

COMMITTEE ON SPECIAL PERMITS
FEBRUARY 25, 2018 at 6:29 p.m.
WOBURN CITY HALL
COMMITTEE ROOM

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

Non-voting members present: President Michael Anderson, Alderman Michael Concannon, and Alderman Lindsay Higgins, Alderman Robert Ferullo

Heritage Builders, Inc. and Joseph Surianello and Christine A. Surianello, Trustees of Surianello Realty Trust for a special permit to allow accessory storage or parking of commercial motor vehicles in conjunction with six unit business, professional and general office building at 9 Pine Street, Pine Street Lot and 2 Crescent Avenue: Representing the petitioner were Attorney Brian McGrail, 599 North Avenue, Wakefield, MA, Joseph Surianello and Jay Surianello, both of Heritage Builders Inc., and Jack Sullivan, Sullivan Engineering Group LLC, P.O. Box 2004, Woburn, MA. Attorney McGrail distributed a set of revised plans to the committee. Alderman Mercer-Bruen said a list of conditions has been drafted in concert with Attorney McGrail. She said she does not see anything on the list about construction hours, however. She said she would prefer no construction before 7 a.m. nor after 6 p.m., and on holidays during which City Hall is closed. Attorney McGrail asked if hours of construction would be the same as hours of operation. Alderman Mercer-Bruen said those are two different things and the prohibition on construction hours refers only to the construction of the building. Alderman Higgins said she would prefer for construction to cease by 5 p.m. on Saturdays. Alderman Mercer-Bruen said a cessation on construction by 4 p.m. or 5 p.m. on Saturdays is reasonable. She said she will be satisfied as long as there is no construction after 5 p.m. on Saturdays. She said there will be a prohibition on construction on Sundays and holidays. Chairman Gately asked if the petitioners had seen the fire chief's memo regarding his recommendation for the installation of a fire suppression system. Mr. Sullivan said there will be a 4-inch water line going into the building and then a 2-inch line for domestic water. President Anderson said there is a typo in proposed condition #14 and the work "migration" should be "mitigation." Chairman Gately asked if the drainage situation has been straightened out. Mr. Sullivan said the plans have been revised to eliminate the source going directly to the manhole. He said DPW Supt. John Duran has asked for a gutter-to-gutter overlay on Pine Street. He said the sidewalk along Pine Street will be concrete with vertical granite curbing. Attorney McGrail said the composition of the sidewalk is referenced in condition #14. Attorney McGrail said the doors will be 12 feet high. Joseph Surianello said the doors will be 12-feet by 12-feet. Mr. Sullivan said the building will be 26 feet at its highest point. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to accept the revised plans for the project dated February 21, 2019; approved, 4-0. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to add to the list of conditions a new condition #18 that reads "Construction hours shall be limited to between 7 a.m. and 6 p.m., Monday through Friday; 7 a.m. to 5 p.m. on Saturday, and no constriction on Sundays or holidays which City Hall is closed;" approved, 4-0. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to strike the

word “migration” from condition #14 and replace it with “mitigation,” approved, 4-0. Attorney McGrail said he would like to add to conditions #3 and #4 language that will allow the city to review any violations of the special permit with the tenants as well as the owner of the building. Alderman Mercer-Bruen said those amendments defeat the purpose of the two conditions. Attorney McGrail said amending the conditions would give the city options if the building is converted to condominiums. Alderman Mercer-Bruen said she would want to confer with Building Commissioner Thomas Quinn before any changes are made to the language in conditions #3 and #4. Chairman Gately said if any modifications would require approval from the City Council. Alderman Mercer-Bruen said she does not want the operations at this building to become similar to the operations as multi-tenant industrial buildings on Draper Street. She said she would prefer that there is one contact person. Attorney McGrail said he is fine with that. Alderman Mercer-Bruen said the business operations stipulated in condition #5 should state no work before 7 a.m. Joseph Surianello said he would like to keep business operations between 7 a.m. and 7 p.m. Alderman Mercer-Bruen said she thinks hours of operation between 7 a.m. and 7 p.m. on weekdays and 7 a.m. to 5 p.m. on Saturday is reasonable. Alderman Mercer-Bruen asked about the height of the garage doors. Attorney McGrail said the height of the garage doors will be 12 feet. Chairman Gately said 12-foot garage doors are standard for commercial operations. Chairman Gately said the revised site plan looks good. He said the conditions cover most of what has been discussed. He said he does not see a problem with anything else. Alderman Mercer-Bruen said the plan is much better than the one that was initially presented. President Anderson asked why the word “supplementary” is referenced in conditions #3 and #4, in regard to a restrictive covenant. He said the words “supplementary” and “supplemental” are superfluous. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to strike all instances of the words “supplementary” and “supplemental” in conditions #3 and #4; approved, 4-0. Alderman Mercer-Bruen said City Solicitor Ellen Callahan Doucette will review the restrictive covenant. Attorney McGrail said the point of conditions #3 and #4 was so the city could have jurisdiction over the owner of the building and the tenants. Alderman Mercer-Bruen said the conditions were devised so the city could have one point of contact in case there are issues. Alderman Concannon said City Solicitor Callahan Doucette will review the covenant. Attorney McGrail said the petitioner will comply with whatever City Solicitor Callahan Doucette wants to do. Alderman Mercer-Bruen said the council has to make sure its intentions are understood. Alderman Mercer-Bruen suggested sending a copy of the conditions to City Solicitor for review. She said she will contact the city solicitor on her own. Joseph Surianello said he has no problem with conditions #3 and #4. He said if he sells the building, the new owner could be ambivalent. Alderman Mercer-Bruen said that’s what the council is trying to avoid. Attorney McGrail said he will contact City Solicitor Callahan Doucette. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to send conditions #3 and #4 to City Solicitor Ellen Callahan Doucette for review and comment. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to add the number “12” to condition #2 regarding the height of the garage doors; approved, 4-0. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to stipulate the following hours of operation in condition #5: 7 a.m. to 7 p.m., Monday through Friday; 7 a.m. to 5 p.m. on Saturday; and no hours of operation on Sunday; approved, 4-0. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to send the matter “back for action,” approved, 4-0. Chairman Gately said City Solicitor Callahan Doucette will look at conditions #3 and #4 and report back to the committee, with the intent of a vote at the council’s next regular meeting on Tuesday, March 5.

Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to adjourn, all in favor, 4-0. Chairman Gately adjourned the meeting at 6:57 p.m.

Attest: _____

Gordon Vincent
Clerk of Committees