

**CITY OF WOBURN
NOVEMBER 15, 2022 – 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBER, WOBURN CITY HALL**

Roll Call

Campbell	Ferullo
Demers	Gately
Dillon	Mercer-Bruen
DiMambro	Viola
Concannon	

Councilor Mercer-Bruen thanked the City Clerk, all the election workers, police, and poll workers for a safe and wonderful Election Day.

Motion made and 2nd to return to the regular order of business, all in favor, 9-0.

MAYOR’S COMMUNICATIONS:

A communication was received from His Honor Mayor Galvin dated November 11, 2022 as follows:

Dear President Concannon and Council members:

In accordance with section 12 of The City of Woburn Charter, enacted by virtue of special legislation approved as Chapter 374 of the acts of 1888, and revised by the legislature by Chapter 172 of The Acts of 1897, I am calling for a Special meeting of The Woburn City Council to be held on Thursday, December 1, 2022 at 6:00 pm.

The purpose of the meeting is for the City Council to hold its annual tax classification hearing. At this hearing, the council will consider whether to shift a portion of the tax levy from residential taxpayers to commercial, industrial and business personal property taxpayers. The City Council will vote to determine the relative tax burden to be borne by each class of property by selecting a “residential factor”. The Board of Assessors will present informational material materials to assist the council in its deliberations.

Sincerely, s/ Scott D. Galvin, Mayor

Motion made and 2nd that the communication be received and made part of the permanent record, all in favor, 9-0.

Motion made and 2nd to take the next three matters collectively, all in favor, 9-0.

ORDERED That the sum of \$1,076,370.25 be and is hereby appropriated as so stated:

To: Mayor’s Salary Adjustment \$1,076,370.25
Acct# 0112151-511019

Purpose: Pending Contract Settlements
FY 23 Funding

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

President Concannon stated that the intent is to have a special meeting on November 22, 2022 to pass such appropriations. Motion made and 2nd to suspend Rule 25 of the Rules and Orders of the City Council, and that the matter be LAID ON THE TABLE, all in favor, 9-0.

ORDERED That the sum of \$171,059.00 be and is hereby appropriated as so stated:

To: Police Reserves \$171,059.00
Acct# 0121051-512700

Purpose: Reservist Training

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

President Concannon stated that the intent is to have a special meeting on November 22, 2022 to pass such appropriations. Motion made and 2nd to suspend Rule 25 of the Rules and Orders of the City Council, and that the matter be LAID ON THE TABLE, all in favor, 9-0.

ORDERED That the sum of \$150,000.00 be and is hereby appropriated as so stated:

To: Mayor’s Utility Account \$150,000.00

Acct# 0112152-521100

Purpose: Utility Rate Increases

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

President Concannon stated that the intent is to have a special meeting on November 22, 2022 to pass such appropriations. Motion made and 2nd to suspend Rule 25 of the Rules and Orders of the City Council, and that the matter be LAID ON THE TABLE, all in favor, 9-0.

NEW PETITIONS:

Petitions for renewal of First Class Motor Vehicles Sales Licenses by the following: Woburn Foreign Motors, Inc., 394 Washington Street; C.N. Wood Enviro, LLC, 200 Merrimac Street; C.N. Wood Company, Inc., 200 Merrimac Street; and Woodco Machinery, Inc., 22 North Maple Street. Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND LICENSE, all in favor, 9-0.

Petitions for renewal of Second Class Motor Vehicles Sales Licenses by the following: Oliver M. dba McDermottroe Auto Sales, 229 Lexington Street; George's Auto Body of Woburn, Inc., 19 Jefferson Avenue, #C; Nicolas Saba dba Montvale Service, 289 Salem Street; Robert McSheffrey dba Bob McSheffrey Auto Sales, 880 Main Street; Southside Associates, Inc. dba Burke's Garage, 71 Main Street; Donald J. Socorelis dba Woburn Glass Co., 243 Main Street; Ollie's Service Center, 310 Main Street; Tracy M. Batten dba Tracy's Auto Sales, 62R Winn Street; Murray's Enterprises, Inc. dba Murray's Auto & Truck Sales, 89 Winn Street; and Woburn Gas & Service, Inc., 545 Main Street. Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND LICENSE, all in favor, 9-0.

Petition by Chhear Hang, 66 Kent Road, Lynn, Massachusetts 01904, for special permit and site plan review pursuant to Section 5.1(29) and Section 12 of the WZO, to allow for a fast food restaurant, at 317 Main Street a/k/a 315 Main Street. Motion made and 2nd that the MATTER BE REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Councilor Mercer-Bruen recused herself from the next matter.

A communication dated November 7, 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: Request for Minor Modification to Landowner's Decision and Notice of Special Permit dated December 3, 2020, as modified by Notice of Modification of Special Permit dated October 12, 2021/Lahey Hospital & Medical Center, 8 Presidential Way, Woburn, Massachusetts (the "Decision")

Dear Ms. Higgins:

Please be advised that I represent Lahey Hospital & Medical Center in connection with the above-referenced matter. On behalf of my client I respectfully request that Condition 3 of the Decision be modified to allow for a further extension of one (1) year to December 3, 2023 for the drive thru COVID-19 testing facility at 8 Presidential Way, Woburn, Massachusetts.

Section 11.12 of the 1985 City of Woburn Zoning Ordinance entitled Modification of Special Permits defines a "Minor Modification" as follows:

A Minor Modification is one which will result in insignificant changes to the project. The following changes are examples of revisions that may be deemed to be Minor Modifications by the SPGA for purposes of this section (this list is not intended to be inclusive):

1. Minor adjustments in the location of buildings.
2. Minor adjustments to parking, landscaping or other site details that do not affect the overall buildout of the site;
3. Reductions of less than five percent (5%) in the amount of landscaped usable open space.
4. Minor adjustments that do not affect the number of housing units;
5. Minor adjustments that do not materially affect any housing units set aside as affordable housing units.
6. Minor adjustments to interior building floor plans that do not increase the number of required parking spaces.
7. Minor adjustments to approved façade plans and building elevations.
8. Minor adjustments to underground utility infrastructure.

The request for a one (1) year extension for the COVID-19 Test Facility is a minor modification that does not affect the overall layout of the site as well as all of the existing conditions.

On behalf of my client I respectfully request that the City Council approve the request for a one (1) year extension to December 3, 2022 as a minor modification. If you need any additional information please contact me. Thank you.

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, 8-0-1 (Mercer-Bruen Abstained). Motion made and 2nd to suspend the rules to allow the petitioner to speak on the matter, all in favor, 8-0-1 (Mercer-Bruen Abstained). Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Woburn, Massachusetts 01801, stated the petitioner is asking for a one year extension for the COVID testing site at 8 Presidential Way. Attorney Tarby stated the petitioner does not know if they need the extension now, but it all depends on the state's requirements regarding COVID testing pre-surgery. Attorney Tarby stated if the guidelines change, they may close the testing facility sooner. Attorney Tarby stated the petitioner would send a communication to the council if they closed sooner. Attorney Tarby stated this facility is only for patients of BLIH, and they need to have doctor's orders to get tested there. Motion made and 2nd to return to the regular order of business, all in favor, 8-0-1 (Mercer-Bruen Abstained). Motion made and 2nd to APPROVE THE MINOR MODIFICATION, all in favor, 8-0-1 (Mercer-Bruen Abstained).

A communication dated November 9, 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: Request for Minor Modification to Landowner's Decision and Notice of Special Permit dated November 17, 2021, as modified by Notice of Modification of Special Permit dated February 11, 2022, Seaver Properties LLC, 7 Dexter Avenue, Woburn, Massachusetts (the "Decision")

Dear Ms. Higgins:

Please be advised that I represent Seaver Properties LLC in connection with the above-referenced matter. On behalf of my client I respectfully request that the Decision be amended by amending Condition (2f) which states: "Prior to the applicant's request for an occupancy permit, temporary or permanent, for any of the structures and/or dwelling units on the premises, the following offsite mitigation shall be completed by the Petitioner and approved by the City Engineer." 2(f) "At the intersection of Merrimac Street and School Street, the Petitioner shall construct a perpendicular intersection at Merrimac Street and School Street, as shown on a plan entitled "Concept Plan Roadway Widening, Merrimack Street, School Street, Woburn, Massachusetts." prepared by the City of Woburn Engineering Department, 10 Common Street, Woburn, Massachusetts 01801 dated December 5, 2018.

The proposed amendment is as follows: 2(f) "Prior to the issuance of the occupancy permit, temporary or permanent for the final unit, or October 31, 2023 whichever is earlier, the Petitioner shall complete the required work at the intersection at Merrimack Street and School Street substantially as shown on the plan entitled "Intersection Reconstruction Plan Merrimack & School Streets Woburn, MA 01801" prepared by ALAN Engineering L.L.C. 118 Winn Street, Suite 209, Woburn, MA 01801 (the "Reconstruction Plan").

I have included herewith ten (10) copies of the above Decision, the Reconstruction Plan and the Concept Plan prepared by the City Engineering Department referenced in Condition 2(f).

Section 11.12 of the 1985 City of Woburn Zoning Ordinance entitled Modification of Special Permits defines a “Minor Modification” as follows:

A Minor Modification is one which will result in insignificant changes to the project. The following changes are examples of revisions that may be deemed to be Minor Modifications by the SPGA for purposes of this section (this list is not intended to be inclusive):

1. Minor adjustments in the location of buildings.
2. Minor adjustments to parking, landscaping or other site details that do not affect the overall buildout of the site;
3. Reductions of less than five percent (5%) in the amount of landscaped usable open space.
4. Minor adjustments that do not affect the number of housing units;
5. Minor adjustments that do not materially affect any housing units set aside as affordable housing units.
6. Minor adjustments to interior building floor plans that do not increase the number of required parking spaces.
7. Minor adjustments to approved façade plans and building elevations.
8. Minor adjustments to underground utility infrastructure.

The proposed revision to Condition 2(f) above is a minor modification as noted above that does not affect the overall buildout of the site.

On behalf of my client I respectfully request that the City Council approve the proposed to Condition 2(f) as a minor modification. If you need any additional information please contact me. Thank you.

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, 9-0. Motion made and 2nd to suspend the rules to allow the petitioner to speak on the matter, all in favor, 9-0. Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Woburn, Massachusetts 01801, stated the petitioner would like to amend Condition 2(f). Attorney Tarby read the current version of Condition 2(f) as follows: “Prior to the applicant's request for an occupancy permit, temporary or permanent, for any of the structures and/or dwelling units on the premises, the following offsite mitigation shall be completed by the Petitioner and reviewed and approved by the City Engineer: f) At the intersection of Merrimac Street and School Street, the Petitioner shall construct a perpendicular intersection at Merrimac Street and School Street as shown on a plan entitled “Concept Plan Roadway Widening, Merrimack Street, School Street, Woburn, Massachusetts” prepared by the City of Woburn Engineering Department, 10 Common Street, Woburn, Massachusetts 01801 dated December

5, 2018.” Attorney Tarby stated the plan submitted was just that a conceptual plan and it was not a constructional one. Attorney Tarby stated the petitioner hired an engineering firm to do a plan which is completed, but it has to be reviewed by City Engineer and then out to bid. Attorney Tarby stated the work will not be done until late Spring 2023. Attorney Tarby stated the petitioner has units waiting for occupancy that people are ready to close on. Attorney Tarby stated the intersection and the asphalt have not yet been approved. Attorney Tarby stated the proposed amendment for Condition 2(f) would read: “Prior to the issuance of the occupancy permit, temporary or permanent for the final unit, or October 31, 2023 whichever is earlier, the Petitioner shall complete the required work at the intersection at Merrimack Street and School Street substantially as shown on the plan entitled ‘Intersection Reconstruction Plan Merrimack & School Streets Woburn, MA 01801’ prepared by ALAN Engineering L.L.C. 118 Winn Street, Suite 209, Woburn, MA 01801 (the ‘Reconstruction Plan’).” Attorney Tarby stated the qualification minor modification under Section 11.2 of the WZO and stated that the request does not fall outside of this. Attorney Tarby stated he respectfully requests approval of this proposed modification tonight. Councilor Mercer-Bruen stated this is not minor and when this originally was being discussed, the occupancy was specifically tied to this roadwork. Councilor Mercer-Bruen stated now the petitioner is only doing engineering, changing language, and this will never get down. Councilor Mercer-Bruen stated this is the only leverage the City has, but not if changed to one unit or October 23rd. Attorney Tarby stated he expected the completion date will be the end of 2023, and the petitioner does not get occupancy for that last unit. Councilor Mercer-Bruen stated she does not think this is minor at all, and this is important work that needs to be done. Councilor Mercer-Bruen stated she supposes the petitioner knows how she is going to vote on it. Attorney Tarby stated that the offsite work is not specific for traffic. Attorney Tarby stated that the problem but for negotiation would not be necessary. Councilor Mercer-Bruen stated it makes the area safer, and she is not voting for this. Councilor Gately stated he knows exactly what should be done and that he received a couple of complaints on Ashburton Avenue. Scott Seaver, the petitioner, stated he has nothing on Ashburton Avenue, but that on North Maple Street there is a big piece of water conduit and the patch work is better than the street. Upon inquiry from Councilor Gately, Mr. Seaver stated he did try to complete the condition, and that he thought the City had a design. Mr. Seaver stated the design was apparently too flat, and they had to do additional work and drainage. Mr. Seaver stated more work needs to be done on North Maple Street because things were not where they supposed to be. Mr. Seaver stated they have spent many thousands of dollars over anticipated mitigation. Mr. Seaver stated he had pictures of asphalt patches that show it is in better condition than the existing street. Councilor Gately stated that he would take a look at the pictures. Motion made and 2nd that the pictures be made part of the permanent record, all in favor, 9-0. Councilor Gately stated he thinks it looks good. Mr. Seaver stated he patched the trenches. Councilor Gately stated the petitioner should have done the whole thing. Attorney Tarby stated that he spoke with Jay Duran, Supt. of DPW, who wanted the ground to settle, and then repave the remaining portion. Attorney Tarby stated he is now sure what Jay Duran will require. Councilor Gately stated it should be done over. Mr. Seaver stated they plan on walking through in the spring. Councilor Dillon stated he has no problem with this request and believes it is a minor modification. Councilor Dillon stated based on the reputation of the petitioner, and that he lives in the City and follows through, he will support this. Councilor Dillon stated this is a delicate real estate market now. Councilor Dillon stated we represent

the people and the businesses that help with the tax rate. Councilor Dillon stated if the mitigation that does not get done, he will knock on his door and make sure it is done. Councilor DiMambro stated that he spoke with Jay Duran who express concerns and Jay Corey, the City Engineer, has the plans that have had several revisions that he still has to review. Councilor DiMambro stated Jay Duran will not open the street. Councilor DiMambro stated he does not want the street torn up until it can be done and completed. Councilor DiMambro stated he has no problem with the minor modification. Councilor DiMambro stated once North Maple settles is when the work can be done. Councilor Mercer-Bruen stated that everybody understands there is a difference between a concept and a full blown plan. Councilor Mercer-Bruen stated the petitioner has an excellent reputation but that this is not Mayberry and cannot just knock on a door to get something fixed. Councilor Mercer-Bruen stated they have to go by how things are written and there will not be enough teeth if this is approved. Councilor Mercer-Bruen stated this is not a minor at all. Motion made and 2nd to return to the regular order of business, all in favor, 9-0. Motion made and 2nd to APPROVE THE MINOR MODIFICATION, all in favor, 7-2 (Campbell and Mercer-Bruen Opposed).

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 stated she had email communications with Jay Duran, and Diana Cuddy from Verizon, they are not ready, so it was suggested to move off to the December 20th meeting. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 9-0. PUBLIC COMMENTS: None. Motion was made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON December 20, 2022. Before the main motion was called Councilor Mercer-Bruen made a motion and statement that a communication be sent out telling the petitioner if they were not at the next public hearing that they should consider withdrawing. Clerk Higgins stated they have been in contact with Jay Duran and that there are a lot of moving parts up on New Boston Street, and this is a different situation than Verizon. Councilor Mercer Bruen withdrew her motion at that time. On the underlying main motion that was 2nd, that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON December 20, 2022, all in favor, 9-0.

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 she had email communications with Jay Duran, and Diana Cuddy from Verizon, they are not ready, so it was suggested this could be moved off to the December 6th meeting. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE

CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON December 6, 2022, all in favor, 9-0.

On the petition by Verizon New England, Inc. for a grant of right in a way to install: (1) four (4) four-inch conduits approximately 244 feet from existing manhole 204A to the DOT/City jurisdiction line at the intersection of Montvale Avenue and Hill Street; and (2) four (4) four-inch (4") conduits approximately seven hundred six (706) feet in length with two (2) manholes on Hill Street. Starting from the DOT/City jurisdiction line at the intersection of Montvale Avenue and Hill Street place $\pm 60'$ southeasterly to proposed manhole, MH1, then an additional $\pm 350'$ of conduit to proposed manhole, MH2. From MH2 place $\pm 96'$ of conduit easterly to the private property line of 1 Hill Street and then an additional $\pm 200'$ of conduit to be placed southeasterly to the private property line at the end of Hill Street. PUBLIC HEARING OPENED: A communication dated October 27, 2022, was received from Anthony Marini, Right of Way Manager, Verizon, 85 High Street, 3rd Floor, Pawtucket, Rhode Island 02860 as follows:

RE: Petition for Verizon job # 1A5PK8F
Montvale Ave and Hill St Woburn, MA

Dear Jay Duran,

This memo is in response to your questions regarding Verizon's proposed conduit installation on Montvale Ave and Hill Street for service to the Vale Project. The four conduits are the same four conduits previously approved for Comcast. I have added the plan prepared by Stantec to the petition package and noted that these are the same group of conduits on our petition plan. Please let me know if you have any additional questions or concerns.

Sincerely, Anthony Marini Right of Way Manager

Further, a communication dated October 27, 2022, was received from Anthony Marini, Right of Way Manager, Verizon, 85 High Street, 3rd Floor, Pawtucket, Rhode Island 02860 regarding "petition for Verizon job # 1A5PK8F Montvale Ave and Hill Street, Woburn, MA"

Further, a communication dated October 27, 2022, was received from Jay Duran, Superintendent, Department of Public Works as follows:

Lindsay,

Based upon the foregoing I recommend approval, as long as the Stantec Plan and Mr. Marini's memo are incorporated into the GOL to clearly memorialize that the same 4 conduits as the GOL for Comcast will be utilized.

Jay

Motion made and 2nd that all communications be received and made part of the permanent record, all in favor, 9-0. Appearing for the petitioner, Alexander Marrero, Applied Telecom, which is an authorized contractor of Verizon, and he had been asked to speak on this petition. Mr. Marrero stated there are two sections of conduit: the first section is on Rainin Road and Montvale Avenue that will meet with a MassDOT existing line at Hill Street, and then will go 610 feet along Hill Street to private property on Hill Street. Mr. Marrero stated that Verizon is doing this work in support of the Vale and the Hill Street reconstruction. Mr. Marrero stated they will be removing and putting in a new three inch trench with new concrete and there will be a three foot trench on the southeast side of Hill Street with a concrete encased bank. Upon inquiry from President Concannon, Mr. Marrero stated he is authorized to present and can take any comments back to Verizon. President Concannon stated the DPW, and Anthony Marini agreed to certain conditions, and he is weary of approving tonight if Mr. Marrero is not authorized to approve the conditions. Mr. Marrero stated he can write down the conditions and send them to Verizon. Councilor DiMambro stated he was concerned with utilities. Councilor Demers stated that he saw the memo and it is simple to him, but that he echoes the sentiment of fellow councilors and that it is kind of bothersome. Councilor Demers stated this is the council's work night, and there is an agent on behalf of Verizon here, and we cannot do business because Verizon representative is not here. Councilor Mercer-Bruen stated she agreed and that she would give them one more shot. Councilor Bruen stated that Mr. Marrero needs to bring this back to Verizon and the conditions. Upon inquiry, City Clerk Higgins stated that the committee would be Infrastructure and Public Lands, not Special Permits. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON December 6, 2022, all in favor, 9-0.

On the 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. PUBLIC HEARING OPENED: A communication dated November 2, 2022, was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: SPECIAL PERMIT APPLICATION FOR EARTH FILLING ACTIVITIES AT 708 MAIN STREET Marcelo Gongalves Gonzaga

Dear Council:

The Planning Department has reviewed the above-referenced Special Permit Petition which seeks authorization under Section 5.5 of the Woburn Zoning Ordinance (WZO) to import approximately 360 cubic yards of fill to the property at 708 Main Street. The fill has already been brought to the site and was used to re-grade the backyard. This Petition was filed with the Council as a result of enforcement action taken by the Inspectional Services Department.

That office found that not only did the work take place without proper permitting but also that some of it encroaches onto land owned by an abutter without the abutter's apparent knowledge.

The lot is not in a Groundwater Protection District or within a 100-year floodplain, according to the City's GIS system. It is, however, adjacent to land owned by the Middlesex Canal Historical Society and in fact the unauthorized encroachment mentioned above was made into the Canal Society's land.

Planning staff discussed the Petition with Building Commissioner Tom Quinn, and the following are our collective comments.

1. The application package includes an August 17, 2022 letter from ALAN Engineering to the property owners which states that "*...the regrading of the rear yard did not alter prior drainage flow patterns and will not adversely impact the (sic) any abutting properties.*" Planning staff defers to the City's Engineering Department in terms of confirming or refuting that assertion.
2. Two plans were submitted with the Petition, both drawn by Ed Farrell. The plan dated October 12, 2022 appears not to be an "existing conditions" plan as the title indicates, but rather a proposed remediation plan in that it shows the retaining wall and (most of the) fencing being relocated onto the Petitioner's property to "cure" the recent encroachments. The Council should require the plan's title be corrected so that it can be properly cited in any decision. The Council should also consider imposing a condition on any grant of the special permit which condition requires the relocation of the retaining wall and fence onto the Petitioner's property.
3. The October 12, 2022 plan appears to show one of the fence posts will remain as an encroachment on the abutting property (the northernmost post along the rear property line). It too should be moved onto the Petitioner's property so that all encroachments are in fact "cured". The plan would need to be revised to reflect this change.
4. The retaining wall is 3' high and the fence is 6' high. Neither was built with a permit, which was required and should have been obtained. If the fence is placed on top of the retaining wall, the combination of the two will result in a fence that exceeds the maximum fence height limit of 6' (Section 5.3.4. of the WZO). The Petitioner or her engineer should consult with the Inspectional Services Department to obtain direction on how the wall and fencing can be placed in a way that avoids creating a zoning violation. That solution should be reflected on the proposed Plan of Record prior to a Council decision on the Petition.
5. Construction of the retaining wall, installation of the fencing, and the re-grading that altered the lot's grades by as much as 3' all took place within close proximity to a resource under the jurisdiction of the Conservation Commission. The Petitioner should contact the Commission immediately, and before any more work is done on site, to determine if a permit from the Commission is needed.

6. Photographs provided with the Petition graphically illustrate the extent to which children at the day care are in routine and intimate contact with soil in the backyard. The pictures beg the question as to whether the fill that was brought onto the site is comprised of acceptable material. The Petitioner should be required to document where the fill came from and that it is clean material.

Thank you for the opportunity to comment on this Petition. Please do not hesitate to contact me if you have any questions about these comments.

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

Motion made and 2nd that all communications be received and made part of the permanent record, all in favor, 9-0. Appearing for the petitioner, Daniela Souza, 708 Main Street, state her husband is in Brazil taking care of his sick father. Ms. Souza stated she looked at the comments and they have a new plan, soil data, and photos. Motion made and 2nd the documents be received and made part of the permanent record, all in favor, 9-0. Ms. Souza stated she was sorry they did the work before getting the permits. Ms. Souza stated she called in and tried to get help, that she runs a family daycare and was having issues with drainage from the Middlesex Canal. Ms. Souza stated in 2021 it really got bad, and she did not want the parents to think it was dangerous. Ms. Souza stated she called the city, and they were going to send someone over but nobody came, and she asked for more advice on what to do. Ms. Souza stated she did not know that they needed permission to bring in land fill over a certain amount. Ms. Souza stated she needs to make sure to take care of the babies that are crawling around, and that is why she did what she did, and she thinks they fixed what they could in the new plan. Councilor Gately stated he spoke before the meeting with Ms. Souza. Councilor Gately stated in this business, dirt and changing the grade in the background can affect and change the direction of water. Councilor Gately stated the petitioner tried to build a spot so a kid could play and not drown or die. Councilor Gately stated the work was smart, but not legal. Councilor Gately stated the wall and fence need to be on the petitioner's property. Ms. Souza stated yes, they are going to move the wall back on their property. Ms. Souza stated they previously followed the same line of the neighbor's retaining walls. Ms. Souza stated they called a land surveyor in May, but they never got back to them. Ms. Souza stated there is a low point between the two properties as the neighbor's land is higher. Ms. Souza stated that she has the data about the soil she brought in. Councilor Gately stated this was not too bad, and that he has seen worse. Councilor Gately stated that she has learned about this now. Councilor Mercer-Bruen thanked the petitioner for coming down and stated she should not have to hire a lawyer and that the council can help. Councilor Mercer-Bruen stated she spoke with Gerry Lohnes of the Conservation Commission, and Mr. Lohnes told her there were no resources affected from their perspective. Councilor Mercer-Bruen stated the petitioner did a nice job on the submission. Councilor Demers stated that he had multiple conversations with the plaintiff. Councilor Demers stated that with early education you need to have certain conditions for the safety of the children. Councilor Demers stated that the petitioner made a small honest mistake to lawfully abide and not have the removal of her license. Councilor Demers stated this was not for a fancy patio. Councilor Demers stated he spoke with Kevin Meaney of the Conservation Commission and there were no issues. Councilor Demers stated there are people willing to help. Councilor DiMambro stated that he

appreciated the petitioner coming to the council. Councilor DiMambro stated that there is a lot of work here because it is pretty narrow so there will be a lot of handwork, and the council will help her through this. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON December 6, 2022, AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

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 committee report from the Committee on Special Permits was received "ought to pass" 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 "Proposed Site Plan, Aqua Industrial Holdings, 92 Merrimac Street, Assessor's Map 09, Lot 01, Block 01, Woburn, MA 01801" dated September 12, 2022, revised October 18, 2022, prepared by Commonwealth Engineering Inc., 27 Cambridge Street, Suite 106, Burlington, MA, 01803, and (hereinafter the "Site Plan") and elevation plan dated October 17, 2019, prepared by Jason Gove Architect, 5 Autumn Lane, Gloucester, MA 01930, 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 install lighting on the locus that is dark sky compliant; 3. There shall be a 6-foot fence with a lattice top installed along the easterly boundary of the property line closest to North Maple Street; 4. All storage trailers shall be removed upon completion of the new building and before any occupancy permits, temporary or otherwise, are issued; 5. The landscaping shall conform to the Site Plan; and 6. All vehicles associated with the business must be registered in the City of Woburn.

Motion made and 2nd that the communications be received and made part of the permanent record, all in favor, 9-0. Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Woburn, Massachusetts 01801, stated the petitioner is looking to modify a Special Permit dated May 29, 1997 to allow for approximately 4,022 square foot addition and 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. Attorney Tarby state that the petitioner does not take exception to the conditions and would ask the council to move on the committee report. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 9-0. PUBLIC COMMENTS: Councilor Dillon stated as important as laws are, a man's handshake and guarantee are just as important. Councilor Dillon stated based on Mr. Coakley's reputation he suggests the council move forward tonight. Councilor Mercer-Bruen stated she echoed Councilor Dillon's sentiment, but the legal portion is very important. Motion made and 2nd that the PUBLIC HEARING BE CLOSED, all in favor, 9-0. Motion made and 2nd that the COMMITTEE REPORT BE ADOPTED and that the SPECIAL PERMIT BE GRANTED with the conditions as outlined, all in favor, 9-0.

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 November 14, 2022, was received from Michael Aveni, Senior Project Architect, Cummings Properties, as follows:

Lindsay,

Please accept this communication as a formal request to continue the Public Hearing for the above-referenced project from November 15, 2022 to the next regularly scheduled City Council meeting (December 6, 2022 ?). We expect to have the matter resolved by the Conservation Commission in advance of the December 6, 2022 City Council meeting.

Please confirm this request has been granted and as such we are not expected to otherwise attend on the 15th.

Thank you for your attention to this matter.

Regards,

Further, a communication dated November 15, 2022, was received from Michael Aveni, Senior Project Architect, Cummings Properties, as follows:

City Clerk Higgins and City Council President Concannon,

Please accept this communication as a formal request to continue the Public Hearing for the above-referenced project from November 15, 2022 to the next regularly scheduled City Council meeting. To date, the project has not yet been considered by the Special Permit Subcommittee nor has the Conservation Commission closed their public hearing on the matter. We anticipate both pre-requisite issues will be resolved in advance of the next regularly scheduled City Council meeting.

Thank you both for your attention to this matter.

Regards, Michael Aveni

Motion made and 2nd that all communications be received and made part of the permanent record, all in favor, 9-0. President Concannon stated this will likely be continued and that the petitioner had a conflict tonight. Councilor Mercer-Bruen stated hopefully this will be ready to move forward at the December 6th meeting. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON December 6, 2022, all in favor, 9-0.

Motion made and 2nd to take the next two matters collectively, all in favor, 9-0.

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 November 7, 2022, was received from John E. Corey, Jr. P.E., City Engineer as follows:

Subject: 216 New Boston Street Special Permit

Our memorandum of October 13, 2020, indicated that there were concerns on the hydraulic capacity of the 20 inch VC sewer in New Boston St. that would serve the subject development as well as the upstream development at 316 New Boston St. Since that time, we have in concert with the DPW had several meetings with the applicants engineer, our sewer consultants and the MWRA to find a solution to the concerns.

Based on these meetings, we have determined the following:

- 1) As Built plans of the 20 inch VC sewer indicate that the existing sewer has more than ample hydraulic capacity to serve the existing uses as well as the planned developments. The applicant's engineer has indicated that they will substantiate that this is true with invert data along the pipe. Flow meter data supplied by the applicants engineer indicates that flow in the existing 20 inch VC sewer is 1 to 2 inches which would corroborate that this is true. (See Attachment 1)

- 2) There are two crossings of the MWRA interceptor that encroach into the flow line of their pipe. This conflict was known when the sewer was constructed in 1959. The MWRA indicated that these two crossings can be removed and that the sewer connections can be permitted as local sewer connections in conjunction with an M8 permit. This will restore the full capacity of the MWRA sewer. The MWRA supports this and will assist in the M8 process. (See Attachment 2)

Based on the foregoing, the following conditions will allow the project to go forward:

- The developer shall obtain actual field survey of sewer inverts and calculate the actual hydraulic capacity of the existing 20 inch VC sewer.
- The developer shall work with the MWRA to obtain an M8 permit to eliminate the two sewer cross overs and obtain local sewer connection status for the 20 inch sewer connections that would remain.
- The developer shall pay all costs and perform all work necessary to complete the items noted above. These costs shall be in addition to the infiltration/inflow mitigation fee.

I trust the foregoing information is sufficient for your current needs. Should you have any questions or comments, please do not hesitate to contact this office.

Attachments 1 and 2

Motion made and 2nd that all communications be received and made part of the permanent record, all in favor, 9-0. Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Woburn, Massachusetts 01801, stated he filed a new site plan that he will review. Attorney Tarby stated to the left is 216 New Boston Street, and to the right is 225 Merrimac Street. Attorney Tarby stated for 216 New Boston Street the petitioner is requesting 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. Attorney Tarby stated the petitioner stated for 225 Merrimac Street the petitioner is requesting 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. Attorney Tarby stated the Planning Board has jurisdiction for the light manufacturing portion. Attorney Tarby stated he received an update from the Planning Director, Tina Cassidy that the Planning Board approved 216 New Boston unanimously. Attorney Tarby stated that the peer reviews were all completed on October 13, 2022. Attorney Tarby stated he had Nick Dellacava from Allen & Major Associates, and Scott Thornton from Vanasse and Associates. Attorney Tarby stated there is one open issue related to sewer, that was resolved with a meeting with the City.

Attorney Tarby stated there was a second department head meeting held on November 9, 2022 with the attendees: Tom Quinn, Tina Cassidy, Lenny Burnham, Lt. Foley to review the project one more time. Attorney Tarby stated he had the comment letters that were reviewed and proposed draft conditions. Motion made and 2nd that the documents be received and made part of the permanent record, all in favor, 9-0. Attorney Tarby stated this project creates higher paying jobs. Attorney Tarby stated there is a 1960s style industrial building as well the location for Landscape Express. Attorney Tarby stated the project is a positive impact as two uses will be eliminated. Attorney Tarby stated the petitioner is upgrading the building and area, and it will be a high end development. Attorney Tarby stated he has the team with him if there are any questions. Upon inquiry from Councilor Gately, Mr. Dellacava stated the petitioner has not had direct contact with the MWRA, however, City Engineer Jay Corey has and the MWRA is willing to work to make the two connections. Mr. Dellacava stated there has been extensive camera-ing up to the municipal sewer and the MWRA interceptor and MBTA, as well as camera-ing to Merrimac Street. Mr. Dellacava stated that lines are in really good shape. Mr. Dellacava stated he believes the sewer goes under the bridge and is not part of this development, but part of the bridge work, which is a little bit north of this project. Mr. Dellacava stated for the water, the petitioner is doing two loop connections, which are not on Presidential Way, and the petitioner will coordinate with the water department on this. Mr. Dellacava stated he would have to check the bridge plans, but VHB may have picked it up. Attorney Tarby stated that the water and sewer were peer reviewed. Councilor Mercer-Bruen stated that there is no Order of Conditions from the Conservation Commission which is an important document and information for the peer review. Councilor Mercer-Bruen stated some people may think it is okay to move forward without these, but this is trouble. Councilor Mercer-Bruen stated that the council should wait for Conservation Commission as this is very important without control without all the information. Councilor DiMambro stated he spoke with department heads, and they all seem to be in line, and that he would like to hear what the Conservation Commission has to say. Councilor DiMambro stated he would like traffic lights at New Boston Street/Merrimack Street intersection before the completion of the project or before occupancy as he is concerned about traffic. Mr. Thornton stated Engineer Corey requires new traffic for all equipment cameras and will have Wi-Fi. Mr. Thornton stated the signal design has not started yet but that the city does have the benefit of the traffic volume for the New Boston Street Bridge that will be included in the design. Mr. Thornton stated there was an analysis of future conditions and came up with a preliminary design and there were no issues, and nothing outlandish will be required. Councilor Mercer-Bruen stated Councilor DiMambro wanted the lights installed and working before occupancy, the proposed conditions do not say this but that the petitioner will provide money. Councilor Mercer-Bruen stated the language needs work and that she is concerned the Conservation Commission peer review was not yet done. Attorney Tarby stated the proposed condition states the project will comply with the Conservation Commission Order of Conditions and MassDEP Wetlands Protection Act., and if there are material changes the City Council can review. Councilor Mercer-Bruen stated the condition states that it can be reviewed by City Council, but if changes are significant, they are not null and void. Councilor Mercer-Bruen stated she cautions the council moving forward without getting all the information. Councilor Mercer-Bruen stated that the Conservation Commission needs to weigh in. Councilor Mercer-Bruen stated this is a big project and there is no need to have to move it off tonight. Attorney Tarby stated there is a lot

of work before them, and that the special permit gives the applicant ability to go for financing. Attorney Tarby stated that the Order of Conditions have to ask for approval of the site plan. Councilor Mercer-Bruen stated a project of this size without hearing from all the boards is not a good idea, but that the petitioner probably does not need her. Councilor Mercer-Bruen stated she believes this was done a number of times, but they council should not have and that she is concerned with the language regarding mitigation is not what Councilor DiMambro asked for. Attorney Tarby stated there are other parties involved for this light to get installed. Mr. Thornton stated for the traffic light there are a number of parties contributing funds with the city. Mr. Thornton stated the city needs to or the city will need to find someone to do the improvements. Mr. Thornton stated the project will take two years period to start this project and he is not sure the building construction coincide not sure. Mr. Thornton stated that would be in Engineer Corey's hands. Councilor Mercer-Bruen stated it never happened. Councilor Mercer-Bruen stated that anyone at the engineer's office is protected and is very concerned if there is money just sitting in the account, and that she asked questions months ago. Mr. Thornton stated there has been no 100% design plan prepared. Mr. Thornton stated that \$150,000 was given by two other projects, and that there is a fair amount sitting for design and construction. Councilor Mercer-Bruen stated that the City Engineer should provide this information for the light and the expectations. Councilor DiMambro stated that there are a lot of moving parts from 0, 316 and 216 New Boston Street, 225 Merrimac Street, and the New Boston Street Bridge. Councilor DiMambro stated he is concerned that five years down the line everyone will be asking where the light is. Councilor DiMambro stated all need to be lined up in a neat packet before voting, as he doubts it will go smoothly. Councilor DiMambro stated he would like to wait for Conservation Commission. Councilor Viola stated that she is not comfortable voting until the Conservation Commission approves. Councilor Campbell stated she is not comfortable voting on the project, that it is close, but that need all the ducks in a row. Councilor Campbell stated they are still missing a duck or two. Councilor Gately stated that the project is close and there are so many moving parts with the different entities. Councilor Gately stated he knows the area well and is concerned with what is under these buildings. Councilor Gately stated the council needs to work slow and get everything right. Councilor Gately stated he could vote on it, but not everyone is comfortable with it, and he is only one vote. Councilor DiMambro stated he appreciates the work and cleanup of the property. Councilor DiMambro stated there are a few more little steps. Councilor DiMambro stated he is in favor of the project but there needs to be a few more security and assurances. Attorney Tarby stated the council need to get involved with the communication with the department heads. Attorney Tarby stated the October 13th memorandum paraphrased the three reviews, and the petitioner has addressed the peer reviews. Attorney Tarby stated the November 7th, memorandum capacity of sewer line proposes condition that is included in the proposed conditions. Attorney Tarby stated the city council should have a motion if they need something else from the city engineer. President Concannon stated it seems like the consensus is to wait for the Conservation Commission, and that there is a discrepancy about the lights and the money versus actually doing the work. Councilor Dillon stated the other petitioners already committed to paying the money and is not intended city issue. Councilor Mercer-Bruen stated that if the plan was reasonable for City Engineer Corey how he and his office plans to execute and get it done and pulled together. Councilor Ferullo stated that the \$150,000 they have fulfilled. Councilor Ferullo stated to think about the Wildwood/Wood Street and how

the petitioner was off the hook because there was an issue. Upon inquiry from City Clerk Higgins, Attorney Tarby confirmed the proposed conditions were the same for both petitions. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that a communication be sent to City Engineer Corey provide a plan of how the mitigation for the lights and conceptual plan and other funding needed, all in favor, 9-0. Motion made and 2nd that a communication be sent to the Conservation Commission requesting a wrap up of the Order of Conditions, all in favor, 9-0. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON December 6, 2022, all in favor, 9-0.

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 November 7, 2022, was received from John E. Corey, Jr. P.E., City Engineer as follows:

Subject: 216 New Boston Street Special Permit

Our memorandum of October 13, 2020, indicated that there were concerns on the hydraulic capacity of the 20 inch VC sewer in New Boston St. that would serve the subject development as well as the upstream development at 316 New Boston St. Since that time, we have in concert with the DPW had several meetings with the applicants engineer, our sewer consultants and the MWRA to find a solution to the concerns.

Based on these meetings, we have determined the following:

- 3) As Built plans of the 20 inch VC sewer indicate that the existing sewer has more than ample hydraulic capacity to serve the existing uses as well as the planned developments. The applicant's engineer has indicated that they will substantiate that this is true with invert data along the pipe. Flow meter data supplied by the applicants engineer indicates that flow in the existing 20 inch VC sewer is 1 to 2 inches which would corroborate that this is true. (See Attachment 1)
- 4) There are two crossings of the MWRA interceptor that encroach into the flow line of their pipe. This conflict was known when the sewer was constructed in 1959. The MWRA indicated that these two crossings can be removed and that the sewer connections can be permitted as local sewer connections in conjunction with an M8 permit. This will restore the full capacity of the MWRA sewer. The MWRA supports this and will assist in the M8 process. (See Attachment 2)

Based on the foregoing, the following conditions will allow the project to go forward:

- The developer shall obtain actual field survey of sewer inverts and calculate the actual hydraulic capacity of the existing 20 inch VC sewer.
- The developer shall work with the MWRA to obtain an M8 permit to eliminate the two sewer cross overs and obtain local sewer connection status for the 20 inch sewer connections that would remain.
- The developer shall pay all costs and perform all work necessary to complete the items noted above. These costs shall be in addition to the infiltration/inflow mitigation fee.

I trust the foregoing information is sufficient for your current needs. Should you have any questions or comments, please do not hesitate to contact this office.

Attachments 1 and 2

Motion made and 2nd that all communications be received and made part of the permanent record, all in favor, 9-0. Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Woburn, Massachusetts 01801, stated he filed a new site plan that he will review. Attorney Tarby stated to the left is 216 New Boston Street, and to the right is 225 Merrimac Street. Attorney Tarby stated for 216 New Boston Street the petitioner is requesting 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. Attorney Tarby stated the petitioner stated for 225 Merrimac Street the petitioner is requesting 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. Attorney Tarby stated the Planning Board has jurisdiction for the light manufacturing portion. Attorney Tarby stated he received an update from the Planning Director, Tina Cassidy that the Planning Board approved 216 New Boston unanimously. Attorney Tarby stated that the peer reviews were all completed on October 13, 2022. Attorney Tarby stated he had Nick Dellacava from Allen & Major Associates, and Scott Thornton from Vanasse and Associates. Attorney Tarby stated there is one open issue related to sewer, that was resolved with a meeting with the City. Attorney Tarby stated there was a second department head meeting held on November 9, 2022 with the attendees: Tom Quinn, Tina Cassidy, Lenny Burnham, Lt. Foley to review the project one more time. Attorney Tarby stated he had the comment letters that were reviewed and proposed draft conditions. Motion made and 2nd that the documents be received and made part of the permanent record, all in favor, 9-0. Attorney Tarby stated this project creates higher paying jobs. Attorney Tarby stated there is a 1960s style industrial building as well the location for Landscape Express. Attorney Tarby stated the project is a positive

impact as two uses will be eliminated. Attorney Tarby stated the petitioner is upgrading the building and area, and it will be a high end development. Attorney Tarby stated he has the team with him if there are any questions. Upon inquiry from Councilor Gately, Mr. Dellacava stated the petitioner has not had direct contact with the MWRA, however, City Engineer Jay Corey has and the MWRA is willing to work to make the two connections. Mr. Dellacava stated there has been extensive camera-ing up to the municipal sewer and the MWRA interceptor and MBTA, as well as camera-ing to Merrimac Street. Mr. Dellacava stated that lines are in really good shape. Mr. Dellacava stated he believes the sewer goes under the bridge and is not part of this development, but part of the bridge work, which is a little bit north of this project. Mr. Dellacava stated for the water, the petitioner is doing two loop connections, which are not on Presidential Way, and the petitioner will coordinate with the water department on this. Mr. Dellacava stated he would have to check the bridge plans, but VHB may have picked it up. Attorney Tarby stated that the water and sewer were peer reviewed. Councilor Mercer-Bruen stated that there is no Order of Conditions from the Conservation Commission which is an important document and information for the peer review. Councilor Mercer-Bruen stated some people may think it is okay to move forward without these, but this is trouble. Councilor Mercer-Bruen stated that the council should wait for Conservation Commission as this is very important without control without all the information. Councilor DiMambro stated he spoke with department heads, and they all seem to be in line, and that he would like to hear what the Conservation Commission has to say. Councilor DiMambro stated he would like traffic lights at New Boston Street/Merrimack Street intersection before the completion of the project or before occupancy as he is concerned about traffic. Mr. Thornton stated Engineer Corey requires new traffic for all equipment cameras and will have Wi-Fi. Mr. Thornton stated the signal design has not started yet but that the city does have the benefit of the traffic volume for the New Boston Street Bridge that will be included in the design. Mr. Thornton stated there was an analysis of future conditions and came up with a preliminary design and there were no issues, and nothing outlandish will be required. Councilor Mercer-Bruen stated Councilor DiMambro wanted the lights installed and working before occupancy, the proposed conditions do not say this but that the petitioner will provide money. Councilor Mercer-Bruen stated the language needs work and that she is concerned the Conservation Commission peer review was not yet done. Attorney Tarby stated the proposed condition states the project will comply with the Conservation Commission Order of Conditions and MassDEP Wetlands Protection Act., and if there are material changes the City Council can review. Councilor Mercer-Bruen stated the condition states that it can be reviewed by City Council, but if changes are significant, they are not null and void. Councilor Mercer-Bruen stated she cautions the council moving forward without getting all the information. Councilor Mercer-Bruen stated that the Conservation Commission needs to weigh in. Councilor Mercer-Bruen stated this is a big project and there is no need to have to move it off tonight. Attorney Tarby stated there is a lot of work before them, and that the special permit gives the applicant ability to go for financing. Attorney Tarby stated that the Order of Conditions have to ask for approval of the site plan. Councilor Mercer-Bruen stated a project of this size without hearing from all the boards is not a good idea, but that the petitioner probably does not need her. Councilor Mercer-Bruen stated she believes this was done a number of times, but they council should not have and that she is concerned with the language regarding mitigation is not what Councilor DiMambro asked for. Attorney Tarby stated there are other parties involved for

this light to get installed. Mr. Thornton stated for the traffic light there are a number of parties contributing funds with the city. Mr. Thornton stated the city needs to or the city will need to find someone to do the improvements. Mr. Thornton stated the project will take two years period to start this project and he is not sure the building construction coincide not sure. Mr. Thornton stated that would be in Engineer Corey's hands. Councilor Mercer-Bruen stated it never happened. Councilor Mercer-Bruen stated that anyone at the engineer's office is protected and is very concerned if there is money just sitting in the account, and that she asked questions months ago. Mr. Thornton stated there has been no 100% design plan prepared. Mr. Thornton stated that \$150,000 was given by two other projects, and that there is a fair amount sitting for design and construction. Councilor Mercer-Bruen stated that the City Engineer should provide this information for the light and the expectations. Councilor DiMambro stated that there are a lot of moving parts from 0, 316 and 216 New Boston Street, 225 Merrimac Street, and the New Boston Street Bridge. Councilor DiMambro stated he is concerned that five years down the line everyone will be asking where the light is. Councilor DiMambro stated all need to be lined up in a neat packet before voting, as he doubts it will go smoothly. Councilor DiMambro stated he would like to wait for Conservation Commission. Councilor Viola stated that she is not comfortable voting until the Conservation Commission approves. Councilor Campbell stated she is not comfortable voting on the project, that it is close, but that need all the ducks in a row. Councilor Campbell stated they are still missing a duck or two. Councilor Gately stated that the project is close and there are so many moving parts with the different entities. Councilor Gately stated he knows the area well and is concerned with what is under these buildings. Councilor Gately stated the council needs to work slow and get everything right. Councilor Gately stated he could vote on it, but not everyone is comfortable with it, and he is only one vote. Councilor DiMambro stated he appreciates the work and cleanup of the property. Councilor DiMambro stated there are a few more little steps. Councilor DiMambro stated he is in favor of the project but there needs to be a few more security and assurances. Attorney Tarby stated the council need to get involved with the communication with the department heads. Attorney Tarby stated the October 13th memorandum paraphrased the three reviews, and the petitioner has addressed the peer reviews. Attorney Tarby stated the November 7th, memorandum capacity of sewer line proposes condition that is included in the proposed conditions. Attorney Tarby stated the city council should have a motion if they need something else from the city engineer. President Concannon stated it seems like the consensus is to wait for the Conservation Commission, and that there is a discrepancy about the lights and the money versus actually doing the work. Councilor Dillon stated the other petitioners already committed to paying the money and is not intended city issue. Councilor Mercer-Bruen stated that if the plan was reasonable for City Engineer Corey how he and his office plans to execute and get it done and pulled together. Councilor Ferullo stated that the \$150,000 they have fulfilled. Councilor Ferullo stated to think about the Wildwood/Wood Street and how the petitioner was off the hook because there was an issue. Upon inquiry from City Clerk Higgins, Attorney Tarby confirmed the proposed conditions were the same for both petitions. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that a communication be sent to City Engineer Corey provide a plan of how the mitigation for the lights and conceptual plan and other funding needed, all in favor, 9-0. Motion made and 2nd that a communication be sent to the Conservation Commission requesting a wrap up of the Order of Conditions, all in favor,

9-0. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON December 6, 2022, all in favor, 9-0.

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: City Clerk Higgins stated that there were several communications received from constituents, as well as a communication dated November 14, 2022, was received from Ellen Callahan Doucette, City Solicitor, regarding "Review of Revised Life Sciences and Business Overlay District ("LBOD")." Motion made and 2nd that all communications be received and made part of the permanent record, all in favor, 9-0. Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Woburn, Massachusetts 01801, stated he would like to request a five minute recess to setup a video for one of the presenters. Motion made and 2nd to take a five minute recess, all in favor, 9-0. Councilor Campbell left the Council Chamber. Motion made and 2nd to return to the regular order of business, all in favor, 8-0-1 (Campbell Absent). Attorney Tarby stated he would like to submit the PowerPoint presentation. Motion made and 2nd that the PowerPoint presentation be received and made part of the permanent record, all in favor, 8-0-1 (Campbell Absent). Attorney Tarby stated that this public hearing is for two requests: 1. Adding a new Section 33 Life Sciences and Business Overlay District (LBOD), as well as 1. Amending the zoning map to include four parcels of land in the LBOD. Attorney Tarby stated the parcels include the Showcase Cinemas, Showcase Cinemas Parking lot, Middlesex Canal Park Road, and the Hotel Property, totaling 32.96 acres. Attorney Tarby stated during the presentation they are going to address issues raised at the previous meeting, such as biosafety measures by Dr. Antonia Pugliese. Attorney Tarby stated he also has Chris Mora from the Davis Company as well. Attorney Tarby stated during the public hearing a few residents mentioned potential access to Lowell Street. Attorney Tarby stated that one of the items requested of National Amusement was to record a restricted covenant to only have ingress and egress from Middlesex Canal Park Road. Attorney Tarby stated Councilor Demers made a request to record the covenant now and not after approval. Attorney Tarby stated a draft was given to the City Solicitor, and she approved it on November 9, 2022. Attorney Tarby stated he hand delivered it to the registry of deeds for recording. Attorney Tarby stated this will run with the land and will prohibit egress and ingress from neighboring streets. Attorney Tarby stated this is now a done deal with the restricted covenant. Attorney Tarby stated there will be a video presented and then after Jim McInnis and Chris Mora will present and answer questions. Dr. Antonia Pugliese, Safety Partners working for the Davis Company, and resident at 6 True Place, video testimony was as follows: "I'm really sorry that I wasn't able to attend this meeting in person, so I really

appreciate your flexibility and watching this recorded presentation instead. At the last meeting, there was a really excellent question about biosafety measures at work and I wanted a chance to provide more background information on this topic for you. First thing that I want to talk about is the background information on risk group categories, when we are thinking about how materials get handled and how risky they are. They follow the National Institutes of Health any guideline about how the categories work and I'm going to walk you through these. If the slide looks familiar to you, I have presented a similar slide at previous meetings, and so if this is review, please bear with me, I promise we'll get to the topic of biosafety level shortly. But if you haven't heard me talk about risk groups before let's start with Risk Group One which are materials that are not associated with disease in healthy adult humans, so that means that the risk will be potentially even negligible risk, but I think extra careful low risk and I'll give you some of those examples. Risk Group two is associated with disease, but rarely serious disease. Preventative and therapeutic interventions are often available. Risk Group two is a moderate risk to workers, and then if anyone is going to be exposed, it would be the people in closest proximity to that work and to those materials. In a few minutes when I talk about the safety procedures in the workplace, so we acknowledge the fact that there's a risk, and it is very important to have safety features to protect at work. In terms of community transmission, the potential for someone who's not even to be exposed to that risk and to material is very low as long as the workers are doing what they're supposed to and handling those materials without the proper procedures, really no one should be exposed not even the workers who are right there too. I want to cover Risk Group Three and Four, I want to cover these definitions for you as background information even though Three and Four facilities are not allowed in Woburn. There is really no way to handle those or to study those in Woburn. Risk Group Three is very serious identity well in terms of how the materials are handled, the worker is much higher potential risk. In Risk Group Four, outbreaks will be of scary consequences that we would be worried about when talking about how to handle biological materials. You had asked for some more examples in detail. What is it going to sound a little exotic but I'm going to try to give you the background information to make them easier to understand. Risk Group One, *Bacillus subtilis* (soil-dwelling bacterium), and I will say that most often in labs as a model organism if you just want understand the basics of how bacteria work you do not start with a more dangerous bacteria. *Bacillus subtilis* is perfect for that kind of work of and is found in soil. Another example is *Lactobacillus acidophilus* (used as a probiotic) and some people eat his on purpose to try and make it a go to Microbiome more healthy, and do not need to be especially worried about being exposed to. Regardless of that if it is a Risk Group One material that you're using, there still have to be done with certain safety procedures to have respect for that lab space and those materials even if you might think that they're completely harmless we still treat them carefully in the lab setting. *Aspergillus niger* (black mold, commonly found in the environment) can form black mold and is commonly found in the environment. It is not impossible that someone wouldn't want to be exposed to mold growth, but it is usually not something that has a lot of problems for humans. If we move to Risk Group Two, now we're talking about things that have a little higher risk that are more associated with disease. Risk Group One, I would really think about those as environmental materials biological materials in the environment that don't usually get associated with disease. Risk Group Two, *Candida albicans* (opportunistic pathogen, many individuals are colonized without ill effects) probably colonized at birth but sometimes people who are immunocompromised have other

illnesses may become very sick from that same candida albicans already in their body, not causing any problems, so if you're starting with a lab, you need to be very carefully as something that could potentially make you sick even though it's fairly unlikely. Herpes virus you may have heard of these infections are both oral and genital herpes infection can cause these, but how a person will be exposed with this as long as the techniques are safe, they would not be an exposure to herpes virus. We're all about limiting exposure with this Risk Group Two. Another virus, *Staphylococcus aureus* (may be harmless in the nose, but may lead to staph infection and illness). About 30% of people have this. It is diseased associative, though some people already have. Risk Group One and Two materials that I covered totally be handled in a laboratory setting in Woburn. Risk Group Three and Four are more serious more serious diseases are associated with these materials. Mycobacterium tuberculosis (causes tuberculosis); HIV (human immunodeficiency virus) and may lead to AIDS; SARS virus (causing severe acute respiratory syndrome), very serious virus. Risk Group Four, Ebola, Marburg, and Lassa viruses, you should not be exposed to at a regular length, but if someone is exposed, they are very violently dangerously, literally ill in a very short time and they're also very derelict meaning that they spread from person to person, and an outbreak very serious public health problem. In the United States it is very very incredibly rare for us to have an outbreak of these sorts of viruses. This is why if you were working in a lab, you would need the most serious set of controls you would need to make sure that those materials were handled with no risk of them escaping. Regarding biosafety level by city ordinance, remember, that only Biosafety Level One and Two ("BSL1 and BSL2") facilities are allowed in Woburn. What does it mean? What is a BSL1 or BSL2 facility since you haven't been in one. I want to give you an idea of what kinds of requirements would be followed. This is all in described in Biosafety in Microbiological & Biomedical Laboratories (BMBL, 6th edition), a collaboration between the Center for Disease Control (CDC) and National Institutes of Health (NIH). So that's going to be even more detailed and what I can describe. I just want to give you an idea of the minimum requirements for it. BSL1 Minimum Requirements Restrict or limit access when working; prohibit eating, drinking, or smoking; minimize splashes and aerosols; decontaminate work surfaces daily; disinfect waste prior to disposal; maintain insect and rodent control program; use Personal Protective Equipment (PPE). The type of PPE depends on exactly what's been done, but you may well find people wearing safety glasses to protect them from particular risk lab coats, friend, gloves, to protect them self from not touching anything that's a lie but also very likely to protect their work from their own skin cells. BSL2 Additional Requirements are extra requirements on these requirements, build from level to level anything that you need to do for BSL1 need to do for BSL2 and then more. Such requirements are lab doors must be signed and closed; only authorized individuals with training may enter; labeling includes the biohazard symbol; most work is done in a biosafety cabinet (BSC); secondary containers are required for transport; sharps use is discouraged; centrifuge safety caps/cups must be used. This was an overview of, BSL1 and BSL 2 space would look like and that means that you'd be able to handle one or two materials as long as the work that's being done is reasonable there. A risk assessment as a laboratory you might want to not do in a space because there are other reasons to be concerned, you know, maybe you have people working in the lab who are immunocompromised do you need to be more careful than otherwise or maybe you're working with large volumes and there's a concern about that. You're always allowed to work at a higher safety level than the BSL group requires, but you can't work at a lower one. Just

to show you what a BSL3 or BSL4 lab would look like as a reminder these are not allowed in Woburn. It's not really relevant, but I want to cut some key things in these lists about airflow and air control. There is more concern for BSL3 or BSL4 space than it is for a BSL1 or BSL2 that we just covered. You might need to wear respirators for BSL3, and you need respirators may be required; all work involving risk group 3 materials would be contained in a biosafety cabinet (BSC); exhaust air cannot be recirculated, and the laboratory must have sustained directional airflow; and entrance to the lab is through two sets of self-closing and locking doors. For BSL4, you must change clothing before entering, shower upon exiting; all work with the risk group 4 materials must be performed within an appropriate BSC or while wearing a full body, air-supplied, positive pressure suit; the laboratory needs to be in an isolated and restricted zone of the building; and the laboratory has dedicated supply and exhaust air, as well as vacuum lines and decontamination systems. This would not be something that you would see in Woburn. This always makes me feel a little bit better about a BSL1 and BSL 2 space because there are not as much a reason for concern With that thank you so much and I hope you enjoy everything every day today." Chris Mora, the Davis Company, stated only BSL1 and BSL 2 facilities are allowed in Woburn. Mr. Mora stated they can give you the idea of types of tenants but not the actual tenants as they are two years out. Mr. Mora stated for Life Science and Biomanufacturing such tenants are: Moderna, ThermoFisher, ElevateBio, and Continuous, which is currently in Woburn and Ft. Devens. Mr. Mora stated for Flex Research & Development: Boston Scientific and Medtronic, would be targeted. Jim McInnis, the Davis Company, stated that Joshua Philbrook had presented before and would have been here but had another commitment. Mr. McInnis stated control effluents are: "All lab/manufacturing effluent would require permitting through the MWRA and be monitored/treated in accordance with MWRA requirements. MWRA will also conduct periodic testing and ensure that system is properly monitored. Liquid spills and released from the building will be mitigated by spill control within the building design and/or licensed Waste Haulers." Mr. McInnis stated regarding whether MWRA has oversight of the discharge into the sewer? What is being discharged into the sewer?: "Yes, the Massachusetts Water Resources Authority (MWRA) has oversight over sewer discharge Landlord or tenants must apply for a MWRA permit; Permit application includes information about the facility uses and anticipated discharge; All laboratory discharge goes through a treatment system prior to leaving the facility; MWRA provides a prohibition list, there are rules regarding solvent management, and there are requirements to prevent spills or leaks to the sewer system; Any material not safe for sink disposal is collected and disposed of via licensed waste hauler; Examples of materials that may be sink disposed (non-hazardous materials miscible with water) include: Salt buffers; Dilute acids or bases of an appropriate pH range; and Fully disinfected biological waste (e.g. bleach, salt buffer, with zero live materials).". Mr. McInnis stated the MWRA Service area map shows the communities, and Woburn has full sewer, and partial/emergency water only. Mr. McInnis stated regarding Lab Spill OSHA Requirements as follows: "OSHA Laboratory standard, 29 CFR 1910.1450, requires laboratories to develop and implement a chemical hygiene plan (CHP). This written program must be tailored to reflect the specific chemical and hazards present in the laboratory and require employers to provide their employees with information and training." Mr. McInnis stated they put together a list of requirements. Mr. McInnis stated the following list includes some of these requirements: The CHP sets forth appropriate procedures, equipment, PPE, and work practices to safely work and what should be done in the event of a spill; Emergency

response planning and training are critical aspects of the spill response plan; The following must be available in every lab, Safety equipment, including spill control kits, Safety shields, fire safety equipment and PPE, Safety showers and eyewash units, and emergency equipment; and in addition to detailed instructions about proper containment, cleanup, and disposal of spilled materials and equipment, the plan also explains how to safely decontaminate the surfaces where the spill occurred. Upon inquiry from Councilor Dillon, Mr. IcInnis stated that level one and two facilities are common for research and development, with molecule and proteins for development, and prior research has already been done. Mr. IcInnis stated that such levels are safer and controlled and there should be no problem if in proximity to schools. Mr. IcInnis stated regarding regulation it depends on what is going on in the lab, but there are documentation, lab procedures and guidelines, cleaned, pest control, and chemical use. Mr. IcInnis stated yes, FDA and other regulatory agencies, and other countries governing bodies could do audits, which are usually done by external sources as well as state and federal agencies. Attorney Tarby stated that the petitioner has addressed what previously came up. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 8-0-1 (Campbell Absent). PUBLIC COMMENTS: Carol Nagle, 723 Main Street, stated there should be an overlay condition that risk level three and four should never be allowed, and once the door is open it can never be closed. Shawn Courtney, 3 Ellen Road, stated not one level two is in a residential neighborhood and are hazardous to the residential area. Mr. Courtney stated the council had empathy for the daycare from the previous public hearing, not knowing the chemicals. Mr. Courtney stated Councilor Dillon said we need to assist businesses in the city, but they do not live here and do not vote for you. Mr. Courtney stated the chemicals at Home Depot are sealed containers and have exhaust fans. Mr. Courtney stated risk group two if you inhale chemicals, how are you going to protect first responders. Councilor Dillon stated the businesses at the December 1, 2022 special meeting to set the tax rate is higher for commercial buildings, and there is a fine line to not burden them, otherwise residential tax rate goes up. Cynthia Tocci, 16 Lowell Street stated Lincoln Labs has been in Waltham for decades. Ms. Tocci stated this sounds scary but in the 21st Century there are lots of protocols, which are a good thing to have if something happens. Ms. Tocci stated the Route 128 emissions are not too lovely. Ms. Tocci stated she works with the Boys and Girls Club youth in the construction program, and they will be able to watch the building cooperation on how the construction goes from the ground up. Ms. Tocci stated the safeguards are too strong. Dan Lopez, 11 Ellen Road, stated he is an abutter, and there should be a limit the amount of labs allowed onsite. Mr. Lopez stated that the petitioner owns all five lots. Mr. Lopez stated he was concerned with the residential houses on Middlesex Canal Park. Mr. Lopez stated Attorney Tarby reminded us of National Amusements attempt for sidewalks. Mr. Lopez stated the Davis Company is the petitioner this time and the council should be interested in sidewalks to Main Street to encourage people to use public transportation. Mr. Lopez stated this should not be a burden on the city. Joe Flaherty, 17 Boyd Road, stated Dr. Pugliese's educational presentation should be posted online. Mr. Flaherty stated that this project has come a long way. Mr. Flaherty stated the petitioner received feedback and made changes and they brought in industry professionals. 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. Attorney Tarby stated he

wanted to respond and clarify some comments. Attorney Tarby stated BSL3 and BSL4 are not an issue as it is not allowed. Attorney Tarby stated the LBOD is by special permit for BSL1 and BSL2, and any use not allowed, is not allowed, so there will not be BSL3 and BSL4. Attorney Tarby stated the Biomedical Oversight Committee regulations do not allow them. Attorney Tarby stated there are no sidewalks by the Davis Company, which is no different than for National Amusements, as easements are needed. Attorney Tarby stated they will certainly look at this at the special permit phases and gladly build if the city gets the easements. Attorney Tarby stated the initial petition was submitted in September 2021, and then it was refiled in July 2022. Attorney Tarby stated the petitioner showed a comparison of both LBOD versions and the building phases. Attorney Tarby stated on June 28, 2022, there was a neighborhood meeting outlining the extensive permitting process at the request of Councilor Demers. Attorney Tarby stated they have provided all the PowerPoint presentations. Attorney Tarby stated this is a Life Sciences development. Attorney Tarby stated there was a committee meeting on October 31, 2022 revised the LBOD and suggested the City Solicitor review the LBOD language. Attorney Tarby stated the City Solicitor in a letter dated November 14, 2022 found the remainder of comments acceptable. Attorney Tarby stated there are also Biomedical Oversight and regulations. Attorney Tarby stated the original filing was submitted in September 2021 and was withdrawn without prejudice later in 2021. Attorney Tarby stated there was a presentation to the neighbors on June 8, 2022 and on July 7, 2022 filed the new application. Attorney Tarby stated there were meetings with abutters at their homes. Attorney Tarby stated there were public hearings on August 16th, September 20th, October 4th, and November 15th. Attorney Tarby stated he provided an ordinance memorandum and the many steps and requirements that are needed: City Council; Special Permits Committee; review by police, fire, building and the Conservation Commission; peer reviews by independent experts; extensive control by the Biomedical Oversight Committee; numerous safeguards; and the ordinance ensures adequate safeguards are maintained. Attorney Tarby thanked the City Council and residents for the input to make this a better ordinance. Attorney Tarby requested to close the public hearing and pull the zoning map and zoning ordinance out of committee and to approve as amended. Louise O'Connell, 26 Park Drive, stated there is a flooding issue in the neighborhood and construction will increase this. Ms. O'Connell stated that it floods all the time and was not thought out properly 30 years ago. Mr. Lopez stated previous City Council did not have correct wording and now there is an opportunity to correct the mistake in the special permit. Mr. Lopez stated he is concerned with traffic, flooding, and safety. Councilor Mercer-Bruen stated she was the City Councilor that said the wording was not correct. Councilor Mercer-Bruen stated the issues is still the same, the City and the developer cannot put in sidewalks on private property. Councilor Mercer-Bruen stated in hindsight it should not have been approved until the property got permission. Councilor Mercer-Bruen stated there is no way she would support eminent domain on such a thing. Councilor Demers stated he takes this seriously and that he grew up with or coached several children of the residents in the neighborhood. Councilor Demers stated it is the responsibility for safety and quality of life. Councilor Demers stated that there are two separate issues, the ordinance first, then the special permit process. Councilor Demers stated you cannot put the cart before the horse because the ordinance comes before the special permit. Councilor Demers stated the following: "Thank you, Mr. President. As the city councilor representing the area where the LBOD will be located, I wanted to take this time to walk through my thought process and

explain how I got to my decision. I think it's important to understand how we've arrived for the constituents. Several months ago, Davis Company filed a petition to re-zone a Business Industrial or B-I zone after entering an agreement with National Amusements, the parent company of Showcase Cinema on Middlesex Canal Park. After a community meeting with abutters, several meetings with me as the Ward Councilor, and Planning Board review (3-2 decision against), this Council agreed to allow the petitioner to withdraw their petition due to the litany of concerns raised by my constituents and fellow colleagues in city government. The primary concerns were over safety and the phrase 'high hazard use' and the encroachment of the proposed buildings to the rear side of the neighborhoods. The Petitioner, then returned to the city with a new petition that was more detailed but still lacking on answers for the neighbors. In the coming months, Davis Company held numerous meetings, they appeared before the Planning Board, and also the City Council's Committee on Ordinance Charter and Rules. During these meetings, the concerns of the abutters, nearby neighbors and constituents were given a platform so that Davis could begin to address many of the concerns. Major concerns that were raised that have been addressed are as follows: a) Regarding the buffer zone, the petitioner flipped the layout of their proposal to increase the buffer zone between neighbors' homes and the proposed life sciences buildings to over the length of a football field, while also increasing the buffer with plantings and maintaining the integrity of the existing stockyard fence, which is something that can be codified in the special permit process; b) The petitioner presented definitions within the zoning ordinance to narrow the scope of the work that can be done by tenants; c) The petitioner has filed a Restrictive Covenant at the Registry of Deeds to restrict any and all future attempts to develop an alternate access road into the neighbors that run from Hart Place to Frances Road. This directly addresses the Lowell Street access concern. Further, the City Solicitor has stated that the Petitioner cannot go through a residential neighborhood if they already have an egress; d) The petitioner met with abutters and neighbors in their homes as they were asked to address concerns directly; e) The petitioner has agreed to an in-depth special permit review that will consist of conditions that will address quality of life issues, including but not limited to, restrictions on noise, lighting, traffic generated from the site, hours of operation, and many other areas of concern from the neighborhood that can be addressed in a special permit but not necessarily in an ordinance change; f) The petitioner has also agreed to significant drainage mitigation and reconstructive work along the site that will benefit both sides of the property along the Middlesex Canal. Bound by law, Tim Williams when a tree fell did some considerable work not done in eons. This was the result of a legal settlement that the City Council entered with National Amusements during the legal proceedings over the subdivision of the Showcase Cinema property. The Petitioner never went for a B3 or B4. Since the beginning of this process, my concerns have been about the quality of life and the safety of my constituents and my neighbors. I also had to take into consideration the other paths that could be taken with regards to this site. With quality of life on mind, buffer zone, natural buffer enhancement, drainage mitigation, future traffic mitigation, and an ability for peer review by a third party, are plusses to the quality of life of the residents. Regarding safety, as lot of science has been questioned with COVID and B1 and B2, however, I've been convinced by the experts I've spoken to. Many of my constituents and other surrounding neighborhoods have had valid points about other projects that could go there, but they lack in addressing quality of life issues. Subdivision did not occur, and all the by right uses now require special permits. What might work for the residents of Ellen Road, Colony Road,

Frances Road, and Hart Place, may not work for the residents of Middlesex Canal Park, Main Street from Central Square to the 128 rotary, True Place, Fisher Terrace, and the many side streets off Main Street. I also truly believe that the Chapter 40B possibility was a concern to strongly consider. I have discussed a lot about this with Councilor Dillon that we are at the 10.6% current. While in Safe Harbor having reached state required 10% - new Governor-elect stated aside from tax reform her Number 1 priority is housing - just like the state wants to increase Woburn's acceptance of development of housing along MBTA train line, the state could easily increase the 10% requirement and open Showcase site to more development without special permit oversight. Site plan review may not be a perfect idea, but it is the risk with everything that is the lowest impact. We can all agree that due to the subdivision, something is going to be developed. It may not be a perfect project, but it's the one that we have had the most control over, the most input in and the most oversight between the Planning Board, City Council, the Biomedical Oversight Committee, again the Planning Board and the City Council for special permit review, department head review from Building Department, Engineering, DPW, Fire Department Board of Health and so-on, and following state, local, and federal guidelines for any time of life sciences or scientific research facility, with peer reviews get a better understanding. The onus is on Davis. This is why I'll be voting in favor of the zoning ordinance change, and the work doesn't stop here - I will still be vigilant, and a lot of Councilors as well, to work on special permit conditions, but that he is ready for a vote." Councilor Viola stated he took time to research this and there are a lot of safety protocols for high hazard house. Councilor Viola stated the project is beautiful. Councilor Viola stated the safety and quality of life a lot more worse things that could go there. Councilor Gately stated most know how I feel about this and that it should not be here. Councilor Gately stated he is the Chairman of the Special Permits Committee. Councilor Gately stated who the hell would want this in your backyard. Councilor Gately stated the buildings are a potential harm. Councilor Gately stated he is afraid to go against the court and judge said to do it. Councilor Gately stated there is a daycare in the area, and it will be traffic nightmare that will not work out for the neighborhood. Councilor Gately stated due diligence not to hurt the project, and to know that something that is supposed to be done will be done. Councilor Gately thanked the neighbors for being here and protecting homes and family. Councilor Dillon stated he spoke at length with Jay Corey, City Engineer, about the flooding concerns. Councilor Dillon stated that Mr. Corey stated all the improvements will help the area regarding flooding. Councilor Dillon stated that Chapter 40B is an issue as the city is at 10.68% and that the 0.68% is a sliver over and if certain apartments decide not to move forward that percentage can change. Councilor Ferullo stated he was part of the mediation, and the judge said to take a look at and come up with a compromise. Councilor Ferullo stated that the Davis Company and Demers put a lot of effort into improving this project. Councilor DiMambro stated he is in support of this as he has a building behind him that is over 50 years old. Councilor DiMambro stated there is oversight of the City Council, and all the safeguards from the federal and state agencies with site checks. Councilor DiMambro stated the improvement will take care of the flooding issues of the Middlesex Canal. Councilor DiMambro stated he is supportive of this because of the safeguards and the city knows what it is getting as opposed to Chapter 40B. Councilor DiMambro stated that in North Woburn it was supposed to be eight condos/townhomes and the city fought and now there are 168 units on a pile of ledge. Councilor DiMambro stated that for two straight years it has been a quarry. Councilor DiMambro stated with Chapter 40B the state has control. Councilor

DiMambro stated he is support of this project as 250 feet away from Route 128 and eight lanes of highway at 78 mph and nothing mentioned about that. Councilor DiMambro stated this is monitored and he applauds the Davis Company with everything they have done for safety and wellbeing. Councilor Mercer-Bruen stated she echoes Councilor Viola, and that the first proposal was a flat out no, but that this time around the effort and work with neighbors was compelling with her. Councilor Mercer-Bruen stated that the one thing that scares her is not knowing what could or could not go on that property. Councilor Mercer-Bruen also thanked the public for coming and speaking, because nobody likes coming to the City Council meetings. Councilor Mercer-Bruen stated Chapter 40B is a real thing and the number is always a moving target. Councilor Mercer-Bruen stated the state changes the rules as we speak. Councilor Mercer-Bruen stated there were concerns with safety, flooding, and traffic. Councilor Mercer-Bruen stated Councilor Demers has done an amazing job to get this right. Councilor Mercer-Bruen stated if this was not safe, she would not vote on it. Councilor Mercer-Bruen stated she looks forward to the special permit phase. President Concannon stated he wanted to publicly acknowledge the efforts of Councilor Demers, the Ordinance Chair and Ward Alderman, as well as the neighbors, as they worked very hard this year, with numerous meetings, public hearings. President Concannon stated the petitioner was being cooperative. President Concannon stated the residents weighed in coming up to the microphone. President Concannon stated the Planning Board took its efforts seriously and reached a conclusion, which he respects and applaud efforts. President Concannon stated the history of how we got here matters, and people need to understand this. President Concannon stated it started when the cinemas was built and evolved with a significant milestone to renovate and expand. President Concannon stated the City Council at the time allowed this expansion with conditions, and nothing else could be done there as long as it remained a cinema. President Concannon stated an agreement was reached. President Concannon stated it was recently revisited as the cinemas did not thing the condition was reasonable anymore. President Concannon stated the city said no, we are happy with the original deal. President Concannon stated then there was a lawsuit in the courts. President Concannon stated three different judges have been involved and they all strongly suggested to the City Solicitor that the city settle. President Concannon stated he struggled with this. President Concannon stated they basically need to settle the matter and that the city has much more oversight if lift the original condition. President Concannon stated more oversight than normally allowed. President Concannon stated something is going to be built there, and this is the less impactful. President Concannon stated there is even further oversight with the LBOD overlay district. President Concannon stated we used an overlay so that the city can exercise more authority rather than existing zoning. President Concannon stated the LBOD is special permit authority on steroids. President Concannon stated Councilor Demers has been working on this for over a year. President Concannon stated many concerns about buildings are special permit issues and will discuss during the special permit process. President Concannon stated he is at the point to vote on this. President Concannon stated more work is to be done if approved tonight. President Concannon stated there will be additional meetings of the City Council and it will exercise its authority. President Concannon stated they are on the verge of a looming lawsuit, and an overlay district is not bad if utilized correctly. Ms. Nagle stated sidewalks are privately owned and in 1993 there was plenty of land to buy the sidewalks. Ms. Nagle stated the sidewalks could have been done and they were not, and the sidewalks would be great for the neighborhood. Motion made and 2nd that the PUBLIC HEARING BE

CLOSED, all in favor, 8-0-1 (Campbell Absent). Motion made and 2nd to take the matter from the committee on Ordinance, Charter and Rules the LBOD Zoning Ordinance and Zoning Map Amendment and to APPROVE, ROLL CALL: Campbell - Absent; Demers - Yes; Dillon - Yes; DiMambro - Yes; Ferullo - Yes; Gately - No; Mercer-Bruen - Yes; Viola - Yes; Concannon - Yes; MOTION PASSES.

Presented to the Mayor: November 17, 2022 s/Scott D. Galvin November 17, 2022

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

COMMITTEE REPORTS: None.

CITIZEN’S PARTICIPATION: None.

COMMUNICATIONS AND REPORTS: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That the City Council Regular Meeting for December 20, 2022 shall begin at 6:00 p.m.

s/President Michael P. Concannon

Motion made and 2nd that the ORDER BE ADOPTED, all in favor, 8-0-1 (Campbell Absent).

Presented to the Mayor: November 17, 2022 s/Scott D. Galvin November 17, 2022

RESOLVED That the Committee on Special Permits meet with representatives of Lawless Inc. relative to a special permit issued on January 4, 2022 for the property located at 196 Lexington Street concerning compliance with conditions of the special permit.

s/Councilor Charles Viola

Motion made and 2nd that the MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 8-0-1 (Campbell Absent).

RESOLVED That a communication be sent to the City Engineer requesting an update on the timing of lights causing traffic back up on Washington Street near Cedar/Salem.

s/Councilor Darlene Mercer-Bruen

Councilor Mercer-Bruen stated the timing of the lights are off, which are backing up Salem Street and she is receiving complaints from businesses and residents. Councilor Mercer-Bruen stated the lights are controlled by the State of Massachusetts. Councilor Mercer-Bruen stated there was mitigation that was required before occupancy was allowed for a project. Councilor Mercer-Bruen stated the City Engineer and Mayor are aware of it and are trying to work with the state to communicate with Mass Highway. Motion made and 2nd that the RESOLVE BE ADOPTED, and a communication be sent to the City Engineer, all in favor, 8-0-1 (Campbell Absent).

Presented to the Mayor: November 17, 2022 **s/Scott D. Galvin November 17, 2022**

Motion made and 2nd to ADJOURN, all in favor, 8-0-1 (Campbell Absent). Meeting adjourned at 10:21 p.m.

A TRUE RECORD ATTEST:

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