

COMMITTEE ON SPECIAL PERMITS
MARCH 26, 2018 at 6:43 p.m.
WOBURN CITY HALL
COMMITTEE ROOM

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

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

Also present: Building Commissioner Thomas Quinn

Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to take the Special Permits Committee meeting out of the order on the posted agenda; approved, 4-0.

New Creek II LLC for special permit to modify special permit by approving snow storage plan at 425 Washington Street: Representing the petitioner were Attorney Joseph Tarby, Murtha Cullina, 600 Unicorn Park Drive, Woburn, MA, Patrick Dunford, Senior Project Manager, Vanasse Hangen Brustlin, 101 Walnut St., Watertown, Mam and Jon O'Rourke, Regional Property Manager of Kimco Realty, 2 Newton Executive Park, Suite 100, Newton, MA. Attorney Tarby said at a public hearing on March 8 the Council asked for several items including a plan of record indicating where the snow removal equipment will be stored. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to receive and place on file a copy of a memorandum dated January 25, 2018, from Mr. Dunford regarding parking at 425 Washington St., along with an aerial map, revised March 26, 2018, indicating areas of snow storage and snow removal equipment storage; approved, 4-0. Mr. Dunford told the Committee there were minor modifications made to the snow storage plan that resulted in the loss of 13 parking spaces behind the Partners Urgent Care building, and the total number of parking spaces lost as a result of the snow storage plan has increased to 65. Mr. Dunford said there are 481 remaining spaces and the occupancy rate will be no worse than 77 percent, even with the subtraction of the 13 spaces in the updated snow removal plan. Mr. O'Rourke told the Committee the property owner is storing a salt and sand mix behind the Partners building and the mix is used as needed in the event of storms, which he noted have been frequent in the past month. Mr. O'Rourke said after the Council issued concerns about the storage box at its last meeting, he instructed the vendor to remove the salt storage box, but he was told by the vendor there may be a liability issue if the parking lot cannot be adequately treated in a timely manner during a storm. He said the storage box is in a location that shields it from the view of customers. Alderman Mercer-Bruen said there is a larger issue about the Council's requirement of a submission of a snow storage plan, in that the Council is referring to snow, not snow removal equipment. She said she thought there is a different process for snow removal equipment, and that a special permit ought to be required for storage bins, just as they are for storage trailers. Attorney Tarby said snow equipment is stored in a lot of places throughout the city, and if property owners have to come back to the Council for special permits for storage boxes it's going to consume a lot of time. Alderman Mercer-Bruen said if that's the case she needs to

understand how the process is going to work. Commissioner Quinn acknowledged the issue does need more clarity because the process has no continuity. Commissioner Quinn noted a snow storage plan was required for a recently-issued special permit at 902 Main St. but the Council required the snow storage plan to be filed with the City Clerk's office, not the Building Dept., which is the enforcement agency for special permits. Commissioner Quinn said he is willing, within reason, to allow seasonal storage of snow removal equipment and supplies. He added it should not be there on May 1 or June 1, for aesthetic reasons. He said there are things the city should do to codify snow removal and suggested equipment and supplies ought to be brought in no earlier than Nov. 15 and removed no later than May 31. Alderman Mercer-Bruen said she cannot find anything in the city's zoning ordinance that refers to storage containers and heavy equipment as part of a snow removal plan. Commissioner Quinn said the issue is open to his interpretation and there have really been no other issues in the city with snow removal equipment or supplies in the last 15-plus years. He said that there is a trend toward more use of on-site storage containers, however. Alderman Mercer-Bruen said it sounds like Commissioner Quinn is not getting copies of all the snow storage plans that are being filed. Commissioner Quinn again cited the 902 Main St. permit which required the petitioner to submit a snow storage plan to the City Clerk. Commissioner Quinn said there are instances when building permits can be issued for trailers that have a specific purpose, for instance the construction trailer at the site of the Woburn Public Library addition. Alderman Mercer-Bruen said he wants to make sure the areas that are used for storage of snow equipment and materials are not being used by landscaping companies as staging areas. Alderman Anderson said it is clear that the Council wants snow stored in designated snow storage areas. He said he does agree the Building Commissioner does have discretion to allow snow removal vehicles. Alderman Anderson added storage containers should not be allowed by-right. Commissioner Quinn said there is a level of snow removal storage that needs to be provided by the property owner. Alderman Anderson said there is an 100,000-square-foot building on the property at 425 Washington St. and there has to be a location to store snow materials that is not an eyesore. Alderman Campbell said she has always thought snow storage refers to the snow itself and not the heavy equipment that is used to remove it. Commissioner Quinn reiterated he has to make an interpretation and there are instances when he has allowed storage containers because it is a safety issue. Commissioner Quinn said it will make his job easier if the Council becomes more specific about what it wants to allow. Alderman Campbell said she is noticing large pieces of on-site equipment and that it is a new practice largely to save money. She said the City Council needs to look into the rules regarding snow removal equipment and fine tune them. Commissioner Quinn said he will be happy to work with the Council and the goal is to achieve consistency. Alderman Concannon said there is a gaping hole in the city's zoning ordinance because the City Council has been under the impression a snow storage plan is limited to where the snow is put. He said there is a rule missing and where when and how you put the equipment you use to move the snow. Alderman Anderson said he is concerned about adding more regulations. Alderman Concannon said this is something the Council ought to regulate. Alderman Gaffney asked if the Council should make sure the snow removal plans go to both the City Clerk and Building Dept. Chairman Gately said the Council started requesting snow storage plans about 12 years ago because snow was being plowed into the streets and being dumped in vacant lots. Chairman Gately said heavy equipment has always been used for snow removal. Alderman Mercer-Bruen said there was not one person on the City Council who thought snow removal involved the storage of heavy equipment. Alderman Higgins said there is always going to be equipment

involved in snow removal, and it is completely normal to have a skid sander, and there should be a reasonable expectation to have some equipment on-site. Alderman Mercer-Bruen said the Council should at least be made aware of how many parking spaces are going to be taken up by snow removal equipment. Alderman Campbell asked how the Council can approve a snow removal plan without being made aware of what equipment is going to be on-site. Chairman Gately said there has been an excavator sitting in the parking lot of a gas station in the South End for months. Commissioner Quinn said he would like to work with the Council to develop a playbook for snow removal. Alderman Concannon suggested developing different criteria for salt and sand. Attorney Tarby said the Council can't rely on asking a property owner to store salt and sand and equipment inside a building. Commissioner Quinn said there are also environmental issues that will have to be considered. Mr. O'Rourke said in his experience other municipalities have said covering a pile of salt and sand with a tarp is unacceptable. Alderman Concannon said if the Council approves a snow storage plan it is still up to Commissioner Quinn to interpret it until the Council codifies the rules. Mr. O'Rourke requested approval of New Creek's snow storage plan. Motion made by Alderman Mercer-Bruen to approve the snow storage plan without the equipment and storage container components. Attorney Tarby asked how long it will take to develop a snow storage ordinance. Alderman Concannon said it can be finished within a couple of months. Attorney Tarby said he would rather wait for the ordinance to be adopted than seek a vote without the equipment and storage container components. Alderman Mercer-Bruen said she would withdraw her motion. Attorney Tarby said he will ask to continue the public hearing until the end of May. Alderman Concannon said he thinks the snow removal ordinance can be approved pretty quickly. Chairman Gately said the New Creek II petition will be left in Committee. Commissioner Quinn said he looks forward to working with the Committee. Mr. O'Rourke said Commissioner Quinn has been a true gentleman who has been willing to work with the petitioner.

Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to take the matters of Speedway LLC #2435, 306 Montvale Avenue, and Wendy's International Inc., 303 Montvale Ave., out of order; approved, 4-0.

Resolve for review of special permit of Speedway LLC #2435, 306 Montvale Avenue:

Appearing for the petitioner were Attorney Mark Vaughan, Riemer & Braunstein, 700 District Avenue, Burlington, MA, and Oluwaseun Afolabi, District Manager, North East Massachusetts, Speedway LLC. Attorney Vaughan said the special permit was originally issued to Hess Corp., and the property was later acquired by Speedway, and that his client was made aware of an issue with the dumpster on the property. Alderman Mercer-Bruen said she continues to get complaints about the dumpster being emptied at 4:30 a.m. and 3:30 a.m. and asked if Speedway could adhere to the terms of the special permit which limit trash pickup to between 9 a.m. and 4 p.m. Monday through Saturday. Alderman Mercer-Bruen said Speedway is also in violation of city ordinance which prohibits trash removal before 7 a.m. She said 4 a.m. and 3 a.m. are difficult times for neighbors to hear a dumpster being emptied. Mr. Afolabi said he has already been in contact with Speedway's trash vendor, Waste Management, and advised them to abide by the restrictions of Speedway's special permit. Mr. Afolabi said there have been some changes to personnel at the Speedway location as well as changes in personnel at Waste Management, but that everyone involved in trash removal is now aware of the time restrictions. Alderman Mercer-Bruen asked Mr. Afolabi if there is a way for the Council to reach out to Mr. Afolabi via

Building Commissioner Thomas Quinn. Mr. Afolabi said Commissioner Quinn can always stop by the store or contact him directly via email or telephone. Alderman Mercer-Bruen said it sounds like Speedway is making an effort to correct the problem. Chairman Gately said if the trash removal problem persists the Council can revoke Speedway's special permit.

Resolve for review of special permit of Wendy's International Inc., 303 Montvale Avenue:

Appearing for the petitioner were Robert Meyers, Director of Area Operations, and D.J. Turcotte, District Manager. Alderman Mercer-Bruen said she has also received complaints about the dumpster at Wendy's being emptied during the early morning hours. Alderman Mercer-Bruen said Wendy's borders a residential neighborhood and the dumpster being emptied early in the morning is disruptive to residents. Mr. Turcotte said Wendy's trash vendor is River Road Waste, which contracts JRM, and he is aware of one instance in January when the trash was empty early in the morning. Mr. Turcotte said he has reached out to JRM and River Road Waste and advised them to not violate the city's dumpster ordinance. Mr. Turcotte presented correspondence from both River Road Waste and JRM indicating they are aware of the city's concerns and will endeavor to abide by the city's dumpster regulations. Motion made by Alderman Mercer-Bruen to accept the letters of correspondence from JRM and River Road Waste and place the letters on file; approved, 4-0. Mr. Meyers said the hauler and the contractor both understand there will be consequences if the dumpster is emptied during the early morning hours. Mr. Turcotte said he will provide the Committee with business cards and they can directly contact him if there are issues. Alderman Mercer-Bruen said she appreciates Wendy's attendance at the meeting. Mr. Meyers said he thinks the problems with the dumpster issue have been addressed. Chairman Gately said the same warning that was issued to Speedway also applies to Wendy's, and if the problems with the dumpster persist, the Council can yank Wendy's license. Mr. Meyers said this is obviously not an issue Wendy's wants to deal with.

285 Locust LLC for a special permit and site plan for the demolition of the existing commercial building and site improvements, and for the construction of a 41 unit, attached townhouse development with integrated parking, landscaping and infrastructure improvements at 285 Locust Street:

Appearing for the petitioner were Attorney Mark Vaughan, Reimer & Braunstein, 700 District Avenue, Burlington, MA, Richard J. O'Connell, President of RJ O'Connell & Associates, Inc., 80 Montvale Ave., Stoneham, MA, F. Giles Ham, Managing Principal, Vanasse & Associates, 35 New England Business Center Drive, Andover, MA, and Kevin Duffy, of 285 Locust St. LLC, 465 Waverly Oaks Road, Suite 500, Waltham, MA. Attorney Vaughan reminded the Committee the petitioner proposes 41 townhouses. He said the parking plan was adjusted to incorporate six additional parking spaces for visitors. Attorney Vaughan said his client met with Woburn Fire Chief Stephen Adgate to discuss access from Locust Street. Attorney Vaughan said the developer will provide sloped granite curbing on the island at the entrance to the development and that will satisfy the Fire Dept. He said there have been some other minor changes as a result of the Conservation Commission process. Alderman Higgins asked if the revisions to the driveway on Locust Street make it wider. Mr. O'Connell said the only difference is the curb is sloped so if a truck tire comes in contact with the curb, the curb will not slice the tire. Alderman Campbell asked about the landscaping proposed for the site. Mr. Duffy said the landscaping is provided on the plan. Alderman Mercer-Bruen asked if the petitioner has any correspondence from the Fire Chief regarding the access to the property. Attorney Vaughan said the petitioner does not have anything in writing. Motion made by

Alderman Mercer-Bruen and seconded by Alderman Campbell to send a communication to Fire Chief Stephen Adgate asking him for an official opinion about the project after the renovations to the plans; approved, 4-0. Attorney Vaughan submitted a series of photographs of the Greystone at Winchester project with a Cape Cod berm in the parking area. Chairman Gately said he would prefer granite curbing to a Cape Cod berm. Alderman Mercer-Bruen said she does not think the Cape Cod berm looks nice at all, and after a couple of swipes with a snow plow, it will end up in chunks. Attorney Vaughan noted the Cape Cod berm will be used in the interior of the development, which is not a high traffic area. Mr. O'Connell said the bituminous berm is much easier to maintain than granite. Chairman Gately suggested using cobblestones. Chairman Gately said he doesn't think using Cape Cod berm is feasible. Alderman Campbell said the Council usually asks for 5-inch granite curbing. Mr. Duffy said he feels the bituminous berm will work pretty well, and added it is friendlier on vehicles if it is struck. Alderman Campbell asked if granite curbing will be used at the entrance to the site. Mr. Duffy replied it will. Alderman Concannon asked if sloped granite curbing is an option instead of the Cape Cod berm. Mr. Duffy replied the Cape Cod berm can be repaired easily. Chairman Gately said the island in the middle of the development should have granite curbing. Mr. Duffy said he is willing to compromise and install sloped granite curbing on the island if bituminous berm can be installed around the residences. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell that any bituminous curbing that is installed as part of the project must be maintained by the condominium association and not by the city of Woburn; approved, 4-0. Alderman Campbell asked about the status of an environmental report regarding any apparent contamination at the site. Mr. Duffy said there is no remedial action required and at the appropriate time he would provide a copy of a letter to that effect to the city's Board of Health. Alderman Campbell asked about a pedestrian bridge to the adjacent Tudor Glen Village development. Attorney Vaughan said there will be a walkway between the two developments. Alderman Campbell said she thinks the walkway is a nice idea. Alderman Anderson suggested the sidewalks between the project be constructed of concrete or concrete pavers. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell that the sidewalks at 285 Locust Street shall be concrete or concrete pavers; approved, 4-0. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell that a final copy of an environmental report regarding contamination on the site be furnished, when available, to the Board of Health and the City Council; approved, 4-0. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell that Page C2 of the site plan for 285 Locust Street be amended to indicate sloped granite curbing shall be used on the island inside the development, and berm will be used for the curbing on the outside at the residences; approved, 4-0. Chairman Gately asked about mitigation. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to accept a memorandum dated March 26, 2018, from City Engineer John Corey and a memorandum dated March 21, 2018, from 285 Locust Street LLC, both regarding mitigation; approved, 4-0. Attorney Vaughan said he met with City Engineer Corey and they discussed the petitioner potentially becoming involved with plans by Northeastern University to upgrade the traffic signal at the intersection of Cambridge Street and South Bedford Street at the Burlington line. Alderman Higgins noted City Engineer Corey's memo indicates the possibility of installing sidewalks along Locust Street to the Joyce Middle School but she thinks improving the intersection at Cambridge Street and South Bedford Street is much more important. Mr. Ham said upgrading the sidewalks would consume the better part of the \$300,000 mitigation fee associated with the project. Alderman Campbell said Locust Street does need sidewalks. Alderman Mercer-Bruen asked if the price of granite has skyrocketed

because she can't remember sidewalks being that expensive. Attorney Vaughan said he does not agree his client is impacting the Cambridge Street/South Bedford Street intersection. Alderman Campbell said she disagrees. Alderman Higgins said City Engineer Corey also thinks the intersection will be impacted by the project. Alderman Concannon said it might be worth having a more substantive conversation about mitigation with City Engineer Corey. Alderman Anderson said mitigation money ought to be used within a certain time period, and if it is not, it should go back to the developer. Attorney Vaughan said the mitigation money could be used to fill a gap with state money to fund a design to improve the Cambridge Street/South Bedford Street intersection. Alderman Concannon asked if a design study would cost \$300,000. Attorney Vaughan said the design can hopefully be done for \$100,000-\$150,000. Chairman Gately suggested accepting \$300,000 for mitigation to improve the Cambridge Street/South Bedford Street intersection and putting it in an account until it can be used. Alderman Mercer-Bruen asked if there is anything that can be done today to improve the intersection. Alderman Higgins said if there was, it would have been done already. Chairman Gately said he thinks banking the mitigation funds are the best way to go. Attorney Vaughan asked what happens if the design study is less than \$300,000. Chairman Gately said he thinks the Council can find something to do with the rest of the money. Alderman Gaffney asked if the units will be for-sale condominiums. Mr. Duffy replied he does not know at this point, and he will have a better idea when the product is ready for market. Alderman Mercer-Bruen asked what would happen once the design plan for the Cambridge Street/South Bedford Street intersection is finished. Mr. Ham said the intent of the design plan would be to make the project shovel ready for the state. Alderman Campbell asked if the Committee should consult in Committee with City Engineer Corey about the intersection project. Alderman Higgins said she would communicate with City Engineer Corey. Alderman Concannon said the Council needs to be careful with any language it includes in regard to the mitigation money and any money that doesn't end up being used should go back to the developer. Alderman Campbell asked Alderman Concannon if he also wants to confer with City Engineer Corey in Committee about mitigation money. Alderman Concannon said he is not on the Committee but added it sounds like the petitioner is willing to participate in a project within the nexus of the development. Alderman Campbell said she will also reach out to City Engineer Corey. Chairman Gately said anyone who wants to confer with City Engineer Corey should do so by next Tuesday night, when the public hearing resumes. Alderman Mercer-Bruen said she would feel better if the Council stipulates the mitigation funds have to be expended or encumbered within a certain amount of time. Alderman Campbell asked if the Council has ever done that before. Alderman Anderson said the Council has had problems with mitigation money sitting in accounts for years. Alderman Campbell asked what a reasonable time period for the expenditure of the funds would be. Alderman Anderson said that would be something to ask City Engineer Corey. Alderman Gately asked how many affordable units there will be. Attorney Vaughan said there will be four. Alderman Campbell noted the ratio of affordable housing units is 10 percent. Attorney Vaughan said the project was filed before the changes to the affordable housing ordinance went into effect. Alderman Mercer-Bruen asked if the snow removal plan includes storage of snow removal equipment. Attorney Vaughan said there will be two small pieces of snow removal equipment stored on the interior island. Alderman Campbell expressed concerns the residents will be able to see the snow removal equipment. Attorney Vaughan said the pieces of equipment will be pretty small. Motion made by Alderman Campbell and seconded by Alderman Mercer-Bruen to send the petition "back for action," with the aforementioned conditions, approved, 4-0.

Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to adjourn, all in favor, 5-0. Chairman Gately adjourned the meeting at 8:31 p.m.

Attest: _____
Gordon Vincent
Clerk of Committees