

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

Roll Call

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

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VOTED to dispense with the reading of the previous meetings' Journals and to APPROVE, all in favor, 8-0-1 (Campbell Absent).

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**MAYOR'S COMMUNICATIONS: None.**

**NEW PETITIONS:**

Petitions for renewal of First Class Motor Vehicles Sales Licenses by the following: Lawless Inc., 196 Lexington Street; and WMK, LLC dba Mobility Works, 299 F&H Washington Street. Motion made and 2<sup>nd</sup> that the MATTER BE REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND LICENSE, all in favor, 8-0-1 (Campbell Absent).

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Petitions for renewal of Second Class Motor Vehicles Sales Licenses by the following Lawless Inc., 196 Lexington Street; McSheffrey Auto Sales, Inc., 878 Main Street; Wassim (Sam) Nicolas dba Woburn Square Mobil, 23 Pleasant Street; Thomas Keane dba Woburn Classic Auto Sales, 13 Fowle Street; Adamo Rufo dba Route 16 Auto Broker, 280 Salem Street; Velozo Enterprises, Inc. dba Rogers Radiator, 936 Main Street; and Anchor Auto Sales, Inc., 3 Breed Avenue. Motion made and 2<sup>nd</sup> that the MATTER BE REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND LICENSE, all in favor, 8-0-1 (Campbell Absent).

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Petition by Sanctuary Medicinals, 130 Commerce Way, Woburn, Massachusetts 01801, for special permit pursuant to Section 32.3 of the 1985 City of Woburn Zoning Ordinance, as amended, to amend the current special permit to allow for adult use marijuana, at 130 Commerce Way. Motion made and 2<sup>nd</sup> that the MATTER BE REFERRED TO PUBLIC HEARING, all in favor, 8-0-1 (Campbell Absent).

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Petition by Veir Inc, 6 Gill Street, Suite D, Woburn, Massachusetts 01801, for special permit to allow for: (1) accessory storage of 1 container and 2 trailers pursuant to Section 5.1(57a) of the 1985 City of Woburn Zoning Ordinance, as amended; and (2) and accessory use for scientific research pursuant to Section 5.1(66) of the 1985 City of Woburn Zoning Ordinance, as amended, at 6 Draper Street. Motion made and 2<sup>nd</sup> that the MATTER BE REFERRED TO PUBLIC HEARING, all in favor, 8-0-1 (Campbell Absent).

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Petition by PPC Event Services, Inc., 36 Cabot Road, Woburn, Massachusetts 01801, for a special permit to allow for: (1) a modification to the Landowner’s Decision and Notice of Special Permits dated August 22, 3022, and January 26, 2012 to update the plan date; (2) an increase in the overnight parking of commercial vehicles from forty-four (44) to seventy-eight (78) pursuant to Section 5.1(57b) of the 1985 City of Woburn Zoning Ordinance, as amended; and (3) the approval of office space of approximately 24,095 square feet pursuant to Section 5.1(30b) of the 1985 City of Woburn Zoning Ordinance, as amended, at 36 Cabot Road. Motion made and 2<sup>nd</sup> that the MATTER BE REFERRED TO PUBLIC HEARING, all in favor, 8-0-1 (Campbell Absent).

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**PUBLIC HEARINGS:**

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 she was still waiting an updated status from Jay Duran if they were able to meet on site. Motion made and 2<sup>nd</sup> that the public hearing be opened for public comments, all in favor, 8-0-1 (Campbell Absent). PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON November 15, 2022, all in favor, 8-0-1 (Campbell Absent).

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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. PUBLIC HEARING OPENED: City Clerk Higgins stated that she was still waiting an updated status from Jay Duran if they were able to meet on site. Motion made and 2<sup>nd</sup> that the public hearing be opened for public comments, all in favor, 8-0-1 (Campbell Absent). PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON November 15, 2022, all in favor, 8-0-1 (Campbell Absent).

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On the petition by 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. PUBLIC HEARING OPENED: A communication dated October 31, 2022, was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: PLANNING DEPARTMENT COMMENTS ON 35 CABOT ROAD:  
APPLICATION FOR SPECIAL PERMIT / Rumsford Linscott, LLC

Dear Council:

The Planning Department has reviewed the above-referenced special permit request filed with the Council for property at 35 Cabot Road, which property is located in both an IP and IP-2 Zoning District. The Petitioner seeks to construct a single-story, 4,994 sq. ft. building addition to enable an existing tenant, SES AI Corporation, to expand. While the property complied with the then applicable zoning ordinances at the time of its initial development, subsequent zoning updates have rendered the site and development non-conforming. As required by Section 7.3 of the Woburn Zoning Ordinance (WZO), the Petitioner is seeking the required finding(s) to continue the following pre-existing non-conforming site plan elements:

- WZO Section 6.1 Table of Dimensional Regulations requires properties in the IP and IP-2 zoning districts to have a minimum of 125' of frontage. In this case, the existing street frontage is 110.72 feet. (The proposed building addition will not affect or change this condition).
- WZO Section 6.1 Table of Dimensional Regulations requires thirty percent (30%) Landscaped Useable Open Space (LUOS). The current and proposed LUOS is 11.6%.

On its face, the project is not subject to Section 18 of the WZO entitled Development Impact Assessment and Mitigation because the size of the proposed addition is less than ten percent (10%) of the existing gross floor area and will not require the creation of ten (10) or more new parking spaces. Section 18 will therefore not apply unless two-thirds (2/3) of the Council determines the project is "substantial" (see definition of "Substantial Alteration or Improvement" in Section 18.3).

Planning staff consulted with Inspectional Services Director Tom Quinn on this application and makes the following observations/comments:

1. The narrative attached to the application says there will be an increase of 517 sq. ft. in the amount of pervious surface on site, and the zoning summary table on the plan indicates the amount of interior parking lot landscaping will increase by 571 sq. ft. Which figure is correct, and where will the additional landscaping be added?

2. The Petitioner should provide the details and status of any reviews of this project that will be needed by the Woburn Conservation Commission, Federal Emergency Management Agency, Environmental Protection Agency, and/or any other regulatory authority.
3. The Petitioner should provide proof that the provisions of Section 9 of the WZO no longer apply to this site.
4. The plans should be revised to show:
  - a. The location of refuse and recycling storage facilities and any visual screening mechanisms;
  - b. The location of snow storage areas, which should be evaluated for adequacy by the City Engineer;
  - c. The locations of all exterior free-standing and building-mounted lighting as well as details of the various lighting fixtures (all fixtures should be Dark Sky compliant); and
  - d. The location of all existing and proposed easements, to ensure the proposed construction will not conflict/interfere with/encroach upon them.

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

City Clerk Higgins stated that Michael Aveni also sent an email on October 31, 2022 indicating that he would be submitting additional information tonight. Motion made and 2<sup>nd</sup> that the communications be received and made part of the permanent record, all in favor, 8-0-1 (Campbell Absent). Appearing for the petitioner, Michael Aveni, Cummings Properties, stated joining him was John Halsey, Leasing Manger. Mr. Aveni stated that Cummings Properties manages 35 Cabot Road which is 3.6 acres with an approximately 57,000 sq. ft. building. Mr. Aveni stated that they would like to add a single story, 5,000 sq. ft. addition. Mr. Aveni stated that since the original submission in September, the petitioner has met with the Conservation Commission as well as the Planning Department. Mr. Aveni stated that the revised plan they have picked up all the changes from the Conservation Commission. Mr. Aveni stated nothing significantly changed what they are asking for. Mr. Aveni stated the site has two preexisting nonconformities: 1. Frontage requirements are 125 feet and in 1960s the requirement was 110 feet; and 2. Open space requirements are 30%, and the property has 11.6%. Mr. Aveni stated the building has metal siding. Mr. Aveni stated through Conservation Commission, the petitioner learned that the water quality would be improved if aloud an outlet on the property. Mr. Aveni stated the current stormwater management was developed in the early 1980s. Mr. Aveni stated there is a 24 inch line that runs through. Mr. Aveni stated currently the resource area is untreated and is subject to sand, oils, and salts, and they are proposing a triple bay sediment structure. Mr. Aveni stated the current property is all paved and untreated. Mr. Aveni stated now the roof run off becomes cleaner and they are adding pervious areas with landscaping. Mr. Aveni stated this is a nicer project for the environment. Mr. Aveni stated

there is an easement in the northeast corner, so they need to move the stormwater structure off that. Mr. Aveni stated the snow storage has been identified. Mr. Aveni stated for lighting there are three wall packs with no light trespass, which are similar to dark sky compliant lights. Mr. Aveni stated the waste storage receptacles are shown. Mr. Aveni stated that they had a meeting with the Conservation Commission the other night. Mr. Aveni stated that there will be an increase in 571 sq. ft. not the 517 sq. ft. which is a scrivener's error. Mr. Aveni stated there is no deterioration effect to the neighborhood and that it somewhat fits in and makes the space a little better. Councilor Mercer-Bruen stated nice job as always. Councilor Mercer-Bruen stated she did not want to move it off the floor tonight, until everything was included. Councilor Mercer-Bruen stated that she wanted to wait until the final Conservation Commission comments. Councilor Mercer-Bruen stated it looks great and wants to send it off to committee meeting. Upon inquiry from Councilor Gately, Mr. Aveni stated that the north half of the property tenant will be Solid Energy, and the south half is a company that makes filters for oil rigs and the client is looking to expand the business and wants to stay here in Woburn. Mr. Aveni stated the utilities will be coming from the original building. Councilor DiMambro stated he was concerned with the northwest corner for emergency vehicles to maneuver around. Mr. Aveni stated there is more than enough room with 24 feet wide and both trailers and delivery truck can get around to the back loading area. Motion made and 2<sup>nd</sup> that the public hearing be opened for public comments, all in favor, 8-0-1 (Campbell Absent). PUBLIC COMMENTS: None. Upon inquiry from Councilor Mercer-Bruen and President Concannon, City Clerk Higgins stated that she would appreciate if the City Council would not have committee meetings on November 7, 2022 as it is the night before the State Election. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON November 15, 2022, all in favor, 8-0-1 (Campbell Absent).

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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: Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Woburn, Massachusetts 01801, stated the petitioner is seeking to modify a special permit under Section 5.1(57b), 7.3, and 9 to allow for increase of overnight vehicles from 20 to 28. Attorney Tarby stated the petitioner assumed the lease from Preferred Meals. Attorney Tarby stated the petitioner has the same business and provides meals to seniors and school systems. Attorney Tarby stated the request is from 20 to 28 vehicles and there is an updated site plan and everything else remains the same. Councilor Mercer-Bruen stated there was not chance to discuss this in committee but she had time to talk with Attorney Tarby and Inspector Quinn. Councilor Mercer-Bruen stated Attorney Tarby has a list with the year, make and model of the vehicles being parked. Motion made and 2<sup>nd</sup> that the list be received and made part of the permanent record, all in favor, 8-0-1 (Campbell Absent). Councilor Mercer-Bruen stated that the original special permit has 24 Conditions and No. 8 refers to the vehicles. Councilor Mercer-Bruen stated that Attorney Tarby will submit the conditions. Councilor

Mercer-Bruen stated there are three proposed conditions: No. 1 is the standard condition naming the plan of record, which is dated October 12, 2022; No. 2 refers to the amount of overnight vehicles increasing; and No. 3 states that all previous conditions remain in full force and effect, unless otherwise modified. Motion made and 2<sup>nd</sup> that the conditions be received and made part of the permanent record, all in favor, 8-0-1 (Campbell Absent). Motion made and 2<sup>nd</sup> that the public hearing be opened for public comments, all in favor, 8-0-1 (Campbell Absent). PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING BE CLOSED, all in favor, 8-0-1 (Campbell Absent). Motion made and 2<sup>nd</sup> 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, 8-0-1 (Campbell Absent). Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, subject to the following conditions: 1. The Petitioner shall construct and improve the Site as substantially described on the Plan of Record which for this project shall be “Reuse Conditions Plan #39 Olympia Avenue, Woburn, Massachusetts dated February 28, 2020 revised May 28, 2020, revised July 20, 2020, revised October 5, 2022 and revised October 12, 2022, prepared by Hayes Engineering, Inc., 603 Salem Street, Wakefield, MA 01880 (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 form said plans as determined by the Building Commissioner. In the event that the building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan; 2. The Petitioner shall be allowed to park overnight on the premises twenty-eight (28) commercial vehicles; and 3. All conditions set forth in the Landowner’s Decision and Notice of Special Permit dated May 19, 2020 shall remain in full force and effect unless modified by this Decision, all in favor, 8-0-1 (Campbell Absent).

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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: Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Woburn, Massachusetts 01801, stated this is the same building as Trio Community Meals and the petitioner is seeking relief pursuant to Section 5.1(42), Section 5.1(57b), Section 7.3 and Section 9, 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. Attorney Tarby stated that the petitioner is looking to occupy the remaining space in

the building, which is approximately 17,540 sq. ft. that has not been rented. Attorney Tarby stated Corporate Chefs is a related company and would like to have executive offices, storage, and production of sandwiches and salads for vending machines. Attorney Tarby stated they are asking to park seven commercial vehicles that are shown on the updated plan that was submitted ahead of time. Motion made and 2<sup>nd</sup> that the public hearing be opened for public comments, all in favor, 8-0-1 (Campbell Absent). PUBLIC COMMENTS: Upon inquiry from Councilor Mercer-Bruen, Attorney Tarby stated there are three proposed conditions: No. 1 is the standard condition naming the plan of record; No. 2 refers to the amount of overnight vehicles; and No. 3 states that all previous conditions remain in full force and effect, unless otherwise modified. Attorney Tarby stated he wanted to submit the conditions. Councilor Viol stated there is only 6 vehicles listed on the sheet. Motion made and 2<sup>nd</sup> that the list be received and made part of the permanent record, all in favor, 8-0-1 (Campbell Absent). Upon inquiry from Councilor Mercer-Bruen about the missing seventh vehicle from the list, David Derosia from Corporate Chefs stated they intend to grow in the future and wanted to have permission for the seventh vehicle now for the future. Mr. Derosia stated that the vehicle will be similar. Councilor Mercer-Bruen stated it would have been nice to know about this and the original special permit it requires a list. Councilor Demers stated if it is a common transit van that a condition can be added to make sure that the vehicle is no longer or wider than the six vehicles listed. Councilor Gately stated he had no problem with that. Motion made and 2<sup>nd</sup> that a condition be added that overnight vehicles parked on the premises cannot be longer or wider than the six vehicles listed on the "Vehicle Information For 39 Olympia Ave" under "Vans for Corporate Chefs", all in favor, 8-0-1 (Campbell Absent). Motion made and 2<sup>nd</sup> that the conditions as updated be received and made part of the permanent record, and be used as a working draft, all in favor, 8-0-1 (Campbell Absent). Motion made and 2<sup>nd</sup> that the PUBLIC HEARING BE CLOSED, all in favor, 8-0-1 (Campbell Absent). Motion made and 2<sup>nd</sup> 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, 8-0-1 (Campbell Absent). Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, subject to the following conditions: 1. The Petitioner shall construct and improve the Site as substantially described on the Plan of Record which for this project shall be "Reuse Conditions Plan #39 Olympia Avenue, Woburn, Massachusetts dated February 28, 2020 revised May 28, 2020, revised July 20, 2020, revised October 5, 2022 and revised October 12, 2022, prepared by Hayes Engineering, Inc., 603 Salem Street, Wakefield, MA 01880 (hereinafter the "Site Plan") although design adjustments and modifications generally associated with: (i) preparing so-called "working drawings" or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan; 2. The Petitioner shall be allowed to park overnight on the premises seven (7) commercial vehicles; 3. All conditions set forth in the Landowner's Decision and Notice of Special Permit dated May 19, 2020 shall remain in full

force and effect unless modified by this Decision; and 4. Overnight vehicles parked on the premises cannot be longer or wider than the six vehicles listed on the “Vehicle Information For 39 Olympia Ave” under “Vans for Corporate Chefs”, all in favor, 8-0-1 (Campbell Absent).

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Motion made and 2<sup>nd</sup> to take the next two matters collectively, all in favor, 8-0-1 (Campbell Absent).

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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 October 13, 2022, was received from John E. Corey, Jr. P.E., City Engineer, regarding “216 New Boston Street Special Permit.” Motion made and 2<sup>nd</sup> that the communication be received and made part of the permanent record, all in favor, 8-0-1 (Campbell Absent). Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Woburn, Massachusetts 01801, stated he received the memo from Jay Corey regarding the peer reviews, and they are only waiting on the one for sewer capacity. Attorney Tarby stated he wanted to continue the requests on until November 15, 2022 meeting to have a game plan for the sewer. Attorney Tarby stated this project is made up of two parcels, 216 New Boston Street for a two story building, and 225 Merrimac Street for a four story building with a parking garage containing 451 spaces. Attorney Tarby stated the Planning Board started its hearings in July and have continued the public hearings several times. Attorney Tarby stated that the next meeting for the Planning Board will be November 15, 2022. Attorney Tarby stated the petitioner will be scheduled for two places at the same time. Attorney Tarby stated that in response to the October 13, 2022 memo from the city engineer, he had Scott Thornton, Vanasse & Associates, with him to address the outstanding sewer issues. Attorney Tarby stated that the petitioner is willing to spend \$23,000 to inspect the sewer line to find out what needs to be done. Nick Dellacava, Allen & Major Associates, stated he had a handout of the slides presented. Motion made and 2<sup>nd</sup> that the presentation be received and made part of the permanent record, all in favor, 8-0-1 (Campbell Absent). Mr. Dellacava stated the petitioner has met with the DPW and Engineering Departments. Mr. Dellacava stated the engineering memo stated all the concerns were addressed for Horsley Witten, Environmental Partners and World Tech. Mr. Dellacava stated the petitioner has agreed to contribute \$150,000 to the new Boston Street Traffic signal. Mr. Dellacava stated the petitioner will be cleaning and inspecting the sewer onsite and offsite. Mr. Dellacava stated the petitioner has a meeting with DPW and Engineering Departments to inspect the sewer flow downstream. Mr. Dellacava stated the petitioner they will be doing cleaning of the green



line, as well as video inspect it. Mr. Dellacava stated the connection is where the green line starts. Upon inquiry from Councilor DiMambro about widening the line, Mr. Dellacava stated it depends on the capacity, as there is a 15 inch line on New Boston Street now and based on the cameras there is plenty of capacity, and they are not expected to update. Upon inquiry from Councilor Gately, Mr. Dellacava stated the flow movement downstream is to Merrimac Street, and there are not many buildings above them. Mr. Dellacava stated the petitioner is waiting for the data. Mr. Dellacava stated it may be a clay pipe, and there are a couple of manholes they could not inspect because they were paved over. Upon inquiry from President Concannon, Mr. Dellacava stated there is a gameplan. Councilor DiMambro stated he would like the clay pipe to be updated to today's standards. Mr. Dellacava stated that at the point with the new connection down to New Boston Street they will replace the clay pipe with a PVC line. Scott Thornton, Vanasse & Associates, stated he was here for traffic questions, and that the World Tech peer review stated they were satisfied. Mr. Thornton stated there was a comment related to the petitioner contributing \$150,000, which the petitioner agreed to. Mr. Thornton stated the traffic has been addressed. Councilor DiMambro stated he was concerned with the signal at the corner of Merrimac Street, School Street, and Main Street. Councilor DiMambro stated he contacted MassDOT and is trying to figure out who owns it. Mr. Thornton stated with the distances the communication between the lights is not efficient. Upon inquiry from Councilor DiMambro, Mr. Thornton stated he believes the city has the equipment to do this with grid smart. Councilor DiMambro stated he is happy if the lights are in conjunction. Motion made and 2<sup>nd</sup> that the public hearing be opened for public comments, all in favor, 8-0-1 (Campbell Absent). PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON November 15, 2022, all in favor, 8-0-1 (Campbell Absent).

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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 October 13, 2022, was received from John E. Corey, Jr. P.E., City Engineer, regarding "216 New Boston Street Special Permit." Motion made and 2<sup>nd</sup> that the communication be received and made part of the permanent record, all in favor, 8-0-1 (Campbell Absent). Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Woburn, Massachusetts 01801, stated he received the memo from Jay Corey regarding the peer reviews, and they are only waiting on the one for sewer capacity. Attorney Tarby stated he wanted to continue the requests on until November 15, 2022 meeting to have a game plan for the sewer. Attorney Tarby stated this project is made up of two parcels, 216 New Boston Street for a two story building, and 225 Merrimac Street for a four story building with a parking garage containing 451 spaces. Attorney Tarby stated the Planning Board started its hearings in July and have continued the public hearings several

times. Attorney Tarby stated that the next meeting for the Planning Board will be November 15, 2022. Attorney Tarby stated the petitioner will be scheduled for two places at the same time. Attorney Tarby stated that in response to the October 13, 2022 memo from the city engineer, he had Scott Thornton, Vanasse & Associates, with him to address the outstanding sewer issues. Attorney Tarby stated that the petitioner is willing to spend \$23,000 to inspect the sewer line to find out what needs to be done. Nick Dellacava, Allen & Major Associates, stated he had a handout of the slides presented. Motion made and 2<sup>nd</sup> that the presentation be received and made part of the permanent record, all in favor, 8-0-1 (Campbell Absent). Mr. Dellacava stated the petitioner has met with the DPW and Engineering Departments. Mr. Dellacava stated the engineering memo stated all the concerns were addressed for Horsley Witten, Environmental Partners and World Tech. Mr. Dellacava stated the petitioner has agreed to contribute \$150,000 to the new Boston Street Traffic signal. Mr. Dellacava stated the petitioner will be cleaning and inspecting the sewer onsite and offsite. Mr. Dellacava stated the petitioner has a meeting with DPW and Engineering Departments to inspect the sewer flow downstream. Mr. Dellacava stated the petitioner they will be doing cleaning of the green line, as well as video inspect it. Mr. Dellacava stated the connection is where the green line starts. Upon inquiry from Councilor DiMambro about widening the line, Mr. Dellacava stated it depends on the capacity, as there is a 15 inch line on New Boston Street now and based on the cameras there is plenty of capacity, and they are not expected to update. Upon inquiry from Councilor Gately, Mr. Dellacava stated the flow movement downstream is to Merrimac Street, and there are not many buildings above them. Mr. Dellacava stated the petitioner is waiting for the data. Mr. Dellacava stated it may be a clay pipe, and there are a couple of manholes they could not inspect because they were paved over. Upon inquiry from President Concannon, Mr. Dellacava stated there is a gameplan. Councilor DiMambro stated he would like the clay pipe to be updated to today's standards. Mr. Dellacava stated that at the point with the new connection down to New Boston Street they will replace the clay pipe with a PVC line. Scott Thornton, Vanasse & Associates, stated he was here for traffic questions, and that the World Tech peer review stated they were satisfied. Mr. Thornton stated there was a comment related to the petitioner contributing \$150,000, which the petitioner agreed to. Mr. Thornton stated the traffic has been addressed. Councilor DiMambro stated he was concerned with the signal at the corner of Merrimac Street, School Street, and Main Street. Councilor DiMambro stated he contacted MassDOT and is trying to figure out who owns it. Mr. Thornton stated with the distances the communication between the lights is not efficient. Upon inquiry from Councilor DiMambro, Mr. Thornton stated he believes the city has the equipment to do this with grid smart. Councilor DiMambro stated he is happy if the lights are in conjunction. Motion made and 2<sup>nd</sup> that the public hearing be opened for public comments, all in favor, 8-0-1 (Campbell Absent). PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON November 15, 2022, all in favor, 8-0-1 (Campbell Absent).

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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 October 18, 2022, was received from Lt. Joseph Foley, Woburn Fire Prevention, Woburn Fire Department, regarding “31 Olympia Ave – UHaul Proposal for Warehouse Addition.”

Further, a communication dated October 27, 2022, was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Suite 502, Woburn, Massachusetts 01801 as follows:

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

Dear Ms. Higgins:

On behalf of U-Haul of Massachusetts and Ohio, Inc., I respectfully request that the above referenced Petition be given leave to withdraw without prejudice. If you need any further information, please do not hesitate to contact me. Thank you.

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

Motion made and 2<sup>nd</sup> that the communications be received and made part of the permanent record, all in favor, 8-0-1 (Campbell Absent). Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Woburn, Massachusetts 01801, stated the petitioner is requesting to leave to withdraw without prejudice and he had nothing more to say. Councilor Mercer-Bruen stated she wanted to remind the council that a couple months back the council was given an outline from the fire department stating how dangerous the proposal was. Councilor Mercer-Bruen stated she is happy to support the withdrawal without prejudice but if this resurfaces in the same form, her concerns will not go away. Councilor Viola stated he echoed Councilor Mercer-Bruen and is concerned with the fire suppression as outlined by Lt. Foley. Councilor Gately stated we all got a glimpse that this is not the right system and if this came through again there would not be enough votes to pass it. Councilor Gately stated this is not for the City of Woburn. Councilor Gately stated it needs to be restructured and rethought out. Councilor Mercer-Bruen stated that the letter from the fire department was certainly eye opening about a lot of things and that she is still concerned. Councilor DiMambro stated that the fire suppression and the stacking inside of such boxes without knowing what is inside of them is dangerous for Woburn. Motion made and 2<sup>nd</sup> that the public hearing be opened for public comments, all in favor, 8-0-1 (Campbell Absent). PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING BE CLOSED, all in favor, 8-0-1 (Campbell Absent). Motion made and 2<sup>nd</sup> that the LEAVE

TO WITHDRAW WITHOUT PREJUDICE BE GRANTED, all in favor, 8-0-1 (Campbell Absent).

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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 October 31, 2022, was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Suite 502, Woburn, Massachusetts 01801 regarding "Proposed Revisions to LBOD". Motion made and 2<sup>nd</sup> that the communication be received and made part of the permanent record, all in favor, 8-0-1 (Campbell Absent). Motion made and 2<sup>nd</sup> to make the redline draft, as submitted by Attorney Joseph Tarby, a working draft, all in favor, 8-0-1 (Campbell Absent). Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Woburn, Massachusetts 01801, stated he had a PowerPoint presentation he would like to submit. Motion made and 2<sup>nd</sup> that the PowerPoint be received and made part of the permanent record, all in favor, 8-0-1 (Campbell Absent). Attorney Tarby stated he was going to review the questions that were asked at the last meeting. Attorney Tarby stated Councilor Mercer-Bruen asked for renderings, and Councilor Campbell asked what kind of rooftop will look like with the mechanicals. Attorney Tarby stated he had Chris Mora from The Davis Companies here tonight as well. Chris Mora stated that he was here to answer any outstanding questions the neighbors actually see. Mr. Mora stated he had an example of what the rooftop mechanics would look like. Mr. Mora stated he had a drone photo from June 2022 on Ellen Road. Mr. Mora stated he made a rendering where there would be no leaves to show the various images would look like. Mr. Mora stated he then converted the photo to show computer modeled trees. Mr. Mora stated this is shows what would be seen, though not realistic, but gives an idea. Mr. Mora stated the building itself is about a football field away. Mr. Mora stated that the petitioner is committed to working with the neighbors for creating a landscaped buffer area primarily with evergreens, and there will still be some trees. Mr. Mora stated essentially for nine months the neighbors will not see buildings. Mr. Mora stated he would like to do the drone photos again once the leaves have fallen from the trees. Mr. Mora stated the scale is relative to the deck on 7 Ellen Road. Mr. Mora showed examples of rooftop mechanicals on similar projects. Mr. Mora stated that on the Ft. Devens example, there is a mechanical penthouse that has a screened barrier, so you don't see it from the street. Mr. Mora stated the screens don't mask everything such as chimneys that are higher. Mr. Mora showed a project in North Carolina and St. Paul. Mr. Mora stated that the Norwood Moderna facility has a penthouse set back on the right hand side. Mr. Mora stated the South Boston treatment actually has corrugated metal. Upon inquiry from Councilor Dillon, Mr. Mora stated that the closest house is 11 Ellen Road, but

all are about 300 to 330 feet away and that the screening is typically insulated on the roof. Councilor DiMambro stated he appreciated the barriers, as his house does not have any, as well as the aesthetics. Councilor Mercer-Bruen thanked the petitioner for the pictures. Councilor Mercer-Bruen stated that she appreciated the picture without any trees which is really important, and most of the time there is not a situation with no trees. Attorney Tarby stated that in the LBOD Section 33.6.2.3 there is language that requires the buffers zone evergreen facing the property line. Attorney Tarby stated that Section 33.10.7 allows conditions on just about all aspects of the business, such as noise and lighting. Attorney Tarby stated section 33.1.3.4 requires the special permit to not be issued unless certain conditions are met. Councilor Mercer-Bruen stated that this was a shocking visual and that it is important the petitioner did that. Councilor Demers stated that this is just an example of what is being used and that there has been no discussion of the wetlands that will remain. Councilor Demers stated that this is an additional buffer. Mr. Mora state that was correct. Councilor Demers stated that the image is shocking and there is an additional buffer. Motion made and 2<sup>nd</sup> that a communication be sent to the City Solicitor to review the proposed revisions to the LBOD, all in favor, 8-0-1 (Campbell Absent). Motion made and 2<sup>nd</sup> that the public hearing be opened for public comments, all in favor, 8-0-1 (Campbell Absent).

**PUBLIC COMMENTS:** Lindsay Minihan, 13 Poole Street, stated the example at Ft. Devens had no names, and was concerned it was in a residential neighborhood. Ms. Minihan stated that the chemicals are vague, such as bleach. Ms. Minihan stated the chemicals are not low risk and there are three elementary schools and the Boys and Girls Club in the area. Ms. Minihan stated the Planning Board did not pass this and did not know why it was before the City Council if it did not pass the Planning Board. Dan Lopez, 11 Ellen Road, stated he is the closest abutter and not 7 Ellen Road. Mr. Lopez stated that the photo of the new structure is deceiving and a football length. Mr. Lopez stated that the presentation is very informative but is deceiving. Mr. Lopez thanked Councilor Demers for holding the neighborhood meetings, which was good for the neighborhood. Mr. Lopez stated he was not opposed to building but was opposed to the zoning change. Mr. Lopez stated he was concerned with parking and what tenants would be in the building. Mr. Lopez stated the rezoning to life sciences by right will not know the level of hazardous research. Mr. Lopez stated that the BU virus researching there has an 80% kill rate. Mr. Lopez stated wants a restriction to an access road on Lowell Street. Mr. Lopez stated there have already been two more labs on Merrimac Street approved and were not questioned. Mr. Lopez thanked the councilors and Councilor Demers.

Councilor Dillon stated that the special permit conditions would be able to address his concerns. Mr. Lopez stated he was concerned with what low level meant. Carol Nagle, 723 Main Street, stated Woburn is so far behind Burlington. Ms. Nagle stated Woburn has 50 life science companies currently and Lexington the closest has 26. Ms. Nagle stated other communities have one or zero. Ms. Nagle stated there are 50 by right. Ms. Nagle stated the city loses control by having an overlay district and does not know what is going on there. Ms. Nagle stated the neighbors have to be safe. Ms. Nagle stated the petitioner has done nothing with the original 1993 special permit and many of the original conditions have not been adhered to. Ms. Nagle stated the petitioner was allowed to subdivide lot. Ms. Nagle stated what else is the petitioner going to change since they never followed through on the last special permit. Ms. Nagle stated they have been rewarded. Ms. Nagle stated there should be no life sciences. Kevin Lonergan, 7 Ellen Road, stated he has learned a lot through this process. Mr. Lonergan stated he spoke in early December last year about the proposed plan.

Mr. Lonergan stated how a lot has changed. Mr. Lonergan stated the neighbors spoke out and learned. Mr. Lonergan stated it is better to educate yourself when you have the chance to do so. Mr. Lonergan stated he has been to many city council meetings and has had conversations. Mr. Lonergan stated the Planning Board has met and there have been neighborhood meetings. Mr. Lonergan stated thanked Chris and Mike for being available to answer his questions and appreciated the experts. Mr. Lonergan stated he had three concerns: traffic, flooding, and safety, which are all legitimate. Mr. Lonergan stated he has lived there 40 years and is one of the closest and would prefer nothing be built there and have it empty. Mr. Lonergan stated he has come to the conclusion that something is going there and wants what would best fit there. Mr. Lonergan stated he looked at things and took some time to sit back and educate himself on the process. Mr. Lonergan stated after hearing everything that he is now in favor of the project. Shawn Courtney, 3 Ellen Road, stated he was concerned with having a life sciences building in a residential neighborhood. Mr. Courtney stated that it cannot be a tax thing. Mr. Courtney stated that the penthouse mechanical rooms are going to have a lot of noise that will flood the neighborhood. Mr. Courtney stated there are going to be 15 ft. screens and things will be above that. Mr. Courtney stated it is misleading, and the property pictures are misleading as where will be lights in the backyard during the winter. Maureen McGann, 8 Marion Avenue, stated the proposal was before the council back in 2021. Ms. McGann stated the Planning Board met twice on this in 2021 and again in September 2022 and they voted against the overlay. Ms. McGann stated the Planning Board put a lot of time and effort into it. Ms. McGann stated that the taxation of a building owned by a nonprofit, will need a PILOT with the City of Woburn. Ms. McGann stated the project is too big and too dangerous. Ann Dowd, 43 Wyman Street, stated the City Council needs to keep the city safe. Ms. Dowd stated the council is putting another responsibility on the Board of Health, and they should hire someone to makes sure people are abiding by the rules and regulations. Ms. Dowd stated that she was concerned with an access road onto Lowell Street as this was agreed to in 1970s. Ms. McGann stated the school cannot handle the traffic over there and it is being pushed to Marion Avenue. Ms. McGann stated she is for life sciences, but this is not the right place for it. Ms. Nagle approached again and stated in favor of something going there just not this. Marie Lee, 6 Marion Avenue, stated she is not against life sciences. Ms. Lee stated she has been a hospice volunteer for over 20 years. Ms. Lee stated it is not zone biomedical. Ms. Lee stated the Planning Board has met four or five times and voted against it 5-1. Ms. Lee stated the Planning Board has the expertise they brought to the issues. Ms. Lee stated Woburn does not need the tax revenue and this is a handout from the Davis Company. Ms. Lee stated that Level 2 is a moderate risk for the worker, and this should not be in a residential area. Ms. Lee stated that by right in a B1 area can have a good amount of revenue. Ms. Lee stated she isn't concerned with Chapter 40B project because Woburn is at 10% plus. Ms. Lee stated nothing on the B1 list, and anything outlandish needs a special permit. Ms. Lee stated this project should not be near a school or childcare center. Joe Flaherty, 17 Boyd Road, stated he has attended meetings and the project has come a long way. Mr. Flaherty stated that the Davis Company did a good job of bringing industry professionals to explain. Mr. Flaherty stated back in January he attended a Woburn Chamber of Commerce where the Mayor, President of the Council, and Councilors attended. Mr. Flaherty stated both the Mayor and the Building Inspector said they wanted more life sciences and R&D businesses. Mr. Flaherty stated that the biosafe 1 and 2 labs are exactly that. Mr. Flaherty stated this was a great use of underutilized property and there will be good

paying jobs. Attorney Tarby stated that he had Dr. Antonia Pugliese, and Chris Mora back to answer questions. Attorney Tarby stated there is a lot of misinformation of what National Amusements did in 1989. Attorney Tarby stated in 2016 he prepared a memo that showed the step by step process from Mayor Rabbit all the way to Mayor Galvin with reference to the two sidewalks. Attorney Tarby stated that WMC Section 2-217 outlines the authority of the Biomedical Oversight Committee (“BOC”). Attorney Tarby stated that the LBOD has a lot of teeth in the ordinance as well as WMC 2-217 with the BOC issuing permits. Attorney Tarby stated he understood that the Board of Health oversees since the inception in 2005 the BOC where there are now 52 permits, and a large number of these are no longer in existence. Attorney Tarby stated each biomedical company has to appoint one employee to the BOC as well as a facility safety officer. Attorney Tarby stated there are also site visits and a procedure to report violations. Attorney Tarby stated that they are highly regulated and require training by federal, state, and local laws. Attorney Tarby stated the permits can be revoked if violations and there are only BL1 and BL2. Attorney Tarby stated the ordinance specifically excludes BL3 and BL4. Dr. Antonia Pugliese stated she would shed light. Dr. Pugliese stated that there is a lot of oversight with tenants themselves. Dr. Antonia Pugliese stated that the BOC has oversight of biological materials, the fire department over chemicals and quantities. Dr. Antonia Pugliese stated there is a 600 page document the “BMBL” that outlines all the different things scientists are required to do. Dr. Antonia Pugliese stated the more the potential risk the stricter the requirements, that is why BL2 has more restrictions than BL1. Dr. Antonia Pugliese stated BL1 has all kinds of things like microbiota contained in beer and bread. Dr. Antonia Pugliese stated with BL2 can be sick but still are not bad and she does not have an exhaustive list. Dr. Antonia Pugliese stated BL2 has stringent requirements that are not significant. Dr. Antonia Pugliese stated the highest danger is BL4 labs that test on cold virus and Covid virus, which are inherently different and have a big range. Motion made and 2<sup>nd</sup> to suspend the rules and take a five minute recess, all in favor, 8-0-1 (Campbell Absent). Motion made and 2<sup>nd</sup> to return to the regular order of business, all in favor, 8-0-1 (Campbell Absent). Dr. Antonia Pugliese stated she is here in her professional capacity but that she does live in the area. Dr. Antonia Pugliese stated she lives at 6 True Place and is an abutter. Dr. Antonia Pugliese stated she has a 1 ½ year old child, and she is familiar with the rules and regulations that are safe. Chris Mora stated that the imagery he showed earlier was from 7 Ellen Road with the red dot. Mr. Mora stated the view is as if you are standing on the pool and deck. Mr. Mora stated the perspective may be different from Mr. Lopez’s house, however that the location of houses and deck are almost the same distance. Mr. Mora stated the perspective at 11 Ellen Road was showed at the previous meeting and is approximately a football field distance. Attorney Tarby stated with regarding the comments about the process and what NAI failed to do about the sidewalks that in 1989 the Land Court decision stated it had to settle and grant the special permit. Attorney Tarby stated that one of the conditions was for sidewalks and lighting on Main Street. Attorney Tarby stated it also stated that if the City of Woburn could not contain easements that NAI is excused from performing it. Attorney Tarby stated that Mayor Rabbit at the end of his administration had a preliminary property owner Mystic Development, that wanted compensation and Woburn did not want to pay for it. Attorney Tarby stated that the next mayor could have gone back to and did not go back to. On May 3, 1996, under Mayor Dever, the city solicitor drafted a resolve and the Mystic Development wanted compensation. Attorney Tarby stated Mayor Dever would not go for it. Attorney Tarby stated that under Mayor Curran, the property was purchased by

Robert Holland and as part of the special permit condition of a hockey rink he would provide the easements. Attorney Tarby stated the special permit was appealed, and the cost of the steel went up, so rink was never developed. Attorney Tarby stated under Mayor McLaughlin and the city solicitor at the time suggested to prepare an order of conditions from the Conservation Commission to have the 1,100 ft brick bridge and replacement of catch basins to mitigate the stormwater. Attorney Tarby stated in September of 2008, the petitioner installed sidewalks from the site over the bridge and stopped as it could not get the easements on the other side of the canal. Attorney Tarby stated under Mayor Galvin, the property was developed and made it difficult to obtain easements. Attorney Tarby stated that of the 1,100 ft. required, NAI completed 720 linear feet and drainage. Attorney Tarby stated the condition was removed a few years ago back in 2016. Attorney Tarby stated that NAI did not have to pay any fines because sidewalk issues and paid its monthly fees for occupancy permits. Attorney Tarby stated the payments were put out to six months and then annually. Attorney Tarby stated NAI could not complete the rest because they do not own the land. Attorney Tarby stated NAI has been a good neighbor, it has hosted 68 Halloween Parades, it offered its lot to the COVID testing facility, and they allow the Boys and Girls Club to use for its carnivals. Attorney Tarby stated it is a good business. Attorney Tarby stated that the 1993 special permit prohibits any access to Ellen Road, Marion Avenue, or Lowell Street. Attorney Tarby stated the condition remains on the property notwithstanding a settlement and it can be imposed on any other special permit. Louise O'Connell, 26 Park Drive, stated she is not opposed, but that she does not want it in a residential area. Upon inquiry from Ms. O'Connell about a hazmat team, President Concannon stated that the council does not engage in a back and forth but can get answers. Ms. O'Connell stated that the water issues and who is paying for it. Ms. O'Connell stated at the Planning Board meetings they identified clearly things, but it seems different here. Ms. Nagle approached again and stated to look at the conditions of the special permit that there were supposed to give a 12,000 sq. ft. parcel of land on Lowell Street to the city. Ms. Nagle stated she does not want to say they are a bad neighbor, but she is concerned with the same issues of not following conditions in the future. Councilor Demers stated he wanted to cover a few issues and wants people to make rules that the prohibition of access to Lowell Street will remain. Councilor Demers stated he was leery of this area especially aware of it from his old boss State Representative Jim Dwyer on my mind, and he does not take this lightly. Councilor Demers stated he is not benefiting from this and looks at each project at what the worst case scenario to the best case scenario can be. Councilor Demers stated best case scenario nothing is done. Councilor Demers stated the worst case scenario is that a strip mall or home depot goes in there with constant traffic. Councilor Demers stated the city has learned the hard way with the land in North Woburn that was supposed to have five to seven houses and now it has a massive residential building and is essentially a quarry. Councilor Demers stated he tried to take into consideration the developer working with the neighbors. Councilor Demers stated they are only having BSL1 and BSL2 levels unlike Burlington who has BSL3 and BSL4. Councilor Demers stated he would like this continued until the next meeting and have more examples of what chemicals are in the BSL1 and BSL2. Councilor Demers stated he spoke with the City Solicitor and brought up the Lowell Street condition in zoning as opposed to a special permit. Councilor Demers stated something is going in that location. Councilor Gately stated promises were made and broken and the petitioner needs to finish the job. Councilor Gately stated that they should make grass and have a soccer field there. Councilor Gately stated they do not need



buildings and that he worked in the DPW, and that area are swamps and are never cleaned. Councilor Gately stated he has been against this as the chairman of the Special Permits Committee, and has been on that committee for 16 years, and the chair for 10 or 12 years. Councilor Dillon stated he attended the neighborhood meetings and when you break it down the issues are with traffic, flooding, and safety. Councilor Dillon stated regarding traffic, biochemical companies will have two employees per 1,000 sq. ft., that means they will only have two to three employees, and nothing else could go in there that would be less traffic. Councilor Dillon stated regarding flooding, the City Engineer has stated with the proposed improvements, it will help upstream and downstream. Councilor Dillon stated regarding safety, there have been more questions and legitimate concerns. Councilor Dillon stated this project is safer than what could happen if they pulled the stakes up and have a 40B project. Councilor Viola stated safety is his outmost concern, not tax revenue. Councilor Viola stated the experts have stated that this is not that harmful and are similar to chemicals sold at Ace Hardware or Home Depot that would have greater quantities. Councilor Viola stated a lot can get improved to make the water runoff better. Councilor Mercer-Bruen stated the most fatal flaw was that the council at the time did not make them do the sidewalks. Councilor Mercer-Bruen stated you cannot just take people's private property unless eminent domain. Councilor Mercer-Bruen stated the original special permit fatal flaw was the language they used. Councilor Mercer-Bruen stated the petitioner has completed 700 ft. of the sidewalk and could not go any further. Councilor Mercer-Bruen stated there are issues with safety and rezoning that she has seen many times in Ward 5, which is not easy for people. Councilor Mercer-Bruen stated people sit there and say put ourselves in the chair and never want our own families in harms way. Councilor Mercer-Bruen thanked Councilor Demers for his work. Councilor Mercer-Bruen stated Councilor Viola made a good point, and that she lives right next to Home Depot, Kohls, and Target, and when combine these locations it is much more harmful. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON November 15, 2022, all in favor, 8-0-1 (Campbell Absent).

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Motion made and 2<sup>nd</sup> to suspend the rules and take a three minute recess, all in favor, 8-0-1 (Campbell Absent).

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Motion made and 2<sup>nd</sup> to return to the regular order of business, all in favor, 8-0-1 (Campbell Absent).

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**UNFINISHED BUSINESS OF PRECEDING MEETING: None.**

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**COMMITTEE REPORTS:**

**INFRASTRUCTURE AND PUBLIC LANDS:**

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

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 2<sup>nd</sup> that the COMMITTEE REPORT BE ADOPTED, all in favor, 8-0-1 (Campbell Absent).

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

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**PUBLIC SAFETY AND LICENSE:**

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

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 2<sup>nd</sup> that the COMMITTEE REPORT BE ADOPTED, all in favor, 8-0-1 (Campbell Absent).

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

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

Petitions for renewal of Second Class Motor Vehicles Sales Licenses by the following: 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 2<sup>nd</sup> that the COMMITTEE REPORT BE ADOPTED, all in favor, 8-0-1 (Campbell Absent).

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

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**CITIZEN'S PARTICIPATION:**

Petition by Jenna Francis, 12 James Street, Woburn, Massachusetts 01801, to discuss Know Your Neighbor Woburn. Motion made and 2<sup>nd</sup> that the MATTER BE REFERRED TO THE COMMITTEE ON LIAISON, all in favor, 8-0-1 (Campbell Absent).

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**COMMUNICATIONS AND REPORTS:**

A communication dated October 18, 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 September 2022: Number of Violations Issued 463, Numbers of Violations Paid 218, Number of Violations Outstanding 171, Amount collected and submitted to Collectors Office \$34,017.40, Parking fines referred to the Handicap Commission \$7,900.00.

There is a backlog of 1570 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

Motion made and 2<sup>nd</sup> that the MATTER BE RECEIVED AND PLACED ON FILE, all in favor, 8-0-1 (Campbell Absent).

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**APPOINTMENTS AND ELECTIONS: None.**

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**MOTIONS, ORDERS AND RESOLUTIONS: None.**

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Motion made and 2<sup>nd</sup> to ADJOURN, all in favor, 8-0-1 (Campbell Absent). Meeting adjourned at 9:33 p.m.