

COMMITTEE ON SPECIAL PERMITS
FEBRUARY 27, 2018 at 6:13 PM
WOBURN CITY HALL
COMMITTEE ROOM

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

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

36 Cabot Road LLC, 32 Cabot Road, construction of a new building containing approximately 49,600-square-feet of gross floor area at 32 Cabot Road: Representing the petitioner was Attorney Joseph Tarby, Murtha Cullina, 700 Unicorn Park Drive, Woburn, MA, who distributed a proposed list of conditions to the special permit. Motion made by Alderman Tedesco and seconded by Alderman Mercer-Bruen to accept a new plan dated Feb. 23, 2018, and the proposed list of conditions from Attorney Tarby and make them part of the permanent record; approved, 5-0. Motion made by Alderman Tedesco and seconded by Alderman Mercer-Bruen to accept a memorandum from City Engineer John Corey and make it part of the permanent record; approved; 5-0. Attorney Tarby said the new plan dated Feb. 23, 2018, has all the details and henceforth will exist as the official plan of record. Attorney Tarby reminded the Committee his client is seeking to construct a new building on 6.25 acres of land and a special permit is required since the building is larger than 15,000-square-feet. He said the building will meet all the city's parking requirement with 193 spaces. Attorney Tarby said the anticipated annual property tax revenue from the project will be \$136,000, plus any personal property taxes the tenant(s) may incur. Attorney Tarby said the Conservation Commission has closed its public hearing and is working on an order of conditions for the project. Timothy Williams, an engineer with Allen & Major Associates, 100 Commerce Way, Woburn, MA, said the petitioner has been working with the Environmental Protection Agency to create a habitat restoration area. Mr. Williams said the plans were revised and the driveway was moved to get it out of the habitat restoration area. Mr. Williams said the landscaping and the choice of plantings was at least partially driven by the wishes of the Conservation Commission. He said there is an agreement with the EPA to take 81 parking spaces if necessary, but he noted even if that happens the petitioner will retain 112 spaces, which are enough under the city's zoning code. Alderman Mercer-Bruen asked if EPA administrator Joe LeMay is involved with the project. Mr. Williams said he is. Alderman Gately asked how many conditions the ConCom placed on the project. Mr. Williams said he does not remember. Attorney Tarby presented a proposed list of conditions for the project. Motion made by Alderman Tedesco and seconded by Alderman Mercer-Bruen to accept the list of conditions proposed by Attorney Tarby and make them part of the permanent record; approved, 5-0. Attorney Tarby said the plans were last revised on Feb. 23, 2018, as referenced in the first proposed condition. Proposed condition #2 references a snow removal plan. Proposed condition #3 indicates the dumpsters on the property will comply with city ordinance. Proposed condition #4 references the landscaping plan. Proposed condition #5 references the mitigation for the project. Alderman Mercer-Bruen asked for specific details about the landscaping plan. Mr. Williams cited all the varieties of plantings that will be incorporated into the plans and said there will be plenty of color and that all the plants will be mature.

Alderman Anderson suggested there should be an addendum that all dead vegetation must be removed by the petitioner. Alderman Mercer-Bruen suggested adding that to condition #4. Motion made by Alderman Mercer-Bruen and seconded by Alderman Tedesco to add to Attorney Tarby's proposed condition #4 a second sentence that reads: "Plants on the premises shall be maintained in perpetuity, and any dead or diseased plants shall be removed;" approved, 5-0. Alderman Mercer-Bruen referenced City Engineer Corey's memo regarding mitigation and said she wants assurances that not installing a traffic signal is the right thing to do. Corinne Tobias, a Transportation Engineer with Allen & Major Associates, said there was a traffic study undertaken that indicates a signal would have a negative impact on through traffic on Commerce Way and that traffic from the project would only be impacted for about one hour each day. Alderman Mercer-Bruen asked if the traffic conditions will worsen over time. Ms. Tobias said even if the queues get longer on Cabot Road, it would still not be worth it to install a traffic signal. Alderman Mercer-Bruen asked if Cabot Road will be re-surfaced. Mr. Williams said there will be an overlay of Cabot Road, which he said is in pretty tough shape. Alderman Mercer-Bruen asked about the dimensions of the new handicapped ramps and crosswalk. Mr. Williams said he would put those together before the Council takes a vote when the public hearing resumes on Tuesday, March 6. Alderman Concannon asked who will be doing the mitigation work. Mr. Williams said the petitioner will. Alderman Concannon asked what the cost of the mitigation work will be. Attorney Tarby said it will be in excess of \$100,000. Alderman Concannon noted that figure is close to the 3 percent threshold required by the ordinance. Attorney Tarby said if the city chose to do the work, the amount would be the same. Alderman Mercer-Bruen said there ought to be a condition that an occupancy permit shall not be granted until the mitigation work is finished. Alderman Gately said he wants the petitioner to perform the mitigation work rather than sending the city a check and having the city do the work. Alderman Concannon referenced Engineer Corey's memo and said the mitigation items appear to be what he wants. Motion made by Alderman Tedesco and seconded by Alderman Campbell to add condition #6 which reads: "The petitioner shall comply with any conditions imposed by the Conservation Commission;" approved, 5-0. Motion made by Alderman Mercer-Bruen and seconded by Alderman Tedesco to add condition #7 which reads: "All mitigation shall be executed by the developer;" approved, 5-0. Motion made and seconded by Alderman Mercer-Bruen and seconded by Alderman Tedesco to add condition #8 which reads: "No occupancy permit, temporary or otherwise, shall be issued until all mitigation work is finished;" approved, 5-0. Motion made by Alderman Tedesco and seconded by Alderman Campbell that the special permit be sent "back for action," with the aforementioned eight conditions; approved, 5-0.

Leo Realty Holdings LLC for special permits to allow for eight (8) residential units above first floor in commercial structure at 375 Main Street; and to amend a prior special permit to allow for an addition to 371 Main Street: Appearing on behalf of the petitioner was Nicholas Leo, Leo Realty Holdings, 17 Concord Ave., Cambridge, and Walter B. Adams, Principal, WBA Associates, 36 River Ridge, Wellesley, MA. Motion made by Alderman Tedesco and seconded by Alderman Campbell to accept and make part of the permanent record a memo from City Solicitor Ellen Callahan Doucette regarding the petition; approved, 5-0. Motion made by Alderman Tedesco and seconded by Alderman Campbell to accept and make part of the permanent record a memo from Mr. Adams regarding the petition; approved, 5-0. Motion made by Alderman Tedesco and seconded by Alderman Campbell to accept and make part of the permanent record and updated set of plans dated Feb. 27, 2018. Alderman Gately said there is a

new set of plans and that Mr. Leo is trying to work out a compromise with Sean Coakley, who owns the building next door. Mr. Leo referenced memoranda from former Building Commissioner Steven Paris and attorney John McElhiney, who represented the former owner of Mr. Coakley's property in 2003 indicating the building was placed on the property line at the risk of the owner. Mr. Leo said he has re-drawn the plans to create a setback from Mr. Coakley's building of 4-feet, 7-inches on the second and third floors and he has reduced the number of units from eight to seven and he thinks he is being reasonable and responsible with a compromise. Mr. Adams agreed with Mr. Leo's assessment that the former property owner was advised by Commissioner Paris that the former owner built the building on the property line at his own risk and that Mr. Leo has no obligation to set his building back. Chairman Gately said he thinks Mr. Leo is giving up a lot to accommodate Mr. Coakley. Mr. Leo said the seventh unit will be a 2-bedroom instead of two 1-bedroom units. Alderman Mercer-Bruen thanked Mr. Leo for being open to compromise. Mr. Leo said changing the plans has been costly and he hopes the compromise will be acceptable. Alderman Campbell said she agrees with Alderman Mercer-Bruen but it still worried the size of the function space may be too large with 100 seats. She asked Mr. Leo if he would be willing to reduce the number of seats. Alderman Campbell said she is worried about whether there will be enough parking for the cars driven to the center by people who are using the function space. Alderman Concannon noted there is already a function room for 100 people. Mr. Leo said the typical crowd for one of the functions will be from 30-50 people, but he would like to have the opportunity to host a function with 90-100 people. He said he expects there will be about 5-10 functions per year with more than 60 people. He said he expects most of the functions like bridal and baby showers will take place on weekends. Alderman Mercer-Bruen said the City Council can take a look at the permit after a year, and that if it's not working, the council will hear about it. Alderman Campbell asked what can be done after the council has already granted the permit. Alderman Mercer-Bruen said the only other option is to make the permit temporary. Alderman Campbell asked Mr. Leo if he would mind if the council made the permit temporary. Mr. Leo said it depends upon the wording because he has invested a lot of money into the project and the function space will help him pay for the upgrade to the building. Alderman Mercer-Bruen noted any special permit issued by the City Council can be reviewed if there are problems. Mr. Leo said he would prefer the City Council not reduce the maximum occupancy to anything less than 80 people. Chairman Gately said the City Council can ask for a special permit review if necessary. President Haggerty said he originally had concerns about the size of the function space, but they were out-weighed by the prospect the project will bring people to the downtown area. He said he wants to see this building succeed and that this is one of the most important projects in Woburn Center. Alderman Campbell said she is concerned about traffic issues as well. Alderman Concannon asked Mr. Leo if the hours of operation for the function space will be mostly on weekends. Mr. Leo said the Walnut Street parking lot typically has its greatest use on weekdays, which will not conflict with his prime hours on weekends. Alderman Higgins said the people who will be using Mr. Leo's function space can also park in the City Hall parking lot, which she said people seem to be using more during off-hours. Motion made by Alderman Tedesco and seconded by Alderman Mercer-Bruen to receive and make part of the permanent record a memorandum submitted by Sean Coakley, an abutting property owner. Mr. Coakley said he would like Fire Chief Stephen Adgate to review the revised plans and render an opinion. Motion made by Alderman Mercer-Bruen and seconded by Alderman Tedesco to send a copy of the revised plans to Fire Chief Stephen Adgate and ask for his comments; approved, 5-0. Mr. Coakley said the revised plans appear to be a step forward toward

a compromise but added he wants to make sure Mr. Leo's building does not have a negative aspect on the windows and means of egress to his building. Chairman Gately said Mr. Leo's offer to set back the building 4.7 feet is going to help. Mr. Coakley reiterated the plan seems to be headed in the right direction but he still wants to hear from the fire department. Mr. Leo said the Woburn Fire Dept. is going to have to sign off on the project in any event. Chairman Gately said he wants the council to vote on the project on Tuesday, March 6, when the public hearing resumes. Mr. Coakley said he would prefer it if the council holds off a vote until everyone is happy. Alderman Gately said it seems Mr. Coakley is not going to be happy no matter what and if he has a problem with the project he can appeal the special permit in court, where he and Mr. Leo can continue to bang heads. President Haggerty suggested sending the letter to Chief Adgate first thing in the morning so the council can have a response by the time the council votes on Tuesday. Alderman Concannon suggested sending a similar memo to Building Commissioner Quinn asking him if he agrees with former Commissioner Paris' opinion. Alderman Mercer-Bruen said she thinks Commissioner Paris did due diligence. Mr. Adams said the fire department and the building department will have to approve the plans in any event. Alderman Concannon said asking the Building Commissioner to review the plans is a reasonable request. Mr. Leo said his attorney has spoken to Commissioner Quinn and he does not think Commissioner Quinn will render an opinion. President Haggerty said he would like to hear from the Building Commissioner. Motion made by Alderman Mercer-Bruen and seconded by Alderman Tedesco to send a request to Building Commissioner Quinn asking him for his opinion about the revised plans for 375 Main Street, and to request a prompt response; approved, 5-0. Motion made by Alderman Tedesco and seconded by Alderman Mercer-Bruen to send the petition "back for action," approved, 5-0.

Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to adjourn, all in favor, 5-0. Chairman Gately adjourned the meeting at 7:23 p.m.

Attest: _____
Gordon Vincent
Clerk of Committees