

**COMMITTEE ON LIAISON
DECEMBER 10, 2018 at 9:00 p.m.
COMMITTEE ROOM
WOBURN CITY HALL**

Voting Members present: President Richard Haggerty, Alderman Michael Concannon, Alderman Mark Gaffney, Alderman Michael Anderson, Alderman Darlene Mercer-Bruen, Alderman Edward Tedesco, and Alderman Lindsay Higgins. Absent: Alderman Joanne Campbell and Alderman Richard Gately

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Woburn Commons master development program: Representing the petitioner were Attorney Joseph R. Tarby III, Murtha Cullina, 600 Unicorn Park, Woburn, MA; William Gause, Executive Vice-President and Chad Reynolds, Senior Vice-President, both of Leggett McCall Properties, 10 Post Office Square, Boston, MA, 02109, and Robert L. Nagi, Principal, VHB, 101 Walnut Street, Watertown, MA. President Haggerty asked for a motion to accept two relevant communications from City Solicitor Ellen Callahan Doucette. Motion made by Alderman Higgins and seconded by Alderman Tedesco to accept and make part of the permanent record communications from City Solicitor Ellen Callahan Doucette dated December 6, 2018 and entitled “Restriction of Funds – Proposed Development Agreement;” and “Proposed Development Agreement – Montvale Land LLC;” approved, 7-0. Attorney Tarby said last month he presented a draft of a development agreement on behalf of his client, and the committee wanted more information about mitigation on Hill Street. He said he has received the City Solicitor’s memoranda and they will require further study. He said he has spoken with the City Solicitor about the development agreement and she has indicated she will put together a meeting with relevant city personnel and the developer. Alderman Mercer-Bruen indicated she would like to participate in that meeting since she is the ward alderman. Attorney Tarby said City Solicitor Callahan Doucette is going to arrange the meeting. He said his client’s position is to negotiate a development agreement. He said he thinks everyone is on the same page but all the involved parties need to agree on the process. He said Mr. Nagi will give the committee an overview of the mitigation that will be proposed. He said there needs to be a development agreement in place before a special permit application is filed. He said the proposed development will be done in phases. He said the project will have to go through the MEPA process. He said Leggett McCall will be required to study 17 intersections in the area. He said Montvale Avenue is controlled by the state from the bridge to Unicorn Park. Alderman Concannon said he is confused because it sounds like the City Council at some point is going to be asked to form an opinion and take a vote on the proposed development agreement, but the City Solicitor’s opinion is that the council should not be considering the agreement at this time. President Haggerty said the ordinance states there had to be a recordable agreement. He said the City Solicitor should not be in the business of telling the City Council what to do and said his preference, respectfully, would be to follow the ordinance and not her opinion on this matter. Alderman Tedesco cited GASB Section 33 and said if the developer states money is earmarked for a certain item, the city would be restricted to using that money on that item. He said if the money is tax revenue, it is not restricted. Alderman Mercer-Bruen said she is not sure what the hurry is to get this matter to a vote. She said this is potentially the biggest project the city has ever seen. She said MEPA has

asked for more information. Attorney Tarby said the ordinance indicates the development agreement shall be approved first. He said he expects the developer to submit an application for the housing component by the beginning of the second quarter of next year. Alderman Mercer-Bruen said that still gives the council plenty of time. She said she gets the impression that this project seems to be on a train moving forward and the council is being asked to get it done before the end of the year. She said when she read City Solicitor Callahan Doucette's opinion, she felt like someone agreed with her. Alderman Anderson said it is critical that the City Engineer, DPW Superintendent and other municipal agents be involved in the review of the development agreement. Mr. Nagi said his agency met with City Engineer Jay Corey earlier in the day. He said they went over the general approach of the development and there were discussions about traffic. He said the plan is to initially make improvements to Montvale Avenue and Hill Street and then expand the scope of the traffic-related work as the MEPA process evolves. He said there will be an examination of the Montvale Avenue interchange along with other interchanges in the area. He said the trigger for the MEPA process is 3,000 cars per day or more and proximity to a state highway. He said the state's threshold for an intersection is level of service "D." He said level of service D during peak periods is OK. He said the developer will need to demonstrate those thresholds are being met with the mitigation measures that are being put in place. He said he is hoping to come up with a set of improvement plans and then implement them as the project starts to develop, so the city can look back and report what the impacts are. He said all of that gets you to a master plan. He said if there are unintended impacts, that would be reported back to the city. Alderman Mercer-Bruen said it is important for the council to understand what is in the MEPA report. Alderman Concannon said he is struggling with the notion that the City Solicitor is suggesting the development agreement is not ready for the council. Alderman Mercer-Bruen said maybe the council should have a meeting with the City Solicitor. She said it has been a long night and she is in no rush. President Haggerty said he is trying to move the needle on this, but he does not think he has to act tonight. He said he has always been concerned about ceding the power of the City Council. He said in his opinion the council should be taking the lead on this. He said he appreciates there is clearly a process that involves the state and acknowledged there are aspects of the project that are out of the council's control. Alderman Mercer-Bruen said she does not think this has to get done in a week. She said it still feels to her like this is being done very quickly. Motion made by Alderman Anderson and seconded by Alderman Mercer-Bruen to send a communication to Mayor Scott Galvin requesting at least one person from the City Council be invited to any meeting regarding the proposed development agreement for the Kraft Foods site; approved, 7-0. Mr. Gause said the project is going to be done in phases and said the developer will be back before the council in April seeking a special permit. He said he expects the development agreement to be done by then. He said he would not want to wait until the special permit process begins before the development agreement is finalized. Alderman Concannon asked Mr. Gause with whom he expects to negotiate a special permit. Mr. Gause replied he expects to negotiate with the City Council. Alderman Concannon said the City Solicitor is saying "Why are you here?" referring to the City Council, rather than negotiating with the department heads and the mayor. President Haggerty said he thinks the council should be involved. Alderman Concannon said he is just trying to understand the City Solicitor's memo. President Haggerty said the City Council should be driving the bus on this. He said it is absurd for the council to cede control of the process. Alderman Concannon said he does not think anyone is saying that. He said he thinks his interpretation is reasonable. Attorney Tarby said his client reads the ordinance as there being a

requirement to negotiate a development agreement in order to file a special permit. Alderman Concannon said the City Solicitor is saying the developer does need a development agreement, but that the council is the wrong place to negotiate one. Alderman Anderson said the council cannot negotiate a development agreement without input from department heads. President Haggerty said he would like the council to incorporate comments from the department heads and continue the process. He said he thinks negotiations should be done at this table. He said the City Council cedes a lot of control, and he hopes it does not do that here.

Motion made by Alderman Tedesco and seconded by Alderman Mercer-Bruen to adjourn; approved, 7-0. President Haggerty adjourned the meeting at 9:30 p.m.

Attest: _____
Gordon Vincent
Clerk of Committees