

**COMMITTEE ON SPECIAL PERMITS
DECEMBER 10, 2018 at 6:26 p.m.
WOBURN CITY HALL
COMMITTEE ROOM**

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

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

Also present: Building Commissioner Thomas Quinn

Motion made by Alderman Mercer-Bruen and seconded by Alderman Gaffney to take the Special Permits Committee out of order from the posted agenda; approved, 3-0.

Order for Committee on Special Permits to meet with representatives of Seaver Properties LLC relative to special permit issued for 285, 287 and 299 Lexington Street: Alderman Tedesco assumed the chair in the absence of Alderman Gately. Representing the special permit holder were Scott Seaver and Sy Wrenn, both of Seaver Construction, 215 Lexington Street, Woburn, MA; and Matthew Maggiore, the Maggiore Companies, 13 Wheeling Avenue, Woburn, MA. Alderman Higgins said there have been issues with the Shannon Farm project, and she told Mr. Seaver she wanted to bring him in to a committee meeting to discuss them. She said what broke the camel's back for her were violations of the working hours, particularly on holidays. Commissioner Quinn submitted a package containing a variety of documents related to the Seaver Properties special permit, including a copy of the permit itself, email correspondence and photographs. Motion made by Alderman Mercer-Bruen and seconded by Alderman Gaffney to accept the documents from Commissioner Quinn and make them part of the permanent record; approved, 3-0. Commissioner Quinn said the City Council approved the special permit for the Shannon Farm project in 2017 and said like any project there were some growing pains at first but on Columbus Day his office received complaints about construction taking place. He said condition #3 of the special permit prohibits exterior construction activities on federal or state holidays or Sundays. He said he has received email from residents and Alderman Higgins about that subject. He said there was some question about working on Veterans Day because it fell on a Sunday, but he said Monday, November 12, was also observed as a federal holiday and the condition prohibiting work on that day also applied. He said he did receive a report there was exterior work on November 12. He said that is when he and Alderman Higgins decided to review the special permit. He said last Saturday he received a report there was activity on the site as early as 6:33 a.m., also in violation of condition #3 which stipulates no exterior work can start until 8 a.m. on Saturdays. He said his view is the developers have a good track record in the city but they have hired subcontractors for this project who do not abide by the conditions of the special permit, and the situation has gotten out of hand. Alderman Higgins referenced a police report that indicates the construction team was told to abide by the construction hours, but later that morning she saw workers on the roof. She said on Saturday, December 1, she saw work taking place before 8 a.m., in violation of the special permit conditions. Commissioner Quinn said violating the special permit is not fair to the abutters and neighbors, and for whatever

reasons, this project has been problematic. Alderman Mercer-Bruen said it wasn't that long ago that Seaver Construction was before the committee to discuss similar issues at a house on Montvale Road. She said this project on Lexington Street is much bigger, and she hopes the developer is willing to cooperate and abide by the terms of the special permit, which she referred to as a contract with the City Council. Alderman Higgins said she thinks the problems at Shannon Farm stem from a lack of communication between the developer and the subcontractors. She said when she has called the developer to complain, the developer has been very responsive and not at all disrespectful, but the problems seem to be persistent. Commissioner Quinn said the developer has been respectful and they have done many good projects in the city. President Haggerty asked Commissioner Quinn to talk about a number of trees on the portion of the property belonging to the city that were cut down. Alderman Higgins said that incident occurred on October 15. Commissioner Quinn said there are pictures taken on October 26 of the open space parcel deeded to the city and four trees near the property line were cut down. He said the developer was responsive and has indicated a willingness to replace the trees. President Haggerty asked if the trees that were cut down were mature trees. He said Building Inspector Brian Gingras indicated seven trees were removed. Commissioner Quinn said there are four trees that are going to be replaced. Mr. Seaver said there was some confusion on Veterans Day but acknowledged there was some outside work that took place. Mr. Seaver said that after an incident on a Saturday, he has hired extra people who arrive at 6 a.m. to guard the gate and not let anyone onto the site before 8:15 a.m. He said the contractors just want to work, and they don't understand the situation. Mr. Wrenn said all the contracting companies involved with the project have been advised of the hours they are allowed to work. He said the developer is trying very hard to make sure the contractors understand the rules for this project. He said the developer is trying to be diligent. Mr. Seaver said the only way to stop work before 8 a.m. on Saturdays is to have someone there who ensures the contractors are not using their tools before they are supposed to. Alderman Higgins suggested the developer may need to hire an assistant project manager who is there in the morning. She said she does not know if she has received any complaints about work that takes place during the week, only the violations that have occurred on Saturdays and holidays. She said the developer can't bring in people who make noise early in the morning. Mr. Seaver said extra personnel have been added to monitor the situation. Mr. Maggiore said there is a need to monitor a locked gate. Alderman Higgins said she does not want people milling around the gate before it opens. Mr. Maggiore said there seem to be quite a few things that have resulted in an uncomfortable scenario. Alderman Mercer-Bruen said she always thought there was a foreman who is responsible for all work on-site. Mr. Seaver said there is a full-time supervisor on-site. Alderman Mercer-Bruen said it that's true, then maybe they need another one. She said a lack of oversight is not just a problem for Mr. Seaver, but it is also a problem for other developers in the city. She said it is wise for the City Council to have long memories when developers return for subsequent special permits. Alderman Concannon said he would want some type of sanction if he felt this was an attempt by the developer to purposely disobey the conditions of the special permit, but he does not get that sense here. He said there has to be better communication. He said if communication doesn't improve, there will be some sort of sanction. He said he is not sure what the appropriate punishment is, but he thinks the remedy would involve the contractors taking some involuntary days off, to give the neighbors some relief. Alderman Higgins said she spoke to the City Solicitor about the issues at the Shannon Farm site. She said she thought the language in the special permit was clear, but that there is a lot of room for interpretation. She said she will be working on language to tighten up special

permits. She said she would appreciate a memo from the developer to the City Council with suggestions about how the situation is going to improve going forward. Motion made by Alderman Mercer-Bruen and seconded by Alderman Gaffney to hear from members of the audience about the issues at Shannon Farm; approved, 3-0, Chairman pro tem Tedesco asked if anyone in the audience wished to address the committee about Shannon Farm. Eugene Foley, 18 Maura Drive, said Seaver Properties has not been a good neighbor. He said there have been noise from roofers who work until 8:30 p.m. He said he questions the numbers of trees that the developer claims were cut down, stating that it was more like 14 trees. He said he doesn't think there was a valid reason for the mature trees to be cut down. He said he is looking for the developer to be more considerate. Constance Otradovec, 12 Maura Drive, said the problems at Shannon Farm have been going on for more than six months. He said Mr. Seaver engages in congenial, respectful conversations with the neighbors, but then commit the same violations. She said the most egregious example is when they took down a house on Maura Drive and there was a resulting dust cloud. She said she wondered what kind of contaminants were in the dust cloud. She said she thinks it's time the developer is warned there are going to be sanctions for any future violations, because he has been in business for a long time. Mary Ann Chorlton, 312 Lexington Street, said the dust and dirt this summer were awful. She said trucks and cars were going into the area at 8, 9 and 10 o'clock at night and asked what they would be doing there. She said even if the contractors aren't working before the stipulated hours, they are there having conversations and their voices carry. She said they are loud. She said there have been issues. Vicki Laake, 308 Lexington Street, said Alderman Higgins expressed many of her concerns. She said the developer offers a lot of conversation, but there are never consequences for their actions. She said she does not know why people need to show up at 6 a.m. to begin working. Timothy Swain, 29 Dragon Court, said even when the work is limited to interior construction, it can still be audible. He said if the contractors are using air guns, they can be loud and echo. Christopher Owen, 3 Florence Terrace, said it is a shame the meeting is not being recorded because problems like this are occurring throughout the city. He said that even though problems persist, they are all forgotten the next time the developer comes before the council. Alderman Higgins said the Building Dept. can fine the developer \$300 a day, but she said she thinks it is more important to have all the relevant parties in here for a discussion. She said she will ask the Building Commissioner to issue a stop work order if there are further violations. Commission Quinn suggested revoking the special permit if there are further violations. He said the applicant agreed to a series of conditions imposed by the City Council. He said Mr. Seaver and Mr. Maggiore have good track records with the city, but if they continue to violate the terms of the special permit, it should be revoked. He said a \$300 fine on a \$15 million project is inconsequential. He suggested perhaps asking the developer to submit work logs to the City Council for the next 6-8 weeks. Mr. Seaver said he wants to hear from any residents who have complaints. As for the trees, Mr. Seaver said most of the trees that were cut down were on his property, and the four on the city's property that were cut down were about two feet from the property line. He said most of the trees that were eliminated were on his land. He said the four trees on city property were cut down by mistake and there was no malice intended. Alderman Higgins advised residents they can call the Woburn Police Dept. with complaints, but she also wants them to call her so she can remain informed. Alderman Mercer-Bruen suggested Mr. Seaver ought to provide the Building Dept. with a construction control report with construction start and end times. Commissioner Quinn also suggested posting a sign on the gate with cell phone information for complaints. Motion made by Alderman Mercer-Bruen and seconded by Alderman Gaffney that the developer

of Shannon Farm provide to the Building Dept. a weekly construction report for the next two months, with start and end times; approved, 3-0. Motion made by Alderman Mercer-Bruen and seconded by Alderman Gaffney that the weekly report also include any calls with complaints received by the developer; approved, 3-0. Motion made by Alderman Mercer-Bruen and seconded by Alderman Gaffney that Mr. Seaver post signs with a contact phone number and the working hours imposed by the City Council; approved, 3-0. Motion made by Alderman Mercer-Bruen and seconded by Alderman Gaffney that Mr. Seaver must provide by December 18 a list of mitigation measures to ensure he is in compliance with the special permit; approved, 3-0. Mr. Seaver said he will start sharing daily job reports with Commissioner Quinn. Commissioner Quinn said he will share that information with the committee. Commissioner Quinn said Mr. Seaver and Mr. Maggiore have been responsive and the ones who are committing the violations are the subcontractors.

Resolve for Committee on Special Permits to review special permit issued to Unified Construction Group LLC at 29 Draper Street: Representing the petitioner was Jason Grieves, General Manager, Unified Construction Group, 29 Draper Street, Woburn, MA. Alderman Mercer-Bruen said she has received complaints since April. She said Draper Street is a constant problem. She said there are trucks going down the street at 5 a.m. Commissioner Quinn said the special permit issued to Unified Construction indicates there are limits on hours of operation and there have been complaints for the last few months about violations. He said he made a site visit to Unified Construction. He said he had been communicating with the previous owner of the building but the property was sold in June to a company in California. He said he took pictures of the property during his site visit and did notice some violations. He said there was a Unified truck on Montvale Avenue at 5:10 a.m., in violation of the special permit. Motion made by Alderman Mercer-Bruen and seconded by Alderman Gaffney to accept and make part of the permanent record a package of documents including a series of photographs of 29 Draper Street submitted by Commissioner Quinn; approved, 3-0. Commissioner Quinn said most of the violations involve things that are on the road, part of which is an enforcement issue for the Woburn Police Dept. Alderman Mercer-Bruen told Commissioner Quinn he does a fabulous job and it's not his job to babysit these people. She said she is done, and the neighbors are done, with the violations on Draper Street. She said there are better places for the companies on Draper Street to be located. Commissioner Quinn said the residents can give the committee a better flavor of what is taking place on Draper Street. Mr. Grieves said he is fully aware of the conditions attached to the special permit and apologized for the impact of the company's activities. He said he met with a resident in September. He said there are some defects in the road that cause excess noise when trucks hit the bumps. He said he has spoken to his employees to be considerate of the neighbors. He said his company is a demolition company and a rapid response cleaning company that does get last minute calls. He acknowledged he needs to make arrangements to move the rapid response vehicles somewhere else. He said there is nothing being done maliciously. He said he would be happy to give out his telephone number to residents. Alderman Mercer-Bruen told Mr. Grieves he has the responsibility to abide by the contract he made with the council. Alderman Gaffney asked Mr. Grieves what the white bins present in Commissioner Quinn's photos are used for. Alderman Mercer-Bruen said those bins are not allowed to be outside. Motion made by Alderman Mercer-Bruen and seconded by Alderman Gaffney to hear from the audience about any issues at Unified Construction. Chairman pro tem Tedesco asked if anyone in the audience wished to address the committee about the

matter. Peter Gavin, 23 Nashua Street, asked for peace and quiet between 9 p.m. and 5 a.m. He asked Mr. Grieves to ask his truck drivers to slow down. Alderman Mercer-Bruen asked if there is a dumpster on-site. Mr. Grieves said he has one 15-foot container for metal. Alderman Mercer-Bruen asked when the dumpster is emptied. Mr. Grieves said the dumpster is emptied in the middle of the day. Alderman Mercer-Bruen said if the problems persist to the point where the committee has to have Unified return, she is going to recommend revocation of the special permit.

Resolve for Committee on Special Permits to review special permit issued to Superior Contracting Services LLC at 31 Draper Street: Representing the petitioner was Stephen O'Connor, General Manager, Superior Contracting Services, 31 Draper Street. Alderman Mercer-Bruen said the same concerns she has with Unified Construction also apply to Superior Contracting Services. She said she has received complaints from some of the other neighbors as well as Mr. Gavin. Commissioner Quinn said the special permit was issued on April 6, 2015 and there are violations of conditions 3, 6, 7 and 8. He said he conducted a site visit on June 5 and there were issues with three roll-off dumpsters. He said the former property owner addressed those issues but then sold the property on June 27 or June 28. He said he witnessed a violation of condition #6 on July 26. Motion made by Alderman Mercer-Bruen and seconded by Alderman Gaffney to accept and make part of the permanent record memoranda and other documents related to Superior Contracting Services at 31 Draper Street; approved, 3-0. Mr. O'Connor apologized to the neighbors and said many of the complaints resulted from the actions of an employee who has been since terminated. He said he wasn't aware until today that he needed to attend the meeting. He said he had a conversation with the former owner of the property that the dumpster needs to be stored within the building. Alderman Mercer-Bruen said the Clerk of Committees told her he left voice messages with Mr. O'Connor last Thursday and Friday. She said dumpster needs to be outside in a fenced-in area. Commissioner Quinn said the dumpster should not be kept inside as that may create a hazard. Alderman Mercer-Bruen said she was on vacation when she got a complaint the dumpster was being emptied too early. She said if the committee has to bring Superior Contracting Services back in, there are going to be consequences. Mr. Gavin said he just wants quality of life between 10 p.m. and 5 a.m. Alderman Mercer-Bruen asked Mr. O'Connor to advise his trash contractor about the hours the dumpster can be emptied. She said she apologizes for sounding harsh, but the committee has to respond when there are complaints. Commissioner Quinn asked Mr. O'Connor to contact him next Monday and they would determine an appropriate location for the dumpster. Alderman Mercer-Bruen reminded Mr. O'Connor the dumpster cannot be emptied before 7 a.m.

Motion made by Alderman Mercer-Bruen and seconded by Alderman Gaffney to adjourn, all in favor, 3-0. Chairman pro tem Tedesco adjourned the meeting at 7:31 p.m.

Attest: _____
Gordon Vincent
Clerk of Committees