

**COMMITTEE ON SPECIAL PERMITS**  
**NOVEMBER 13, 2018 at 7:25 p.m.**  
**WOBURN CITY HALL**  
**COMMITTEE ROOM**

Voting members present: Chairman Richard Gately, Alderman Edward Tedesco, Alderman Darlene Mercer-Bruen, and Alderman Joanne Campbell. Absent: Alderman Mark Gaffney

Non-voting members present: Alderman Michael Anderson, Alderman Michael Concannon, President Richard Haggerty, and Alderman Lindsay Higgins

**Motion made and seconded to take the Special Permits Committee meeting out of order from the posted agenda; approved, 4-0.**

**Seaver Properties LLC for a special permit and site plan approval to allow 41 residential townhouse units and a waiver of the required buffer zone of seventy feet between the R-3 zoned property and O-P zoned property at Hinckley Street, Warren-Mishawum Avenue, Mishawum-Dexter Avenue, Dexter Avenue, North Maple/Monks, Monks Warren, Monks Street:** Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina, 600 Unicorn Park, Woburn, MA. Motion made by Alderman Tedesco and seconded by Alderman Mercer-Bruen to receive and make part of the permanent record separate memoranda from City Engineer John Corey and DPW Supt. John Duran regarding the Seaver Properties petition; approved, 4-0. Attorney Tarby said there were a lot of moving parts at the public hearing and there have been some additional comments from the Planning Board. Chairman Gately asked if Attorney Tarby has met with the attorney for abutter John Devine since the public hearing. Attorney Tarby said he has not spoken with Mr. Devine's attorney. Attorney Tarby said one of the issues raised at the public hearing was a handicapped ramp to a sidewalk, and Chairman Gately also raised an issue about a water main. Attorney Tarby also said Alderman Tedesco wants to see a memorandum of understanding with the Woburn Housing Authority regarding a 15-percent ratio for affordable housing. Attorney Tarby said there were 41 units requested and there were 41 units in the public hearing notice. He said one of the parcels remains under an R-2 zoning classification and cannot be changed. He said there is a city-owned parcel in the OP district but that is not part of the project. Attorney Tarby submitted a series of documents, including: A map entitled "Proposed Rezoning Plan;" an aerial photograph of the site and neighboring properties; a map of the property outlining the buffer zone; a copy of a City Council order indicating parcel 9-14-02 on Monks Street was deleted from the re-zoning petition and related memoranda; and a memorandum from Bruce I. Miller, Pierce Atwood LLP, 100 Summer Street, Boston, MA, regarding the Seaver Properties petition. Motion made by Alderman Tedesco and seconded by Alderman Campbell to accept the aforementioned documents and make them part of the permanent record; approved, 4-0. Attorney Tarby said there are paper streets delineated on the aerial view of the area. He said Attorney Miller's memo addresses the ownership issue of the paper streets. Alderman Anderson asked if Mishawum Avenue is being used as part of the calculations. Attorney Tarby replied Mishawum Avenue is not part of the development. Mark Sleger, Alan Engineering, 110 Winn Street, Wakefield, MA, said the calculations for the paper streets were made to the edge, not the center. Attorney Tarby addressed comments from the Planning Board and said the entire site was not re-zoned, but rather the 9-14-04 parcel was

withdrawn. He said a development impact statement was filed. He said the parking spaces must be 18 feet long. Mr. Sleger said a total of 320 daily vehicle trips are expected, including 28 during the morning peak hour and 32 during the afternoon peak hour. He said he expects most of vehicular traffic will be on Merrimac Street and out that way. He said there will be a sidewalk on the northerly side of East Dexter Avenue and it will be connected to the existing sidewalk. He said there is a total of 94 parking spaces, including 17 garage bays, 17 driveway spaces, 36 spaces in front of the buildings and 24 other spaces distributed throughout the site. He said there will be deeded spaces, with additional parking in a cul-de-sac area. He said the road will be 24 feet wide with granite curbing on both sides. He identified the designated snow storage areas and said there will be no runoff toward North Maple Street. He said drainage will be collected in catch basins with a subterranean drainage system and an outflow pipe that discharges into existing low areas. He said there will be no drainage impact on adjacent properties. Mr. Sleger said Mr. Seaver is proposing to connect to existing utilities, and there is a discrepancy between GIS and what is present. He said Mr. Seaver will connect the sewer line to East Dexter Avenue and loop it to the closest point. He said the development will use 1.9 percent of the capacity of the existing sewer line. Alderman Campbell left the Committee Room at 7:54 p.m. Alderman Concannon said from reading the development impact statement, it appears that aside from the fire flow tests, there is nothing extra that needs to be mitigated. Mr. Sleger replied that is correct. Alderman Concannon asked what happens if the fire flow tests do not measure up. Mr. Sleger said a fire flow test was done up the street and it was sufficient. Alderman Concannon said the traffic issues didn't rise to the level of a reduction in level of service. He asked if there is any additional mitigation. Mr. Seaver said he volunteered to enhance sewer service in East Dexter Avenue. Mr. Seaver said Alderman Tedesco is seeking the installation of a flashing sign at Merrimac Street, and enhancements to the intersection at School Street and Merrimac Street. Alderman Concannon asked Mr. Seaver if those issues need to be mitigated or if he is being a good citizen. Mr. Seaver said so far he is offering to do them as a good citizen. Alderman Tedesco said he is drafting a list of conditions for the next committee meeting. Chairman Gately said there is a steep drop-off at East Dexter Avenue. Mr. Sleger replied Mr. Seaver will fill in the slope to make it lesser. Chairman Gately referred to the memo from Supt. Duran indicating repaving should be from curb-to-curb. He said he has questions about the ownership of the parcels from the Natale family because it is the first time he has heard they were involved. Mr. Seaver said there is an agreement between the Natale family and the Brussard family regarding the ownership. Chairman Gately said there was a suggestion from a Planning Board member that there is a third phase of Seaver's development. Mr. Seaver replied he is amazed by some of the stuff that gets out there. He said he does not know where the third phase of the development would be built. Peter Nechtem, 8 Essex Center Drive, Peabody, MA, said he represents John Devine, an abutting property owner at 100 Ashburton Avenue. Attorney Nechtem said he raised objections at the public hearing on October 16. He said he will look at the submissions made tonight by Attorney Tarby before he comments further. He said Mr. Devine has some rights to Hinckley Street. He said he is concerned about the parcel of land that was not re-zoned. He said he thinks that parcel is still zoned R-2, and if that's the case, the applicant cannot use the land without violating the Woburn Zoning Ordinance. He said it is still his position the land in the R-2 zone should be carved out and the number of units needs to be reduced. He said the 70-foot buffer zone requirement should not be waived. He said his client operates a bus depot and he fears once the residents move in, they are going to complain about noise from Mr. Devine's property. Chairman Gately asked why Attorney Nechtem hasn't reached out to Attorney Tarby.

Attorney Nechtem said he thinks Attorney Tarby should have reached out to him. Chairman Gately said he thinks the parties ought to get together before the City Council resumes the public hearing. Attorney Tarby asked why Mr. Devine would want to access Warren Avenue. He said there are other routes to East Dexter Avenue. He said there is key language in Mr. Miller's memo. He said if Mr. Devine wants to talk about screening his property, his client is willing to discuss it. Attorney Robert Tedesco, 88 Main Street, Woburn, MA, said he is here on behalf of his client, Anthony Cierri, who operates an excavating business on North Maple Street. Attorney Tedesco said his client shares the same concerns as Mr. Devine in that the residents will move in and complain about noise from abutting businesses. Attorney Tedesco said Mr. Cierri feels as though his business is where it should be, and he wants to be on the record that if calls start coming in, he will be able to say he told them so. Alderman Mercer-Bruen said she shares Mr. Cierri's concerns. Mr. Seaver said the proposed project is 250-300 feet from Mr. Cierri's property. Catherine Shaughnessy, 31 Scott Street, said she thinks the people of North Woburn are getting squeezed. She said she doesn't think the council should necessarily re-zone the property to accommodate the developer. She asked if the petition is more appropriately before the ZBA. Alderman Anderson said the zoning ordinance gives the council jurisdiction. She asked if the buffer zone should be 100 feet instead of 75 feet. Mr. Seaver said he is not asking the council to waive the entire buffer zone, and he plans to install mitigation measures like a wall, a berm, a fence and plantings. Alderman Concannon said Mr. Seaver's plan may offer a more robust buffer than one that simply requires a certain distance. Ms. Shaughnessy said she believes Mr. Devine and Mr. Cierri have legitimate concerns about getting complaints from the residents of Mr. Seaver's development. Chairman Gately said the public hearing will resume during the first regular meeting in December.

**Motion made by Alderman Mercer-Bruen and seconded by Alderman Tedesco to adjourn,** all in favor, 3-0. Chairman Gately adjourned the meeting at 8:18 p.m.

Attest: \_\_\_\_\_  
Gordon Vincent  
Clerk of Committees