

**CITY OF WOBURN
FEBRUARY 21, 2023 – 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBER, WOBURN CITY HALL**

Roll Call

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

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE, all in favor, 8-0-1 (Gately Absent).

MAYOR'S COMMUNICATIONS:

A communication was received from His Honor Mayor Galvin dated February 8, 2023 as follows:

RE: MBTA Communities Law (M.G.L. CHAPTER 40A SECTION 3A)

Dear Council:

I am following up on the discussion we had last March regarding the Housing Choice Act, often referred to as the MBTA Communities Law. You will recall that at the time of last year's discussion neither I nor a majority of the Council were in favor of pursuing the steps that would have been necessary to comply with that law as it existed at that point in time.

Since last March, the State's Department of Housing and Community Development (DHCD) refined the guidelines for administering the law in a number of ways that may make its implementation more acceptable to us. In the interim, DHCD also revealed its intention to withhold funds from our local Housing Authority if the City did not comply with the new law. While I am confident this threatened loss of housing authority funding ultimately would not have occurred for legal reasons, I will not be at all surprised if the agency uses a community's compliance or non-compliance with the MBTA Communities Law as a factor when scoring myriad grant applications in the future. If that were to happen, the potential negative effects on the City would obviously be compounded.

Largely based on these two factors, I directed City Planner Tina Cassidy to complete and submit an MBTA Communities Action Plan to DHCD by the filing deadline at the end of last month. The action plan, a copy of which is attached hereto, calls for her to work with a small core group of people over the remainder of the calendar year to research and investigate how

the City might comply with the law if it chose to do so. She will be assisted by Mr. Chris Kuschel from the Metropolitan Area Planning Council (MAPC) who many of you will remember helped us with the Woburn Mall 40R project. MAPC will help the City identify areas that would serve to qualify as a compliant district, and the core group will work on corresponding zoning text. Ultimately, Tina hopes to publicly present draft recommendations in November of this year, with consideration of possible zoning text and map amendments to follow in early 2024 if the Council responds favorably.

Submission of the Action Plan has at least one favorable upside. If the City follows the steps outlined in the Plan it submitted it will be considered to be in compliance with the MBTA Communities Law until mid-late 2024. This will mean the City remains eligible for all grants, including MassWorks funding, until at least that time.

While I still have significant concerns regarding the MBTA Communities Act I feel it is prudent to thoroughly study its provisions and consider whether compliance is possible and advantageous to the City. I look forward to keeping you apprised of the Planning Department's efforts.

Respectfully, s/Scott D. Galvin, Mayor

Councilor Mercer-Bruen stated she is going to keep an open mind but would like to talk about what the state is asking us to do. Councilor Mercer-Bruen stated DHCD are not elected officials, they are appointed and have no accountability to constituents. Councilor Mercer-Bruen stated the first version of the DHCD regulations did not have any requirements for affordable housing, and the revisions from a few weeks ago are wishy-washy on this. Councilor Mercer-Bruen stated the DHCD wants to restrict climate change but there is absolutely no restrictions reducing the number of cars. Councilor Mercer-Bruen stated there is nothing about mitigation for traffic, police, fire, teachers, and inspectors that need to be hired to help essentially what is a new mini community. Councilor Mercer-Bruen stated she is not opposed to building there, she is opposed to building without knowing how to maintain. Councilor Mercer-Bruen stated she is all for communities near MBTA areas, but there is nothing stating that they will not close the MBTA stop in Woburn. Councilor Mercer-Bruen stated it has already happened before. Councilor Mercer-Bruen stated the City cannot roll over. Councilor Demers stated the more common procedure is that the legislature pieces together legislation and passes it with a theory and outline and then lets the agency promulgate regulations, and then people are not happy. Councilor Demers stated he remembers the issue with bake sales being eliminated due to unintended consequences of a piece of legislation. Councilor Demers stated that they are giving a nonelected body that power. Councilor Demers stated there needs to be a robust discussion in committee with the legislative delegations. Councilor Demers stated that Representative Haggerty has both Woburn and Reading that have MBTA stops. Councilor Demers stated the council should invite the state delegation and Mr. Kuschel from MAPC to discuss this. Councilor Dillon stated he wanted to make a point that Woburn was the trendsetter and that Woburn already created a big portion. Councilor Dillon stated Woburn should get credit for this. Councilor Dillon stated that every city and town is not the same. Councilor DiMambro stated he has apartment buildings being built in North Woburn, and he is worried about the strain on the

schools with more students. Councilor DiMambro stated there are two T-stops in Woburn, and one is pretty much closed and they refused to put money into it. Councilor DiMambro stated they refused to contribute to the walking path as well. Councilor DiMambro stated they are providing no money and only more development is coming. Councilor Mercer-Bruen stated it is great to have the state delegation come, but they should understand the difficult situation and discussion that is going to be had. Councilor Mercer-Bruen stated they need to come and help the council unravel this and help us collectively. Councilor Mercer-Bruen stated Representative Haggerty did not like what he saw and was not thrilled by the changes. Councilor Mercer-Bruen stated Governor Healey has a positive agenda for more housing, but it needs to be done right. Councilor Viola stated he wanted to echo his fellow councilors' sentiments that there will be impacts on police, fire, and water. Councilor Viola stated they need to look at this carefully, and he looks forward to the debate. Motion made and 2nd that the communication be received and made part of the permanent records and that the MATTER BE REFERRED TO THE COMMITTEE ON LIAISON, all in favor, 8-0-1 (Gately Absent).

NEW PETITIONS:

On the request by Cargotiator LLC to update Second Class Motor Vehicle Sales License at 104 Winn Street, a communication dated February 16, 2023, was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Suite 502, Woburn, Massachusetts 01801 regarding "Cargotiator LLC, Second Class Motor Vehicle Sales License, 104 Winn Street, Woburn, Massachusetts". Motion made and 2nd that the communication be received and made part of the permanent records, all in favor, 8-0-1 (Gately Absent). Motion made and 2nd to suspend the rules to allow the petitioner to speak on the matter, all in favor, 8-0-1 (Gately Absent). Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Suite 502, Woburn, Massachusetts 01801 stated the petitioner was issued a Second Class Motor Vehicle Sales License with proposed hours of operation: Monday – Thursday 10:00 a.m. – 4:00 p.m., Friday 10:00 a.m. – 1:00 p.m., and Saturday by appointment only. Attorney Tarby stated during the regular annual inspection process the petitioner was told in order to have such license he needs to be open 30 hours per week. Attorney Tarby stated currently he is open 27 hours per week, so he is looking for an additional three hours. Attorney Tarby stated there is also a special permit on the site with hours of operation from 8:00 a.m. to 8:00 p.m. six days a week, thus the request is still within that limit. Attorney Tarby stated the petitioner is looking for hours of operation Monday – Wednesday 10:00 a.m. – 5:00 p.m., Thursday 10:00 a.m. – 4:00 p.m., Friday 10:00 a.m. to 1:00 p.m., and Saturday by appointment only. Motion made and 2nd to return to the regular order of business, all in favor, 8-0-1 (Gately Absent). Motion made and 2nd that the LICENSE BE AMENDED to reflect the hours of operation required by state and as outlined in the February 16, 2023 communication as follows: Monday – Wednesday 10:00 a.m. – 5:00 p.m., Thursday 10:00 a.m. – 4:00 p.m., Friday 10:00 a.m. to 1:00 p.m., and Saturday by appointment only, all in favor, 8-0-1 (Gately Absent).

Presented to the Mayor: February 23, 2023

s/Scott D. Galvin February 23, 2023

PUBLIC HEARINGS:

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: President Concannon stated that National Grid and Supt. Duran still need to meet. President Concannon stated this will need more time and should probably be given another month. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 8-0-1 (Gately Absent). None. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON March 21, 2023, all in favor, 8-0-1 (Gately Absent).

On the petition by M&K Engineering Inc., 166 New Boston Street, Woburn, Massachusetts, 01801, for a special permit pursuant to Section 7.3 of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for additional storage space of approximately 6,450 square feet more or less of gross floor area as shown on the site plan file with this petition, due to nonconforming front yard setback of 20.4 feet, at 166 New Boston Street. PUBLIC HEARING OPENED: A communication dated February 16, 2023, was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Suite 502, Woburn, Massachusetts 01801 as follows:

RE: Modification of Special Permit Decision of M&K Engineering Inc., 166 New Boston Street, Woburn Massachusetts

Dear Ms. Higgins:

I respectfully request that the public hearing on the above matter scheduled for February 7, 2023 be continued to the City Council meeting scheduled for March 21, 2023. My client's engineer has not yet finished the revisions to the Site Plan as requested by the Planning Department. If you need any further information, please do not hesitate to contact me. Thank you.

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

Motion made and 2nd that the communication be received and made part of the permanent records, all in favor, 8-0-1 (Gately Absent). Motion made and 2nd that the public hearing be opened for public comments, all in favor, 8-0-1 (Gately Absent). None. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON March 21, 2023, all in favor, 8-0-1 (Gately Absent).

Motion made and 2nd to take the next two matters collectively, all in favor, 7-0-1-1 (Gately Absent, Ferullo Abstain).

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 February 15, 2023, was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Suite 502, Woburn, Massachusetts 01801 as follows:

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

Dear Ms. Higgins:

I respectfully request that the public hearings on both the above matters scheduled for February 21, 2023 be continued to the City Council meeting scheduled for April 4, 2023. My client is continuing to work through the Conservation Commission process and hopes to have it completed by the end of March. If you need any further information, please do not hesitate to contact me. Thank you.

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

Motion made and 2nd that the communication be received and made part of the permanent records, all in favor, 7-0-1-1 (Gately Absent, Ferullo Abstain). City Clerk Higgins stated that Councilor Ferullo can participate but cannot vote on the matter. Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Suite 502, Woburn, Massachusetts 01801 stated he wanted to provide an update to the council. Attorney Tarby stated the last time the petitioner was before the council as in December 2022 and they agreed to push the hearing out until the 2nd meeting in January 2023 because of the Conservation Commission process is still going on. Attorney Tarby stated this is still in process and that it will hopefully be wrapped by the end of March. Attorney Tarby stated after the December public hearing there was an additional survey as per the Conservation Commission peer review. Attorney Tarby stated that they had a working session on January 15, 2023, and on January 19, 2023 the project team shared its proposed updates. Attorney Tarby stated next Monday, there will be revised packages addressing the Horsley Witten peer review comments from Conservation Commission. Attorney Tarby stated that on March 10, 2023 Horsley Witten are expected to have comments and it should be back on the Conservation Commission agenda for March 23, 2023 where it hopefully can be resolved.

Upon inquiry from Councilor DiMambro, Attorney Tarby confirmed that the changes are all in relation to addressing work being near the small brook. Attorney Tarby stated the updates do not alter the site plan but are minor changes. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 7-0-1-1 (Gately Absent, Ferullo Abstain). None. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON April 4, 2023, all in favor, 7-0-1-1 (Gately Absent, Ferullo Abstain).

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 February 15, 2023, was received from Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Suite 502, Woburn, Massachusetts 01801 as follows:

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

Dear Ms. Higgins:

I respectfully request that the public hearings on both the above matters scheduled for February 21, 2023 be continued to the City Council meeting scheduled for April 4, 2023. My client is continuing to work through the Conservation Commission process and hopes to have it completed by the end of March. If you need any further information, please do not hesitate to contact me. Thank you.

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

Motion made and 2nd that the communication be received and made part of the permanent records, all in favor, 7-0-1-1 (Gately Absent, Ferullo Abstain). City Clerk Higgins stated that Councilor Ferullo can participate but cannot vote on the matter. Appearing for the petitioner, Attorney Joseph R. Tarby, III, Rubin and Rudman LLP, 500 Unicorn Park Drive, Suite 502, Woburn, Massachusetts 01801 stated he wanted to provide an update to the council. Attorney Tarby stated the last time the petitioner was before the council as in December 2022 and they agreed to push the hearing out until the 2nd meeting in January 2023 because of the Conservation Commission process is still going on. Attorney Tarby stated this is still in process and that it will hopefully be wrapped by the end of March. Attorney Tarby stated after the December public hearing there was an additional survey as per the Conservation Commission peer review. Attorney Tarby stated that they had a working session on January 15, 2023, and on January 19, 2023 the project team shared its proposed updates. Attorney Tarby stated next Monday, there will be revised packages addressing the Horsley Witten peer

review comments from Conservation Commission. Attorney Tarby stated that on March 10, 2023 Horsley Witten are expected to have comments and it should be back on the Conservation Commission agenda for March 23, 2023 where it hopefully can be resolved. Upon inquiry from Councilor DiMambro, Attorney Tarby confirmed that the changes are all in relation to addressing work being near the small brook. Attorney Tarby stated the updates do not alter the site plan but are minor changes. Motion made and 2nd that the public hearing be opened for public comments, all in favor, 7-0-1-1 (Gately Absent, Ferullo Abstain). None. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING BE CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON April 4, 2023, all in favor, 7-0-1-1 (Gately Absent, Ferullo Abstain).

UNFINISHED BUSINESS FROM PREVIOUS MEETINGS: None.

COMMITTEE REPORTS: None.

CITIZEN'S PARTICIPATION: None.

COMMUNICATIONS AND REPORTS:

A communication dated February 8, 2023, was received from Charles O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

Council Members,

In accordance with Massachusetts General Laws Chapter 90, Section 20½, I am submitting the following parking ticket report. Figures cited below are for the Month of January 2023: Number of Violations Issued 104, Numbers of Violations Paid 26, Number of Violations Outstanding 78, Amount collected and submitted to Collectors Office \$3,831.20, Parking fines referred to the Handicap Commission \$1,800.00.

There is a backlog of 1549 tickets dating from January 2004 to December 2021. A 21 day late notice is sent to vehicle owners who have not paid the fine. After 28 days, if the fine still has not been paid, that information is forwarded to the Registry of Motor Vehicles for administrative action.

Respectfully Submitted, s/Charles O'Connor, Parking Clerk

Motion made and 2nd that the MATTER BE PLACED ON FILE, all in favor, 8-0-1 (Gately Absent).

APPOINTMENTS AND ELECTIONS:

A communication dated February 15, 2023 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Higgins:

By the power vested in me as Mayor of the City of Woburn, I hereby re-appoint Sarkis S. Chinian, 8 Asbury Avenue, to the Woburn Board of Registrars of Voters, for a three-year-term to expire December 31, 2025, subject to approval by the City Council.

Respectfully, s/Scott D. Galvin, Mayor

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

A communication dated February 15, 2023 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Higgins:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Christopher Glaser, 17 Porter Street, Woburn, MA 01801 to the Woburn Redevelopment Authority with a term set to expire on December 31, 2028, subject to the approval of the City Council.

Respectfully, s/Scott D. Galvin, Mayor

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

A communication dated February 15, 2023 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Higgins:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Alan Simpson, 6 Foley Road, Woburn, MA 01801 to the Woburn Golf & Ski Authority, with a term to expire on January 31, 2029, subject to the approval of the City Council.

Respectfully, s/Scott D. Galvin, Mayor

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

MOTIONS, ORDERS AND RESOLUTIONS: None.

Motion made and 2nd to ADJOURN, all in favor, 8-0-1 (Gately Absent). Meeting adjourned at 7:22 p.m.

A TRUE RECORD ATTEST:

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