

**MEETING OF THE
CITY OF WOBURN
BOARD OF APPEALS
SEPTEMBER 28, 2016 – 7:00 P.M.
COUNCIL CHAMBER
WOBURN CITY HALL**

Attending: Chair Margaret Pinkham, Member Daniel Parrish, Member John Ray, Member John Ryan, Member Edward Robertson and Alternate Member Sheila McElhiney

On the petition of Mill Street Property Group, LLC, 57 Mill Street, Woburn, Massachusetts 01801, Applicant, and James T. Lichoulas, Jr., 57 Mill Street, Woburn, Massachusetts 01801, Landowner relative to an application for Comprehensive Permit pursuant to M.G.L. Chapter 40B for purposes of a public hearing pertaining to the property located at Mill Street. Appearing for the petitioner was Attorney Theodore C. Regnante, Regnante, Sterio & Osborne LLP, 401 Edgewater Place, Suite 630, Wakefield, Massachusetts 01880-6210 and he stated that he will bring the Board of Appeals up to date on the traffic and engineering changes that have taken place, and that all the information presented at this meeting was previously submitted fourteen days ago. David Giangrande, Design Consultants, Inc., 120 Middlesex Avenue, Suite 20, Somerville, Massachusetts 02145 stated that they received crash data information from the Woburn Police Department which supplemented the MassDOT crash data, that they ran the MassDOT data for four years including 2011, 2012, 2013 and 2014, that typically only three years of data are run, that the intersection of Montvale Avenue and Washington Street is considered a high incident intersection with mitigation planned under a TIP proposal as is the intersection of Washington Street and Cedar Street with some mitigation measures currently in process, that they collected information related to site generation trips four times, that they looked at the Country Club Garden Apartments (CCGA) and obtained empirical data, that the calculations were based on the number of bedrooms, that they attempted to use the most conservation method, that the latest information based on the number of bedrooms is the most conservation method, that there were 54 peak hour A.M. trips and 55 peak hour P.M. trips, that the eastbound left turn out of Mill Street at Washington Street changes from a D level of service to an E level of service with 1.6 seconds of additional delay per vehicle, that they used the CCGA property for parking comparisons, that they originally calculated 279 parking spaces, that they subtracted four parking spaces because some of the tandem parking spaces were too short leaving 275 parking spaces, that a parking space was lost due to the location of a gate, that a parking space was lost due to the location of a trash dumpster, that parking spaces were lost along Salem Street to facilitate better sight distance, that they calculate there are 262 parking spaces available, that 252 parking spaces are required for the use according to their calculations and 213 parking spaces are required according to the peer review calculations, that this results in a 1.39 to 1.45 parking rate, that the 88 new units across the street from the CCGA property will have a surplus of ten parking spaces at a 1.6 parking rate, and that only one location has an E level of service. Chair Pinkham stated that the analysis of crashes is based on accidents that have been reported to the State. Mr. Giangrande stated that with the Woburn Police Department report they picked up on a couple of crashes not reported to the State but did not change the crash data

ratio, and that he is not aware of the criteria for reporting a particular vehicle crash to the State. Chair Pinkham stated that that Woburn Police Department report included a summary of vehicle accidents at a number of intersections not just those referenced in the Design Consultants report, and that in an almost five year period there were eighteen accidents on Mill Street. Mr. Giangrande stated that some vehicles accidents would be associated with an intersection, and that if an accident occurs in a random location it may not be associated with the vehicle crash data. Chair Pinkham wanted to know how eighteen vehicle crashes on Mill Street compared to Washington Street. Mr. Giangrande stated that over a four year period there were 33 crashes at the intersection of Cedar Street and Washington Street and seventeen crashes at the intersection of Salem Street and Washington Street. Chair Pinkham stated that there were three additional vehicle accidents reported at the intersection of Salem Street and Washington Street in the Woburn Police Department report. Mr. Giangrande stated that typically they obtain accident reports and evaluate what type of accident occurred and the level of damage. Chair Pinkham stated that four of the crashes indicate personal injury but the chart does not reflect personal injury, that the seventeen vehicle accidents on Mill Street were not accidents at the Cedar Street and Washington Street but at Salem Street and Washington Street, and that at the intersection of Salem Street and Salem Avenue there were four vehicle accidents over a five year period three of which involved personal injury. Mr. Giangrande stated that he will look at the Woburn Police Department reports to have a better understanding of these crashes, that the MassDOT accident data was received from the database, that the Woburn Police Department information was received recently, that the extent of the local data needs to be analyzed in terms of the type of accident and damage, that sometimes minor crashes are not reported to the Registry of Motor Vehicles, and that even after the analysis of the extent of the damage all of the crash data is included. Member Robertson stated that it used to be that a report has to be filed with the local police department based upon the level of damage. Mr. Giangrande stated that there is no certainty that all accidents are reported by those involved in the accidents, that they can only base their report on available information which in this case is the MassDOT data and the Woburn Police Department report, and that they look to see if there is a cluster location of crashes and some cause such as sight distance contributing to the crashes. Member Robertson stated that he is not certain that the seriousness of an injury in a crash or the extent of the damage is relevant. Chair Pinkham stated that this information goes to the issue of public safety. Member Robertson stated that if there is an accident and the accident is determined to be caused heavy traffic and that the proposed project would bring more traffic to the area then this would be relevant, that the fact of a vehicle accident would seem to be more relevant than how serious the accident was, and that if a report should that a driver was driving under the influence of alcohol that would seem to have more to do with the driver than heavy traffic as the cause of the accident. Chair Pinkham stated that a distinction was raised between empirical data and the national standards for apartment complexes. Mr. Giangrande stated that the empirical data was data used from the CCGA site, that when the data was counted it was a two-fold approach, that they assessed cut-through traffic and they counted all traffic generated from the site, that the data is included in the appendix to the report, that the traffic counts are determined by an individual counting turning movements, that an individual sits with a board and counts the vehicle turns in fifteen minute increments, that radio contact between individuals stationed at each driveway allows them to determine whether a particular vehicle is pass-through traffic, that the turning date is the peak hour data, and that they wanted to determine the number of trips during the peak hour and then placed the vehicles on the network which is most taxed during peak hour. Chair

Pinkham stated that in the May report there were 586 daily trips, and that the same table in the August report also has a total of 584 trips. Mr. Giangrande stated that with empirical data total daily trips cannot be counted as the counters cannot be stationed for 24 hours and this information is not relevant to determining the A.M. peak hour totals and the P.M. peak hour totals, that there was not a big statistical variance between the empirical data method and the Institute of Transportation Engineers (ITE) trip generation data, that they were able to quantify the cut through traffic with the information collected by the counters and distributed the traffic on the network, that the idea is to try to keep traffic on major arterial routes and not traveling through neighborhoods, and that the traffic was redistributed through intersections such as Washington Street and Salem Street. Member Ray stated that 1320 trips throughout the day seems to be a reasonable calculation. Mr. Giangrande stated the peak traffic is generally 10% of the total data. Chair Pinkham stated that the gate system is intended to cut down on the Mill Street traffic but these vehicles will have to go somewhere. Mr. Giangrande stated that some of the trips were redistributed to Salem Avenue, and that this is typically accomplished on a percentage basis. Mike Pompili, WorldTech Engineering, 300 TradeCenter, Suite 5580, Woburn, Massachusetts 01801 stated that they did analyze the cut through traffic and made their own presumptions based on geography. Chair Pinkham stated that she visited the CCGA site and counted the parked vehicles, that there were 241 cars on July 20, 265 cars on September 19, 258 cars on September 27 and 237 cars on September 28, and that the petitioner is relying on a count of 252 cars counted by Design Consultants at 9:00 a.m. and 213 cars counted by WorldTech at 10:30 p.m. Mr. Giangrande stated that the 213 parked vehicles counted at 10:30 p.m. should not be used in the calculations. Chair Pinkham stated that she is concerned that she counted 265 parked vehicles as 262 parking spaces are proposed, and that she is concerned that there is not enough parking for CCGA residents as any overflow of parking may go to the street and to the parking lot of the proposed development. Mr. Giangrande stated that they counted 249 cars on September 27, and counted 257 vehicles during another count. Tom Lichoulas, General Manager, County Club Garden Apartments stated that the tenants and relatives of the CCGA park their vehicles on the lot, that they began policing the parking lot and advised vehicle owners that if a car does not have a CCGA sticker affixed to the vehicle then the vehicle would be removed from the lot, that it will be three years before the new apartment building would be occupied, that they can work with the leases to gain better control over parking, and that the current leases allow one parking space per apartment with a second parking space available for a small charge. Chair Pinkham stated that she is concerned that the tandem parking spaces may not be used properly if each unit receives only one parking space. Member Parrish stated that there appear to be 28 surplus parking spaces. Mr. Giangrande stated that the visitor parking spaces have not been assigned yet, that the average of all the vehicle parking counts less the count of 213 comes to an average of 253 parked vehicles. Attorney Regnante stated that the petitioner controls the site next door and the terms of the tenants' leases, that when leases are renewed the petitioner can reduce the parking spaces available to the tenants and allow rental of additional parking spaces, that the petitioner can police the parking in the future and the city can monitor the parking with continuing jurisdiction over the project, and that the parking solution will be a perpetual condition under the approval. Member Robertson stated that the city could not pull the occupancy permit five years in the future because of an issue with parking. Attorney Regnante stated that the remedy for parking issues can be put in the conditions such as a fine, and that the petitioner has the ability to work within the confines of the permit and to work with the city. Mr. Giangrande stated that 253 parking spaces on average are used, that there are 262 parking spaces

on site, and that this does not include parking spaces available along Salem Street, parking spaces in the adjacent municipal area or the active management of the parking lot use. Mr. Lichoulas stated that there is 100% occupancy at CCGA at the moment, that there is occasional turnover of apartments which are open for maintenance before the unit is occupied again, that the city-owned land next to the parcel could be acquired by the petitioner and used for parking, that the city-owned land contains approximately forty parking spaces, that he needs parking for a successful business, that he does not want to have a parking problem at the property, and that recycling bins were placed on the property approximately one year ago. David O'Sullivan, AIA, O'Sullivan Architects, 606 Main Street, Reading, Massachusetts 01867 stated that there will be recycling bins at the dumpster locations. Mr. Giangrande stated that zoning codes typically require more parking than is needed in reality, that vehicle use and ownership is declining particularly in urban areas, that there is a 1.39 and 1.44 parking ratio at the CCGA property, and at the proposed new site there will be a 1.6 parking ratio. Chair Pinkham stated that under the zoning code there would be a 2.0 parking space per unit. Mr. Giangrande stated that the petitioner does not have the ability to police parking on Mill Street or in the adjacent municipal area. Chair Pinkham stated that the municipal area has been striped and used for parking by the petitioner's tenants. Mr. Giangrande stated that the petitioner has to have a parking plan and implement that parking plan, and that the data on parking use is strong and clustered except for the one 213 vehicle count. Attorney Regnante stated that the petitioner could apply a parking plan, that there should be a workshop to come up with proposed conditions that could address these issues, that the workshop could consist of one member of the Board of Appeals and members of the city's technical departments, and that the petitioner wants a sense of direction of the Board. Chair Pinkham stated that the direction of the Board is that the city does not want to be policing parking at the site into the future. Mr. Lichoulos stated that the parking plan was included in the package. A review of the file by the Members found no parking plan included in the package. Chris Sparages, Williams and Sparages, 189 North Main Street, Suite 101, Middleton, Massachusetts 01949 stated that there is a fire apparatus plan for the property, and that there is a straightaway with a gate that can be operated by fire personnel. Chair Pinkham stated that Traffic Safety Officer Sgt. Raymond Mooney said that a routine police patrol may require the gates to be opened and a sound-activated gate in the middle of the night is not acceptable. Mr. Sparages stated that the petitioner can look for other alternative activation devices, that the initial site plan did not propose Mill Street sidewalks although onsite sidewalks were included, that sidewalks were added along the frontage of the project, that the petitioner is willing to contribute a share of up to \$25,000.00 for offsite sidewalks at Washington Terrace, that they produced a plan showing the traveled way on the limit of pavement for Washington Terrace and Mill Street, that Mill Street has a variable width, that the conducted an extensive boundary survey to find the limits of the roadway and topographic features, and that based on research reviewed by the city's Engineering Department the roadway was laid out as a public way in 1795. Chair Pinkham stated that the plan is interesting in that it shows many features such as mailboxes and columns on the area of the right of way. Mr. Sparages stated that their work starts with Board of Assessors records, that field work is conducted generally based on a deed reference or land court records, that an iron bolt was located behind a water shutoff valve, that sometimes control points are found that are not referenced on a plan of record, that they will check on an iron bolt at the intersection of Mill Street and Washington Terrace, that snow storage areas are located in areas so as not to conflict with plantings, trees or fire hydrants, that there is one 5,000 square foot snow storage area for snow at a height of three feet which is a

conservative number, that a 4.8 inch snowfall event would fill the snow storage areas, that approximately 24 inches of snow could be stored in the snow storage area based on compaction calculations before the snow would have to be trucked away off site, that they met with the Fire Department relative to fire connections and fire hydrant locations, that they will install two fire hydrants off site at the request of the Fire Department and one fire hydrant on site, that the plan was updated to show the stop and start of the six-inch water main to a four-inch water main and then back to a six-inch water main, that the petitioner is willing to change the water service pipes as necessary, that Superintendent of Public Works John Duran requested that the water line be looped around the site, that the petitioner will continue the water line connection to the water main with a loop for better circulation, that the petitioner will also install an additional water gate at the request of Superintendent Duran, that they are working with the City Engineer to do water distribution analysis, and that since the proposed project was reduced to 88 units the water and sewer consumption calculations have been reduced and noted. Member Robertson stated that whether enough water can be provided to the development seems to be an important consideration. Mr. Sparages stated that additional lighting has been shown on the plan, that two dumpsters in the right of way were blocking through traffic out to Salem Street, that the dumpsters will be removed and relocated, and that two gates will be operated by transponders by the residents and fire officials. Mr. O'Sullivan stated that when a trash dumpster is being emptied a vehicle may have to wait for the process to end before being able to pass, and that this is typical at many developments. Mr. Lichoulos stated that the CCGA dumpsters are picked up once a week but the new site dumpsters will be picked up more often such as two or three time a week, and that the pickup of the recycling bins can be more often as well. Chair Pinkham stated that the petitioner should consult with Fire Department as to where the trash dumpsters are to be located at the rear building at 82 Mill Street. Member Ray stated that there is only one catch basin in one area. Mr. Sparages stated that the catch basins are based on pavement in the area and the calculations indicate that there are sufficient catch basins, that the petitioner filed a notice of intent with the Conservation Commission, that the Conservation Commission engaged a peer review consultant, that the slope near Salem Street is a 10% grade, and that the maximum slope on subdivision roads in many communities is 9% to 10%. Member Ryan stated that he is concerned that the vast majority of snow storage is along Mill Street and sidewalks, and that he is concerned about dangerous conditions during periods of melting and freezing due to the slope in the area. Mr. Sparages stated that it will be the responsibility of the petitioner to keep the sidewalks safe. Member Ryan stated that he is concerned that the snow storage area may not be sufficient. Chair Pinkham stated that the parking spaces must stay accessible during snow events. Member Ryan stated that snow event management can be difficult, and that three foot snow piles are unrealistic. Mr. Sparages stated that a workshop with city officials can be beneficial in defining and addressing issues, and that sidewalks were the only issue from department heads, and that the issue of sidewalks was originally raised by the Planning Board but the petitioner is willing to pay a fair share towards the cost of the sidewalks. Mr. Lichoulos stated that he is willing to install a six-inch water line where a four-inch line currently exists, that he has no objection to having sidewalks installed and connecting to sidewalks offsite, that he is willing to work on the issue of reducing vehicle crashes on Mill Street, and that Mill Street extends across I-93 and some of the eighteen reported Mill Street vehicle accidents may be on that portion of the roadway. Mr. O'Sullivan stated that the closest residences from the two buildings are a distance of 103 feet and 144 feet, that the mass of buildings have been moved away from the neighbors and towards I-93, that they have added green space and parking near the residences,

and that the petitioner has addressed the issues raised. Mr. Pompili stated that the access to the trash dumpsters in relation to the play area is inconvenient, that the sidewalk at the front of the property does not add into anything, that he would like to see sidewalks through the CCGA property to Washington Street, that there is no protection shown between the end of the pavement and sidewalk in some areas, that there should be curbing to protect the sidewalk and to keep vehicles from parking on the sidewalk and reduce erosion, that five parallel parking spaces at the Salem Street driveway are marked as three parking spaces, that there were marked parking spaces that may have been removed due to sight distances, that tandem parking spaces are 28 feet long but two cars are 34 feet in length, that this also raises issues as to impact on fire apparatus, that 262 parking spaces is reasonable to accommodate the development but it is not clear that 262 parking spaces can actually be attained on site, that there are some utility poles that may obstruct some parking spaces but there may be sufficient room to shift the parking spaces, that the parking plan appears to be a proposed plan to demonstrate how many parking spaces can be established, that he would like to see an actual parking dimension plan, that the trash dumpsters located close to Unit 82 may not be desirable, and that the gates are helpful for Mill Street but could move cut through traffic to the other neighborhood streets. PUBLIC COMMENTS: Alderman Darlene Mercer-Bruen stated that the proposal is not close to being ready for a workshop, that parking and traffic continue to be issues, that a true parking plan is needed, that there is not sufficient parking, that moving the trash dumpsters will not result in more parking only a smaller development will do so, that a dumpster is going to be emptied two to three times a week which will be a burden on the roadway and will impact public safety, that there should be additional dumpsters even if this impacts parking, that the petitioner should plan for the most drastic situation not the most conservative, that during a snow event there must be information as to where the tenants' cars can be parked during snowplowing operations, that eighteen vehicle accidents on Mill Street in five years is a concern, and that there are reasons to deny the project based on the current information. Attorney William White, 403 Highland Avenue, Suite 209, Somerville, Massachusetts 02144 stated that he represents the Hart family of 43 Mill Street, that the level of impermeability on the site is 1½ acres of area which is currently permeable, that his clients are concerned about drainage and runoff impact on the abutters, that he understands there will be retention areas but the question of drainage is still present, that the proposed screening of four to five foot arborvitae will not provide much screening for abutting properties, that a definite parking plan is needed, that the snow storage plans may not be sufficient, and that the prevention of noise from the site onto present residential areas is a concern. Bill Dodge, 5R Salem Avenue stated that it appears that the traffic is being moved to Salem Avenue, that there are 44 homes in the area, that he is concerned about safety to the neighboring residents, and that the gates will limit cut through traffic on Mill Street and cause the traffic to travel on Salem Avenue. Nancy Jordan, 25 Mill Street stated that she does not want a sidewalk in front of her house, that sidewalks lead to an urban environment as opposed to rural, that in addition the sidewalk creates a burden on the residents to keep the sidewalk clear during the winter which is an additional burden, and that a bush was damaged in an accident in front of her house what was not a reportable accident. May Hart, 43 Mill Street stated that there are a number of children who wait for the school bus along the street, that there should be a designated area in the complex for the school bus to pick up children, that she has witnessed vehicle crashes and knows of neighbors pets that have been struck by passing cars, and that the safety of the children is a primary concern. Attorney Regnante stated that upon completion of the Conservation Commission review the petitioner will submit a drainage study and analysis, and

that he expects to have the Conservation Commission report after the meeting scheduled for October 20, 2016. Chair Pinkham stated that a new parking layout and parking management plan should be available at the next meeting as well as a report on snow storage management. Mr. Lichoulos stated that the property manager moves the snow, that they do not make the residents leave the parking lot, and that they use shovels and clear the lot as residents move their cars. Chair Pinkham stated that Superintendent of Public Works stated that he did not want a workshop scheduled until a final plan was available for review. Attorney Regnante stated that the petitioner has been working with Department of Public Works on issues, and that the petitioner would like to meet in a workshop setting to determine what issues remain to be addressed at the November meeting. Richard Hart, 43 Mill Street stated that he wanted to know what future meetings may be scheduled. Mr. Sparages stated that the petitioner will meet with the Conservation Commission on October 6, 2016 and if peer review is not completed then the matter would be continued to their October 20, 2016 meeting. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO NOVEMBER 14, 2016 AT 7:00 P.M., all in favor 5-0.

Motion made and 2nd to ADJOURN, all in favor, 5-0. Meeting adjourned at 9:22 p.m.

A TRUE RECORD ATTEST:

William C. Campbell
City Clerk and Clerk of the City Council