

COMMITTEE ON SPECIAL PERMITS
APRIL 9, 2018 at 6:13 p.m.
WOBURN CITY HALL
COMMITTEE ROOM

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

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

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, Brian Timm, RJ O'Connell Associates, 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. Chairman Tedesco said the Committee received a memorandum from DPW Supt. John Duran regarding the petition at 285 Locust St. Motion made by Alderman Campbell and seconded by Alderman Gaffney to accept the memorandum from DPW Supt. Duran and make it part of the permanent record; approved, 3-0. Attorney Vaughan said the public hearing was continued from last week's City Council meeting because Supt. Duran had not had ample time to review the plans and provide feedback, and due to the Council's desire to have more discussion about mitigation. Mr. Timm said the plans have been revised to add bulkheads to the units, and the bulkheads are represented on the revised plans by small protrusions. Mr. Timm said the plans originally called for separate water service for each unit, but Supt. Duran asked for one water main, with each unit getting water service off that. Alderman Higgins asked if the water service will change if the units end up being for sale rather than rentals. Mr. Duffy said he was told by Supt. Duran that separate water service is not allowed by city ordinance. Mr. Timm said the change to the water service resulted in another change to plans as a gazebo was removed, because each bulkhead had to be counted as part of the ground coverage ratio. He said the bulkheads comply with setback requirements. Mr. Timm also said Supt. Duran is requiring the petitioner to mill and replace pavement within the 50-foot way. Alderman Campbell asked what is going where the gazebo was supposed to be located. Mr. Duffy said the gazebo will be replaced by benches. Alderman Campbell said the benches look nice. Mr. Timm said the revised plans still accommodate visitor parking, which was discussed by the Committee at its last meeting. Alderman Campbell said she has talked to Supt. Duran and City Engineer John Corey about mitigation and the possibility of the petitioner contributing \$150,000 to upgrade of the intersection at Bedford Road and Cambridge Road. Alderman Campbell said the Committee could stipulate the mitigation fee must be used within 18-24 months or the money would then be used to repair the sidewalks along Locust Street. Alderman Campbell said upgrades to the sidewalks along Locust Street would not only enhance the appearance of the area but also increase safety. She said there have been three accidents on Locust Street where the driver has just plowed over the sidewalk and into a yard, and that granite curbing may stop vehicles. She added it is important to have sidewalks in

proximity to a school. Attorney Vaughan asked if the accidents occurred on the southerly side of Locust Street. Mr. Timm asked at which address the accidents are occurring. Alderman Campbell said she believes the accidents have occurred at either 60 or 62 Locust Street and suggested installing sidewalks for 1,000 feet from Willow Street to the driveway entrance to the Joyce Middle School. She said City Engineer Corey indicated this would be a good place for curbing. Attorney Vaughan said he has been trying to educate himself about the city's mitigation ordinance, and he is struggling how it applies to his client's petition because of the project's negligible impact on traffic. Attorney Vaughan said when the site was occupied by Verizon, it generated 227 trips per day and his client's project will generate 296 trips per day, and less than Verizon during the morning and afternoon peak hours. Alderman Anderson noted the site generates no traffic now. Attorney Vaughan said the site does have a history of traffic generation and it's not like his client is building on a virginal piece of land. He said his client is willing to participate in the upgrade to the intersection because he believes it will be a significant improvement to the area. President Haggerty asked if the project in Burlington that is going to contribute to the cost of upgrading the intersection is approximately 100,000-square-feet. Attorney Vaughan said that sounds about right. President Haggerty said a \$50,000 contribution for a building that size seems low. Attorney Vaughan said there is another project on Wheeler Road in Burlington that will contribute \$50,000 toward the upgrade of the intersection. Alderman Campbell said City Engineer's memo indicates the mitigation fee for the Locust Street project should be \$300,000. Attorney Vaughan said City Engineer Corey is going off the assumption that the mitigation fee ought to be 3 percent of the cost of the project. Attorney Vaughan presented a memo from City Solicitor Ellen Callahan in 2017 about the Minast project on Presidential Way, indicating the imposition of a 3 percent mitigation fee in lieu of mitigation measures is available as an option to the City Council only when significant traffic and/or utility mitigation impacts are identified by the Development Impact Statement, and mitigation measures are proposed to address those impacts. Motion made by Alderman Campbell and seconded by Alderman Gaffney to accept the memo from City Solicitor Callahan Doucette as presented by Attorney Vaughan and make it part of the permanent record; approved, 3-0. Alderman Campbell said it is the City Council's job to make the area safe for residents. She said 290 cars per day is a lot. She said the Council absolutely needs to fix the lights at the Bedford Road intersection as well as the sidewalks on Locust Street, and that will require a minimum of \$300,000. Alderman Concannon said he has undertaken a careful reading of the mitigation ordinance and said it would lead a reasonable person to conclude the City Council has not been following the steps properly. He said the Council has a letter from the City Engineer indicating the mitigation fee is \$300,000, but that may not be the correct application of the mitigation ordinance. Alderman Campbell said the Committee may have to ask City Engineer Corey for further clarification. Attorney Vaughan said he reads the mitigation ordinance differently than the City Engineer. He cited an example of McDonald's on Montvale Avenue being replaced by a project with 5-10 townhouses that would create for less of an impact, but under the City Engineer's rationale, the developer would still have to pay a 3 percent mitigation fee. Mr. Ham noted that 30 percent of the traffic generated from the site will head toward the Joyce Middle School, which in real numbers translates to 7-9 trips during the peak hours, and that if you stood on the Willow Street end of Locust Street, you really wouldn't see any difference in the amount of traffic heading that way from the project. Alderman Campbell said she is going by the petitioner's traffic data. Attorney Vaughan said if you break down the traffic numbers, the number of cars heading toward the Joyce Middle School is minimal. President Haggerty asked how many units the

petitioner could build on the site without a special permit. Attorney Vaughan said he believes the use itself triggers a special permit requirement. President Haggerty asked how many units the petitioner could build in the R-3 zone. Mr. Timm calculated the site is 213,254-square-feet and the site would yield 17 single-family homes by right, at 12,000-square-feet per unit. Alderman Anderson estimated the petitioner could ask for 40 units by right, one less than the number being sought. President Haggerty said he will support the ward alderman. He noted the project will have an impact on city services like police and fire and that's why a special permit is required. Alderman Anderson agreed the project is going to have an impact and it is the Council's job to identify the impact and mitigate it. Alderman Gaffney asked about the estimated number of vehicle trips as it relates to the Herb Chambers proposal that was submitted a few years ago. Mr. Ham said Herb Chambers never established a number of vehicle trips and said there would be fewer than there were when Verizon operated out of the site. Alderman Concannon said the mitigation ordinance only refers to traffic and utilities, and there is documentation from the City Solicitor indicating imposing a 3 percent mitigation fee is an incorrect application of the ordinance. He said there may be traffic impacts associated with the 285 Locust St. project, but that information has not been supplied to the Council by the City Engineer. Attorney Vaughan said the petitioner's focus has been on improving the intersection of Bedford Road and Cambridge Road because that would have a significant impact. President Haggerty acknowledged the intersection is the source of concern but worried the developer of the project in Burlington is only going to contribute \$50,000. Alderman Campbell suggested sending a communication to City Engineer Corey asking him to be more specific about the mitigation. Alderman Concannon said the Council should ask Mr. Corey to follow the stipulations of the ordinance. Alderman Campbell said if the Committee votes to seek more information from Mr. Corey, the project may not be ready for a vote on April 17. Chairman Tedesco asked if the Committee wants to go through a list of conditions submitted by Alderman Campbell. Alderman Campbell asked if the Committee should seek more information from City Engineer Corey before it goes through the conditions. Alderman Concannon suggested the memo to Mr. Corey ought to ask him to tell the Council how to mitigate the impact of traffic and utilities. Alderman Concannon said the other option is to listen to the petitioner's compromise and determine if the mitigation he is offering is sufficient. Alderman Anderson suggested Attorney Vaughan could speak with City Engineer Corey, who has an open-door policy. Attorney Vaughan said the petitioner's initial focus was on the traffic signal, and that the funding should be devoted to that. Alderman Anderson said if the Council is going to use the 3 percent figure, it ought to be used for improvements in proximity to the project. Alderman Campbell asked if the Council ought to address the mitigation ordinance. Alderman Gaffney said if the project is going to generate 300 trips and 200 of them are going to go through the intersection of Bedford Road and Cambridge Road, it is going to have an impact. Mr. Ham replied it will not be a big impact, and not as big of an impact as the project in Burlington, the developer of which is going to contribute only \$50,000 toward improving the intersection, and he suggested the best use of the petitioner's mitigation money would be going toward an application for a MassWorks grant to improve the intersection. President Haggerty said the MassWorks grant is not a certainty and noted the last time the city obtained a MassWorks grant it was for Commerce Way about 20 years ago. Chairman Tedesco suggested adding language to the special permit stipulating that if the mitigation funds are not expended on the intersection within 18-24 months, the money would go toward improving the sidewalks, and if the funds are not expended within 48 months, they would go back to the developer. Alderman Higgins said if the money ends up being spent on the

sidewalks, she wants them to be made of concrete and bounded by granite curbing. She said bituminous material gets dug up by plows. Alderman Campbell agreed the Council should require granite curbing because it is sturdier. Attorney Vaughan showed photos of the sidewalk along Locust Street and said the curbing has held up pretty well. Alderman Campbell said there is no curbing whatsoever in front of the Joyce Middle School. Mr. Duffy said he thinks the mitigation issues can be worked out with City Engineer Corey. President Haggerty said the Committee is going in circles and that he is concerned about the future of the project. Attorney Vaughan said all the other conditions on the list submitted to the Committee are acceptable to the petitioner and he thinks the mitigation issue can be resolved. Alderman Higgins said the Committee still needs to figure out the mitigation component and she thinks the Council should be putting the money toward the MassWorks grant, and if that doesn't work out, the Council can spend the money on granite curbing and concrete sidewalks. Alderman Campbell agreed if the intersection project falls through, the money should be spent on sidewalks. Attorney Vaughan suggested his client could have further dialogue with the City Engineer. Alderman Concannon asked if the City Solicitor also ought to be contacted. Alderman Campbell said she doesn't think further involvement by the City Solicitor is necessary unless the Council and the petitioner can't work out the mitigation piece. Alderman Concannon said if the mitigation doesn't rise to the level of the traffic and utilities, it ends there, and the suggestion of a 3 percent fee for mitigation is an incorrect interpretation of the ordinance. President Haggerty said it is fair to say there are differences of opinion about whether the petition is beneficial to the city and it may not get six affirmative votes. Alderman Concannon suggested asking the City Engineer to revisit his letter of March 26, drawing particular attention to Section 18.5 of the Woburn Zoning Ordinance, asking him to specify how the project will impact traffic and utilities in the area. Motion made by Alderman Campbell and seconded by Alderman Gaffney to send a memo to City Engineer Corey with the aforementioned language suggested by Alderman Concannon; approved, 3-0. President Haggerty noted the discrepancy between the \$150,000 the petitioner is offering and the \$300,000 figure in City Engineer Corey's memo. Attorney Vaughan said the petitioner would agree to pay \$50,000 for the study to improve the intersection. Alderman Campbell said City Engineer Corey's memo indicates the design study would cost \$150,000 and the notion the petitioner would only contribute \$50,000 to the study is new information. Alderman Concannon noted the other \$100,000 for the study would come from the developers of the projects in Burlington. Alderman Higgins said she is under the impression the petitioner's contribution to the design study would be up to \$150,000. Attorney Vaughan said his understanding is the total cost of the design study is \$150,000. Motion made by Alderman Campbell and seconded by Alderman Gaffney to send a communication to City Engineer Corey asking him how much the design study for improvements to the Bedford Road/Cambridge Road intersection will cost; approved, 3-0. Chairman Tedesco said the matter will most likely be continued.

Motion made by Alderman Gaffney and seconded by Alderman Campbell to adjourn, all in favor, 3-0. Chairman Tedesco adjourned the meeting at 7:11 p.m.

Attest: _____
Gordon Vincent
Clerk of Committees