

COMMITTEE ON SPECIAL PERMITS

As a Committee of the Whole

MARCH 25, 2019 at 6:18 p.m.

WOBURN CITY HALL

COMMITTEE ROOM

Voting members present: Chairman Richard Gately, Alderman Michael Concannon, Alderman Joanne Campbell, Alderman Mark Gaffney, Alderman Darlene Mercer-Bruen, Alderman Edward Tedesco, President Michael Anderson, and Alderman Lindsay Higgins. Late: Alderman Robert Ferullo

318 LLC for a special permit to replace the Site Plan of Record to remove reference to “Retail Addition” to allow use on property permitted as a matter of right and by special permit at 318 Montvale Avenue: Representing the petitioner were Attorney Joseph R. Tarby III, Murtha Cullina, 600 Unicorn Park Drive, Suite 7, Woburn, MA; F. Giles Ham, Vanasse & Associates, 35 New England Business Center Drive, Andover, MA; and Robert Haverty, 318 LLC, 274 Woodlands Road, Alton Bay, N.H. Motion made by Alderman Mercer-Bruen and seconded by Alderman Tedesco to receive copies of special permits issued to 318 LLC in 1997 and 2016; approved, 8-0. Attorney Tarby said the plans that were submitted did not clearly show the signage on the property and submitted a revised plan to the committee. Motion made by Alderman Mercer-Bruen and seconded by Alderman Tedesco to receive the plan dated March 22, 2019 and make it part of the permanent record; approved, 8-0. Attorney Tarby said the petitioner is seeking to remove the term “retail addition” from the special permit so a by-right use can be allowed. He said there will be no left turns in or out of the westerly driveway. He said the easterly driveway will allow for left and right turns. He said there is additional parking for the ATM component. He said there will be signs added to promote 1-way circulation. Mr. Ham said in 2016, Mr. Haverty purchased an adjacent residential property and closed the curb cut. He said the westerly driveway is right turn only because the goal is to move all the turning movements as far away as possible from the Washington Street intersection. He said cars can still turn east out of the easterly drive. Alderman Mercer-Bruen said she has conferred with Alderman Ferullo about crash data and it is no better or worse than it was before the modifications in 2016. She asked the petitioner if it would be worthwhile to have Woburn Police Sgt. Raymond Mooney of the traffic division take a look. Mr. Ham said his client would be willing to do that if that’s what needs to happen to approve the modification to the special permit. Alderman Higgins asked about signage at the easterly drive. Mr. Ham said cars can take a left. He said logistically the westerly drive is designed for right turns. Alderman Concannon said the traffic patterns at the site are often chaotic and from what he has seen left turns are the source of the chaos. He said it appears the safest option is to let cars in from the east and exit to the west. Mr. Ham said that would be the safest option if no left turns were allowed. President Anderson said the problems arise when cars try to turn left out of the westerly drive. Alderman Mercer-Bruen said the westerly exit is supposed to be designed to prevent left turns out. She suggested maybe there is not enough of a deterrent. President Anderson asked if MassDOT will stripe Montvale Avenue during the widening project. Mr. Ham said the lanes will be striped but drivers will still have to proceed cautiously. Chairman Gately suggesting adding barriers to prevent cars from turning left out of the westerly drive. Alderman Mercer-Bruen said this is an opportunity to get the traffic situation right. Mr. Haverty said in his opinion the current traffic

pattern works really well. He said he thinks he has worked as hard as he can to get the traffic situation right. Alderman Mercer-Bruen said the petitioner is asking to modify the permit to allow additional uses which will change the traffic pattern. Mr. Haverty said he is coming up with a proposal that will have less of a traffic impact. Attorney Tarby said the only change his client is seeking is to remove the word “retail” from the special permit, so he can do things that are allowed by right. Alderman Concannon asked what is allowed by right. President Anderson asked what the zoning district is. Attorney Tarby said the area is zoned Business Highway. Alderman Mercer-Bruen said it is incumbent upon the council to ensure the traffic situation is safe. Attorney Tarby said he has not seen a document that indicates the traffic situation is not safe. Alderman Mercer-Bruen said that’s why she wants to know if the petitioner is open to having the city’s traffic experts look into it. Alderman Higgins said she does not want to make any adjustments that will have to be fixed once MassDOT widens the intersection. She said she thinks it is fair for any changes to coincide with the widening. Alderman Concannon said condition #3 of the special permit calls for left turns to be discouraged. He said it looks like the easterly exit is more discouraging to left turns than the westerly exit. Alderman Mercer-Bruen said if MassDOT rips up the site driveways, it’s not up to Mr. Haverty to put them back together. Alderman Mercer-Bruen suggested asking City Engineer John Corey and DPW Supt. John Duran to look at condition #3 of the special permit. Motion made by Alderman Mercer-Bruen to ask Supt. Duran and Engineer Corey to review the plan. Motion Alderman Concannon suggested having the DPW Superintendent and the City Engineer coordinate with MassDOT about the design. Motion made by Alderman Mercer-Bruen and seconded by Alderman Tedesco to replace “discourage” with “prevent” in condition #3 of the existing special permit. Motion made by Alderman Tedesco and seconded by Alderman Campbell to delete the word “retail” to allow use on property permitted as a matter of right and by special permit; approved, 8-0. President Anderson said the prohibition on a convenience store use will still exist. Attorney Tarby distributed a list of proposed conditions to the committee. Motion made by Alderman Mercer-Bruen and seconded by Alderman Tedesco that the matter be sent “back for action;” approved, 8-0.

Woburn (Edens) LLC for Plan Approval and Special Permit Approval to permit the redevelopment of the existing Woburn Mall property into a mixed-use residential and commercial development at 300 Mishawum Road: Alderman Concannon recused himself and left the Committee Room. Representing the petitioner were Attorney Mark Vaughan, Riemer & Braunstein LLP, 700 District Avenue, Burlington, MA, 01803; Robert Michaud, MDM Transportation Consultants, 28 Lord Road, Marlboro, MA, 01752; and Brad Dumont and Keith Hague, Woburn (Edens) LLC, c/o Edens 21 Custom House Street, Suite 450, Boston, Massachusetts 02110. Attorney Vaughan said the peer review is pending. He said he knows there has been some skepticism about the petitioner’s traffic report, which he said would be reviewed by Mr. Michaud. Mr. Michaud said the petitioner examined a study area along Mishawum Road from Washington Street to the bridge at Industrial Parkway. He said the developer of the Woburn Landing project on Washington Street is obligated to provide adaptive signal controls. He said the Woburn Mall project will have just under 300,00-square-feet of space. He said the proposed uses for the mall will be in line with people who live on the property. He said there have been a number of challenges in devising the plans, not the least of which is what to do with the intersection at the corner of the parking lot at Market Basket and Commerce Way. He said there are opportunities to allow for access to Market Basket to be improved. He said there are

opportunities to improve truck circulation. He said there are things the developer knows don't work so well at this location. He said enhancements were made to on-site circulation. He said there are no plans to make any major modifications to Mishawum Road. Alderman Campbell asked if there will be an access to Commerce Way in back of the mall for people who live in the on-site apartments. Mr. Michaud said access to the residential component will be from the main access road on-site or Mishawum Road. He said the idea is to provide flexibility of access. Chairman Gately asked if the plan is for tractor-trailers to go behind the building and turn around to get back onto Commerce Way. He asked if the petitioner knows how much room there is back there. Mr. Michaud said the area behind the mall will accommodate the largest of vehicles. Chairman Gately asked how many tractor-trailers can queue behind the building. Mr. Michaud said many concurrent delivery scenarios can be accommodated. Chairman Gately asked if there is enough access to allow the restaurants on site to get the supplies they need to stay in businesses. Mr. Michaud said deliveries to the restaurants will usually be done by small box truck and there are pads that will accommodate them. Chairman Gately said he would like to ban tractor-trailers from the interior of the property. He said box trucks will be allowed, but not tractor-trailers. Alderman Mercer-Bruen asked if there will anything to physically stop an 18-wheeler from driving through the interior the property. Mr. Michaud replied there needs to be emergency access for emergency vehicles. He said Edens understands the owner/tenant relationship. Mr. Dumont said it is an on-going struggle to prevent tractor-trailers from accessing the parking lot. He said there will be a property manager and security to enforce and trucking restrictions. Mr. Michaud said the improvements to the entrance at Market Basket involved months of discussion. He said the concept is to separate vehicle movements from pedestrian movements. Alderman Ferullo arrived at 7:07 p.m. Mr. Michaud said there will be measures to prevent random pedestrian crossings that will vastly improve safety. He said the idea is to shift and widen the driveway, effectively doubling the capacity to 16 cars for left turns onto Commerce Way. He said the light cycle will be shortened in half from two minutes. Alderman Mercer-Bruen asked if Mr. Michaud has ever seen Commerce Way at 5 p.m. when cars are backed up to the Target store. She said coming down Commerce Way at that time of day is difficult, and the changes proposed by the petitioner don't seem like they will help. Alderman Ferullo said he patrolled that area for 37 years, asked about all the cars that will try to access Route 128 and said it seems the 2-minute light cycle would be better. Mr. Michaud said Woburn Landing is obligated to improve the signals on Mishawum Road. Alderman Mercer-Bruen suggested the traffic study for the Woburn Mall should wait until after the new signals are installed. Mr. Michaud said he knows the new adaptive control signals will improve the traffic situation. He noted the new adaptive controls that were installed on Washington Street about three months ago have made a difference. President Anderson asked if the adaptive lights work independently. Mr. Michaud said there is no benefit the coordinating them. President Anderson asked if there is any thought of moving the egress. Mr. Michaud said various options were considered, but Market Basket has certain rights and restrictions. President Anderson said he would like to know what those rights and restrictions are. President Anderson agreed the current design of the Market Basket driveway is dangerous. Mr. Michaud said a slip lane was added for cars entering from Commerce Way and turning left into the parking lot. Alderman Higgins asked how many vehicles can be accommodated in the slip lane. Mr. Michaud said the slip lane is about 60 feet long and can accommodate three cars, but realistically it will accommodate two. He said the issue isn't capacity, but the slip lane is designed to prevent clogging of the plaza. Alderman Mercer-Bruen asked if there will be a signalized crosswalk. Mr. Michaud said it

cannot be signalized, but noted the petitioner is introducing new safety measures. Alderman Higgins said she still wishes there was a slip lane from Commerce Way to the parking lot. She said she still wants an explanation why there isn't one. Mr. Michaud replied there would have been a problem with internal circulation. Alderman Higgins said there are going to be more cars coming out of there than the petitioner thinks. President Anderson left the Committee Room. Alderman Campbell said a slip lane had been discussed. She said the petitioner needs to find a solution to prevent cars from backing up and it needs to be looked at. Alderman Mercer-Bruen said she would also like to see a copy of Market Basket's lease. Mr. Dumont said he cannot share the entire lease. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to request from the petitioner a copy of Market Basket's lease that refers to internal traffic movements; approved, 7-0. Mr. Michaud said there is ample capacity to support this project. He acknowledged the project will generate more traffic than it is presently because the mall is empty. He said the number of trips will increase from 632 to 819 during the weekday morning peak hour. He said the number of trips will increase by 148 during the weekday evening hour. He said the number of trips during Saturday midday will increase by 194 per hour. President Anderson returned to the Committee Room. He said the number of trips will be lower than an all-retail scenario. He said the uses are dispersed and designed so people who live in the residential area can walk to them, or from the hotel across the street to the retail shops. Alderman Mercer-Bruen asked Mr. Michaud how pedestrians will get from the hotel to the mall. Mr. Michaud said they can cross Mishawum Road. Alderman Mercer-Bruen asked Mr. Michaud if he is joking. Chairman Gately said anyone trying to cross Mishawum Road will need good luck. Mr. Michaud said there is a crosswalk. He said the developer wants to promote walking. Alderman Mercer-Bruen said there is a pedestrian-oriented component to any Ch. 40R project. She said there has been no discussion about the traffic at the residential use. Mr. Michaud said people will be able to get from the residential area to the commercial area without having to get into a car. He said the project may result in the MBTA re-establishing Mishawum station as a full-time commuter rail stop. Alderman Mercer-Bruen said the MBTA has indicated Mishawum is going to remain a flag stop. Mr. Michaud said MBTA may consider re-establishing it with the increased density. He said 350 units is not insubstantial. Chairman Gately asked if anyone in the audience wished to address the committee about the petition. John Spence, 30 Main Street, said his concern is the configuration of the entrance at Market Basket. He said it does not seem like the petitioner has done anything to mitigate the biggest problems. He said there are conflicts between pedestrians and cars. He said it does not look like that problem has been solved. He said safety measures that have been tried in the past have not been successful. Mr. Michaud agreed the safety measures to this point have been random. He said the petitioner has offered measures to improve the situation, but acknowledged it is not a perfect solution because of the limitations due to the Market Basket lease. Mr. Spence asked if the petitioner has considered moving the crosswalk further down. Mr. Michaud said that is non-starter for Market Basket. Alderman Campbell asked if the lease with Market Basket can be re-negotiated. Mr. Dumont said Edens is doing the best it can within the confines of Market Basket's requirements, but it has been a struggle. Mr. Spence asked if Market Basket would have any liability. Mr. Dumont said Market Basket does not. Christopher Owen, 3 Florence Terrace, asked if any thought has been given to closing the entrance closest to Commerce Way. He said the entrance could be moved over and that would solve some safety issues. Mr. Owen said at 12:30 p.m. today traffic was backed up in all directions on Mishawum Road. Attorney Vaughan said the petitioner is awaiting the peer review. Chairman Gately said he has some concerns about the proposed sewer connection. He

said the sewer pipe should be at least 15-20 feet down to connect with another line. He said the current configuration will cause the sewer line to back up every 15 minutes. Mr. Hague said the petitioner is working with Engineer Corey on the drainage plans. Motion made by Alderman Ferullo and second by Alderman Tedesco to send a communication to Police Chief Robert Rufo requesting crash data from inside the Woburn Mall parking lot for the past three years; approved, 8-0.

Motion made by Alderman Tedesco and seconded by Alderman Mercer-Bruen to adjourn, all in favor, 8-0. Chairman Gately adjourned the meeting at 7:55 p.m.

Attest: _____
Gordon Vincent
Clerk of Committees