition. Thank you for your assistance in this matter.

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

Motion made and 2nd that the communication be received and made part of the permanent record, all in favor, 7-0-2 (Ferullo and Gately Absent). Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Woburn, Massachusetts 01801, stated he put together a document showing the overall first floor plan and parking requirements that Preferred Meals had for a proposed tenant. Attorney Tarby

state he wanted to submit the document "Overall First Floor Plan". Motion made and 2nd that the plan be received and made part of the permanent records, all in favor, 7-0-2 (Ferullo and Gately Absent). Attorney Tarby stated as with the previous petition, he will make a brief presentation and look for this to go to committee. Attorney Tarby stated the petitioner is seeking relief under Section 5.1(42), Section 5.1(57b), Section 7.3 and Section 9 of the Woburn Zoning Ordinances, to allow for a warehouse distributions center with offices, overnight parking of vans, and the continued use of the nonconforming parking and loading docks. Attorney Tarby stated that the parking requirements were updated in 1985 and the use was allowed on June 9, 1978 and the building was constructed in the 1960s. Attorney Tarby stated that the loading dock is partially on Normac Road. Attorney Tarby stated in the 1960s the location was a food warehouse, and various warehouse uses have been there including Patriot Hardware, and then NASDI from 2015 to 2019. Attorney Tarby stated that in 2020 a special permit was granted to Preferred Meals and now Trio is moving from 242 Salem Street to here to occupy the vacant space. Attorney Tarby stated Corporate Chef has been in business of 35 years and provides full service food to schools and businesses. Attorney Tarby stated the petitioner provides snacks, sandwiches, and chips through vending machines. Attorney Tarby stated no food is sold onsite. Attorney Tarby stated the petitioner will install cold kitchens to prepare salads for vending machines. Attorney Tarby stated they are also requesting to overnight park seven vehicles. Upon inquiry from Councilor Dillon, Attorney Tarby confirmed that the companies are sister companies. Attorney Tarby stated that Erior is the parent company of both companies. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 7-0-2 (Ferullo and Gately Absent). PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON November 1, 2022, AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 7-0-2 (Ferullo and Gately Absent).

On the petition by Atlantic Power Cleaning Corp., 92 Merrimac Street, Woburn, Massachusetts 01801, for a special permit to modify the Landowner's Decision and Notice of Special Permit dated May 29, 1997 and Section 5.1(57b) of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for an increase in the indoor accessory storage of commercial vehicles from eight (8) to twelve (12), with all of said commercial vehicles being stored overnight inside an approximately 4,022 square foot addition to the existing building(s) on the Property, at 92 Merrimac Street. PUBLIC HEARING OPENED:

A communication dated October 18, 2022, was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: SPECIAL PERMIT PETITION FOR MODIFICATION OF PREVIOUS SPECIAL PERMIT TO ALLOW INCREASE IN THE AMOUNT OF ACCESSORY INDOOR STORAGE/PARKING OF COMMERCIAL MOTOR VEHICLES / ATLANTIC POWER CLEANING CORPORATION

Dear Council:

The Planning Department has reviewed the above-referenced Petition which seeks modification of a May 29, 1997 Special Permit and authorization under Section 5.1(57b) of the Woburn Zoning Ordinance (WZO) to increase the amount of indoor accessory storage of commercial vehicles from eight (8) to twelve (12) spaces. A special permit in accordance with Section 7.3 (Extension or Alteration of Non-conforming Uses) also appears necessary.

Planning staff offers the following comments on this Petition:

1. Plan corrections, clarifications and deficiencies

- a. Areas labeled “Proposed Building” on the plans are actually proposed additions to the existing commercial building on the site. Staff recommends the proposed additions be labeled as such (“Proposed Addition”) rather than incorrectly described as new buildings.
- b. Neither the Petition nor the plan mention the project will involve demolition of an existing residential structure on the site. Assessors records indicate the residential dwelling was built in 1890, so the provisions of the City’s Demolition Delay Ordinance will apply to its demolition.
- c. The plan and application identify only one lot as being included in the project (Assessors Map 09-01-01) but there are actually two shown and included as the project site (Assessors Map 09-01-02). The plan should be revised to (i) show the existing lot line between the two parcels; (ii) correct the plan notations in the upper left corner so that both parcels are accurately cited in terms of Assessors map, deed, and plan references; and (iii) include a notation that the existing lot line between the two existing lots is to be extinguished. If the existing common lot line remains one of record, zoning violations will result and various representations on the plan, such as lot size and percentage of landscaped usable open space, rendered incorrect.
- d. The dimensions and gross square footage of the existing building and each addition should be noted on the plan, not just summarized by the total net aggregate size in square footage listed in the parking table.
- e. The parking requirement for “warehouse/storage” space is not necessarily 1 space for every 800 sq. ft. of net floor area as indicated in the parking table on the plan. Section 8.2.5 of the WZO actually requires 1 parking space for every three (3) employees employed, or anticipated to be employed, on the largest work shift. The Petitioner should either confirm that no more than six (6) employees will be employed on any shift or provide additional parking spaces as needed. This includes both employees working on the site and employees who drive to the site and leave in company vehicles for jobs off-site.
- f. Floor plans of the building (both existing space and proposed additions) should be submitted and the floor plans should include all information customary for such plans

including the locations, dimensions, and area calculations of individual floor uses (office, warehouse/storage, vehicle garage bays, restrooms, etc.).

- g. It is not clear as to whether and how the driveways servicing these two parcels will change. The existing and proposed driveways should be clearly shown and the dimensions of all noted on the plan. It is unclear as to what is happening between the larger of the two proposed additions and the layout of Merrimac Street. Will the existing concrete and stone walls remain? If not, and the area shown as permeable pavers will be part of a driveway, it could violate Section 8.7.2.3. of the WZO which prohibits driveways from being located within 25' of an intersecting street (North Maple Street).
- h. The size of each parking space (interior and exterior) and width and direction of travel aisles should be noted on the floor and site plans respectively.
- i. A note on the plan says "Under existing conditions, Parcel 2 and Parcel 3 are not combined." What does that note mean? The plan doesn't depict either parcel, or a presumed Parcel 1. The Petitioner should either remove that notation or revise the plan to show the limits of each parcel as noted in comment 1.c. above and satisfactorily explain the intent of the notation.
- j. Renderings of the façade of the building post-construction should be provided for at least two reasons. The record will then include information needed to ensure compliance with zoning (e.g height of the building). Also, the façades will be visible to passersby on two roads, as well as several residences on the opposite side of North Maple Street. With facade plans, the Council can evaluate the appearance of the building and request revisions if deemed advisable.
- k. There is no information provided regarding the location and style of lighting that will be provided on site.
- l. The plan does not show the location of snow storage or refuse disposal and recycling areas. Will all trash and recycling be stored interior to the buildings?

2. General comments

- a. Some of the proposed work will take place in close proximity to an area subject to the jurisdiction of the Conservation Commission. The Petitioner should contact the Commission immediately to determine if a filing with the Commission will be necessary.
- b. At least one (1) of the three (3) parking spaces proposed to be located in front of the smaller addition is new and is located within the required front yard setback, a violation of Section 8.4.3.2 of the WZO. The easternmost parking space in that cluster will need to be relocated to another place on the site.

- c. Municipal Inspections Director Tom Quinn has determined the doors to the interior space through which vehicles will pass are garage doors and not loading bays given their purpose. As such, Section 8.7.2.10 of the WZO will not apply to this project.
- d. Any storage trailers/storage containers on site must be authorized under the provisions of Section 5.1, line 57(a) of the WZO, unless they were in place prior to adoption of that provision in 2005.
- e. A Stormwater Report dated August 10, 2022 and prepared by David Romero of Commonwealth Engineering was submitted as part of the Petition. Planning staff defers to the Engineering Department for comment on that document.
- f. A plan showing details of the proposed landscaping should be submitted for review. Staff strongly recommends the Council require robust landscaping along the property's North Maple Street frontage, including plantings that will form an effective visual screen along the building façade once fully grown. Staff suggest replacement of the fence (see next section) and requiring plantings that are at least three (3) feet high at the time of installation and which have an expected height at maturity of at least six (6) feet.

3. Potential Conditions of Approval

- a. Prior to the issuance of a building permit, a plan extinguishing the lot line between lots 09-01-01 and 09-01-02 must be recorded at the Registry of Deeds and proof of such recordation filed with the Municipal Inspections Department.
- b. The existing dilapidated fence along the lot's North Maple Street frontage shall be replaced with a new, 8' high opaque fence in approximately the same location, from the corner of the new addition to the layout of Avon Street at a minimum. (Councilors should note that fence heights are typically limited to a maximum of 6', but a fence as high as 8' could be required/authorized under the provisions of Note 6 to Section 5.1 of the WZO because of the outdoor accessory storage that exists on site. The Council might also decide, upon review of the façade plans, that additional fencing along the lot's North Maple Street frontage is needed to further shield the building from view of nearby residences and streets. If so, 3' high fencing could also be required from the rear corner of the new addition to near the Merrimac/North Maple Street intersection [lines of sight would need to be observed]).
- c. Require that no equipment or materials be stored outside or, if permitted to any extent, limited to areas to the rear of the property near the Avon Street right of way. Respectfully, improving the visual appearance of the property from Merrimac Street and North Maple Street by eliminating unsightly outside storage seems fair exchange for allowing the extensions and alterations of a non-conforming use requested by this Petition. Section 7.3 of the WZO states that no extensions or alterations of non-conforming uses shall be permitted unless there is a finding that the extensions or alterations are not substantially more detrimental than the existing non-conforming use

to the neighborhood. The building will roughly double in size and the existing residential building setback non-conformity extended to a significant extent. Curtailing the extent of outside storage of materials and/or equipment could serve as the basis for the required “not substantially more detrimental” finding.

Please let me know if you have any questions relative to these comments. I would be happy to elaborate.

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

Motion made and 2nd that the communication be received and made part of the permanent record, all in favor, 7-0-2 (Ferullo and Gately Absent). Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Woburn, Massachusetts 01801, stated that due to the fact he received the comments at 11:00 a.m. and that there are 3 ½ pages of comments, there is no way to revise and address the comments for tonight’s meeting. Attorney Tarby stated he requests that the public hearing be continued as the site engineer is preparing the updated plans and hopes to have them by the end of the week. Upon inquiry from Councilor Mercer-Bruen, Attorney Tarby stated that despite the letter being long, he believes it can be updated by then. Councilor Mercer-Bruen stated that would be pretty quick. President Concannon stated that perhaps continuing the public hearing to November 15th would be better as the comment letter is pretty long. City Clerk Higgins stated that the eve of the election is November 7, 2022, and she would appreciate not having committee meetings that night as her office will be in last minute election mode. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 7-0-2 (Ferullo and Gately Absent). PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON November 15, 2022, AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 7-0-2 (Ferullo and Gately Absent).

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

COMMITTEE REPORTS:

FINANCE:

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

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

From:	Cemetery Interest Fund Acct# 65259-595000	\$80,000.00
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

Motion made and 2nd that the COMMITTEE REPORT BE ADOPTED, all in favor, 7-0-2 (Ferullo and Gately Absent).

Presented to the Mayor: October 20, 2022

s/Scott D. Galvin October 20, 2022

LIAISON:

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 a petition be filed with the General Court to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form only to the bill, unless the Mayor approves amendments to the bill before enactment by the General Court. The Mayor is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT TO EXTEND THE TIME FOR THE ISSUANCE OF ALCOHOLIC BEVERAGE LICENSES IN THE CITY OF WOBURN

SECTION 1. Subsection (f) of section 1 of chapter 86 of the acts of 2020 is hereby amended by striking out the words “within 3 years after the effective date of this act” and inserting in place thereof the following words: “on or before May 29, 2026”.

SECTION 2. This act shall be effective upon its passage.

s/President Michael P. Concannon

Motion made and 2nd that the COMMITTEE REPORT BE ADOPTED, all in favor, 7-0-2 (Ferullo and Gately Absent).

Presented to the Mayor: October 20, 2022

s/Scott D. Galvin October 20, 2022

PERSONNEL:

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

A communication dated September 15, 2022, was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Higgins:

By the power vested in me as Mayor of the City of Woburn, I hereby re-appoint James A. Juliano, 21 Watson Lane, to the Board of Trustees for the Woburn Public Library, subject to the approval of the City Council, with a term to expire on April 13, 2024.

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2nd that the COMMITTEE REPORT BE ADOPTED, all in favor, 7-0-2 (Ferullo and Gately Absent).

Presented to the Mayor: October 20, 2022 **s/Scott D. Galvin October 20, 2022**

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

ORDERED That Paul Tobin of 10 Stevin Drive be reappointed as a Member of the Woburn Recreation Commission for a term expiring September 1, 2027.

s/President Michael P. Concannon

Motion made and 2nd that the COMMITTEE REPORT BE ADOPTED, all in favor, 7-0-2 (Ferullo and Gately Absent).

Presented to the Mayor: October 20, 2022 **s/Scott D. Galvin October 20, 2022**

PUBLIC SAFETY AND LICENSE:

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

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.

Motion made and 2nd that the COMMITTEE REPORT BE ADOPTED, all in favor, 7-0-2 (Ferullo and Gately Absent).

Presented to the Mayor: October 20, 2022 **s/Scott D. Galvin October 20, 2022**

CITIZEN'S PARTICIPATION: None.

COMMUNICATIONS AND REPORTS:

A communication dated October 1, 2022, was received from Thomas C. Quinn, Jr., Building Commissioner as follows:

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

Dear Members of the Council:

Regarding the above referenced section of the Woburn Municipal Code, I submit the following quarterly nuisance report for the period of April 1, 2022 thru June 30, 2022.

8 Russell Court owner did not continue to clean exterior grounds, fines were issued on August 2, 2022 which were not paid and a request for a court hearing has been filed for failure to pay fines and to comply with municipal code.

43-45 Church Street owner failed to comply with Court Order on resolving fines, a criminal complaint has been filed with court.

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

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

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

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Whereas, Corporal Charles J. Robertson was born in Woburn on August 15, 1917; and

Whereas, Corporal Charles J. Robertson enlisted in the United States Army effective January 4, 1941; and

Whereas, Corporal Charles J. Robertson served our nation honorably in the European theater of combat during World War II with the 66th Regiment 2nd Army Division; and

Whereas, Corporal Charles J. Robertson was killed in action on July 27, 1944 in France, as verified through military records and archives by the Veterans Service Department in conjunction with the United Veterans Council;

Now, Therefore, the City Council of the City of Woburn hereby Orders that an appropriate veterans memorial square be erected at the intersection of Water Street and Robertson Way in honor of Corporal Charles J. Robertson.

s/Michael P. Concannon, President, Councilor Robert J. Ferullo, Jr., Councilor Joanne E. Campbell, Councilor Richard F. Gately, Jr., Councilor Jeffrey P. Dillon, Councilor Joseph E. Demers, Councilor Lou DiMambro, Councilor Darlene Mercer-Bruen, and Councilor Charles Viola

Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON INFRASTRUCTURE AND PUBLIC LANDS, all in favor, 7-0-2 (Ferullo and Gately Absent).

ORDERED Be it Ordained by the City Council of the City of Woburn, that pursuant to the Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6, the Fire Chief is hereby authorized to dispose of the following vehicles and equipment which the Fire Chief has determined is of no value to the department and which no other department has expressed an interest in obtaining.

<u>Year</u>	<u>Make/Model</u>	<u>VIN</u>
1971	Mack / Rescue	MB477T1682

s/President Michael P. Concannon

Motion made and 2nd that the ORDER BE ADOPTED, all in favor, 7-0-2 (Ferullo and Gately Absent).

Presented to the Mayor: October 20, 2022 **s/Scott D. Galvin October 20, 2022**

Motion made and 2nd to ADJOURN, all in favor, 7-0-2 (Ferullo and Gately Absent). Meeting adjourned at 7:49 p.m.

A TRUE RECORD ATTEST:

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