

**COMMITTEE ON SPECIAL PERMITS**  
**JULY 30, 2018 at 6:53 p.m.**  
**WOBURN CITY HALL**  
**CITY COUNCIL CHAMBERS**

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

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

**Order to review special permit granted to 4-K Realty Trust for construction of apartment building at 27 Montvale Avenue:** Appearing for the petitioner were Robert Holland and Steven Holland, 27 Montvale Avenue LLC, 1 Winning Road, North Billerica, MA. Steven Holland said there is a request before the City Council to remove condition #4 from the special permit requiring the enlistment of “the assistance of an archaeologist under contract with the State Archaeologist’s office to oversee the excavation of the property.” Steven Holland said the petitioner had found difficulty doing that and asked if he can use someone from the Woburn Historical Commission and someone from the Cemetery Commission to observe instead. President Haggerty said that condition appears to be condition #3 on the special permit. Chairman Gately said the Woburn Historical Commission has taken over the oversight of the burial grounds anyway. Alderman Campbell said she is a little concerned about changing the special permit, in case bones from the cemetery may have migrated or not been properly marked on the property. Robert Holland said the property has already been excavated. Alderman Gately said the building has already been taken down. President Haggerty said the house that was there preceded the Second Burial Ground, and it was likely the first house in Woburn. Alderman Campbell asked if an archaeologist should have been there. President Haggerty said any excavation would have had to stop if human remains were found. Steven Holland said any digging would have to stop immediately if human remains were found. Motion made by Alderman Mercer-Bruen and seconded by Alderman Tedesco to amend the language of condition #3 to read: “The petitioner will notify the Woburn Historical Commission, Woburn Cemetery Commission and Ward Alderman prior to excavation of the property to allow for a member to observe the excavation of the property to ensure the abutting Second Burial Ground is not disturbed;” ought to pass, 5-0.

**Hill Hockey Clinic LLC for a special permit to allow for use of the legal existing nonconforming structure for a hockey training facility at 90 Blueberry Hill Road:**

Appearing for the petitioner were Attorney Joseph Tarby, 600 Unicorn Park Drive, Woburn, MA; Eddie Hill and Kelly Olson, of Hill Hockey Clinic LLC, 16 Seabrook Road, Salisbury, MA; and Timothy Williams, Allen & Major Associates, 100 Commerce Way, Woburn, MA. Chairman Gately said the petitioner has submitted a new plan. Motion made by Alderman Tedesco and seconded by Alderman Campbell to accept and make part of the permanent record a new plan of record dated July 13, 2018; approved, 5-0. Attorney Tarby said the Hill Hockey facility will have four locker rooms, a small office area, a small vending area, no snack bar and 37 parking spaces. He said all dumpsters on the property will be enclosed. He said hours of

operation will be from 7 a.m. – 10 p.m. on weekdays and 6 a.m. – 9 p.m. on Saturday. He said signage will be posted encouraging drivers to obey the rules of the road and to not use Blueberry Hill Road. He said signs indicating “left turn only” will be posted to encourage drivers to use Holton Street instead of Blueberry Hill Road. Attorney Tarby referenced an email from Fire Chief Stephen Adgate indicating the Woburn Fire Dept. has no concerns about a fire truck being able to circumnavigate the building. He said the petitioner will be installing a surveillance system inside and outside the building. He said there are no concerns with underage drinking because the half-sized ice sheet limits the ages of people who will be on-premises. Attorney Tarby said his client has submitted a document entitled “The Real Truth” in response to some of the concerns of the abutters. The petitioner has also enclosed photos of operations at similarly-sized facilities. Attorney Tarby said the petitioner will be offering the facilities to the “Skate for the 22 Foundation,” an organization that caters to U.S. military veterans. Attorney Tarby said the visibility along Blueberry Hill Road will be better if the city trims the trees and bushes. Attorney Tarby advised the committee it needs to consider what else will go in there, if the special permit is not approved. He said among the uses by right and by special permit include a child care center, a health club, a commercial playground, business service and medical and dental offices. Motion made by Alderman Tedesco and seconded by Alderman Mercer-Bruen to receive and make part of the permanent record a memorandum dated July 26, 2018, from Attorney Tarby with 16 exhibits; approved, 5-0. Mr. Hill presented placard images of Holland Arena, a facility he said is “super close” to their facility. He showed a photo indicating nine skaters and one coach on the ice and said that is a prototypical practice. He showed another photo of the lobby of Holland Arena with no one in it at 6:10 p.m., and five vehicles in the parking lot. Mr. Hill said the Blueberry Hill site has plenty of spots for what they are trying to do. Chairman Gately said Mr. Hill wouldn’t be able to know if the Holland Arena’s parking lot is full an hour later. Ms. Olson said Hill Hockey and Holland Arena share the same concept in that there are small groups. She said Hill Hockey will not be running tournaments with hundreds of kids and there is not going to be an overflow of parking. Chairman Gately said he has never gotten a complaint about the storage company. Mr. Hill said there is a loading dock with trucks there now. He said his users drive minivans. He referenced a picture among his documents with a child and a hockey bag in the back of a minivan. He said he walked around the building recently and there were two men he said were apparently speaking Lithuanian who seemed to be very guarded on the premises. He told Chairman Gately not to tell him there are no dangers associated with the moving company. Chairman Gately said a 10-year-old like the one in the photo turns into an 18-year-old very quickly. Ms. Olson said Hill Hockey will not be running high school practices. She said the only adults using the rink will be the veterans’ groups. Alderman Higgins said she wondered why there were four locker rooms until she figured out both boys and girls would be using the facility. She said her concern remains parking. Mr. Williams said the plans originally called for 22 spaces, then 29 and now there are 32, after some spaces were converted to spaces for compact cars. Alderman Mercer-Bruen asked if a minivan can fit into a parking space for a compact car. Mr. Williams said two tandem spaces were added for the rink manager and coaches, which resulted in the three additional spots. He said he has spoken with Building Commissioner Thomas Quinn about the dumpster and it will be located just outside the buffer zone. He said the material for the sidewalks was changed from stone dust to asphalt. Alderman Tedesco asked if the fire department has reviewed the new plan. Mr. Williams said the new plan has not changed from an access perspective. Chairman Gately said he took a walk around the building and saw eight compact spots. He asked how the people who park in the spots near the

Zamboni entrance are going to access the building. Mr. Williams said there will be an egress point there. Attorney Tarby said a stairway will be built. Chairman Gately said he is concerned about the location of the dumpster because the elevation drops off about 90 feet. Mr. Williams said the dumpster will be located in a spot with about a 4-foot drop. Chairman Gately said there is no protection along the access road and someone could drive off and fall down the hill. Mr. Williams said a guardrail will be added. Chairman Gately said the petitioner is not going to find a solid place to put in a guardrail and suggested Jersey barriers might be a better option. Chairman Gately asked about handicapped parking. Mr. Williams said the handicapped parking spots will be 9-feet by 18-feet with a 10-foot aisle. Chairman Gately said people who are parking will have no safety unless there are sidewalks along the back and both sides. He said this is not a good site for a hockey rink. Alderman Higgins said she is not a fan of stacked parking spaces, nor is she a fan of parking spaces for compact cars. She said people aren't buying compact cars as much these days. She said parking spaces are going to be lost during the winter. Mr. Williams said Hill Hockey only requires 22 spaces, and the additional 10 spots were created because the council asked for more parking. Alderman Tedesco asked if the plan shows the proposed lighting. Mr. Williams said the lighting will be wall packs on the building. Alderman Campbell said she does not like compact spaces. She said she assumes parents drive larger cars. She said she is also concerned about safety for pedestrians. She said she is trying to wrap her head around how many cars will be coming to the site. She said she is concerned people will be coming and going on Blueberry Hill Road. She said she loves the idea of signs that advise drivers to respect the neighborhood and "Don't turn right." She said that will absolutely be an issue. She asked about hours of operation on Sunday, because there were not mentioned during the presentation. Mr. Hill said the hours on Sunday will be roughly the same. Ms. Olson said the busiest times will be from 7 a.m. to 7 p.m. on weekdays, but added the rink will not necessarily be booked every hour. She said kids usually get out of school by 3 p.m., and the first group probably hits the ice around 4 p.m. Alderman Campbell said she needs to contact the storage company and find out about the volume of trucks. Alderman Mercer-Bruen said the storage company vehicles leave at 7 a.m. and arrive between 2-3 p.m. She said the trucking on the street is crazy. Mr. Hill said the owner of the building owns a storage company and will increase the business if Hill Hockey does not get the special permit. Alderman Campbell said she is concerned about what will go in there if the hockey rink does not. Chairman Gately said he wants to open the meeting to the public. Motion made by Alderman Tedesco and seconded by Alderman Campbell to open the meeting to comments from the audience; approved, 5-0. James Healey, 47 Blueberry Hill Road, Woburn, MA, said the pictures Mr. Hill showed of the Holland Arena were all taken at the same time on the same day. Mr. Healey asked if the building is non-compliant or non-conforming. Chairman Gately replied the building does not conform with zoning. President Haggerty said the building was built prior to the adoption of the zoning code in 1985 and is therefore a pre-existing, non-conforming use. Mr. Healey asked if it is possible for the neighbors to get a copy of the new plan. He said he is still not convinced a fire truck will be able to make it around the building. Mr. Williams said the new plan is the exact same plan the fire department previously reviewed and there is 19 feet of access at the corner of the building. Mr. Healey said he is concerned there won't be enough room for a fire truck when there is now. Mr. Healey said Mr. Hill claims to have support from neighbors, but he has never seen one person speak at a meeting in support of the special permit. He said the hockey rink will increase by about 20-30 vehicles the number of cars driving through the neighborhood. He said this is not the right place for a hockey rink. John Manganiello, Arborjet, 99 Blueberry Hill Road, Woburn, MA, said his company is interested in

that building. He said the storage company's activities are not constant. He said there will be more traffic if there is an ice rink there. He said the hockey rink patrons are going to be parking in the neighborhood. He said this is not the right place for a hockey rink. He said manufacturing would be a better fit. Darcy Hornberger, 5 Fox Road, Woburn, MA, suggested if the men Mr. Hill encountered at the storage company are Lithuanian, they may have been wary of people they don't know due to the current attitudes toward immigration in the country. Ms. Hornberger said the storage company does not create a great deal of traffic. She said Arborjet has been a good neighbor and you hardly ever notice its presence in the neighborhood. She said she is concerned about noise coming from the Zamboni and the condensers. She said she thinks the area is already congested between 3-7 p.m. Motion made by Alderman Tedesco and seconded by Alderman Campbell to post the most recent copy of the Hill Hockey plan and the letter from Chief Adgate on the City Council's web page; approved, 5-0. Allan Corser, 4 Fox Road, said he is of Lithuanian descent. He said doesn't know what the nationality of the two men Mr. Hill encountered has to do with the operations of the storage company. He said he does not see a sustainability to the hockey rink at this location. He asked what the growth possibility is once the business is established. He said he has concerns about adding traffic to the cul-de-sac. He said there has been a lot of back and forth between the petitioners and the neighbors and every time there's another meeting, the petitioners add more parking spaces. He said this is not the environment for a hockey rink. Chairman Gately said he has received email from residents about the petition. Motion made by Alderman Tedesco and seconded by Alderman Campbell to receive the email from Alderman Gately and make it part of the permanent record; approved, 5-0. Jack Coakley, 2 Pigeon Road, asked if someone would buy a house next to a hockey rink. Alderman Mercer-Bruen said that logic could also apply to a storage company. Mr. Coakley asked why the petitioners get to make money and the residents lose money in their property values. He said the neighbors are asking for the council's support. He said the bottom line is the neighbors don't want this. He asked how many meetings the neighbors have to attend before the council denies the special permit. Chairman Gately asked for a show of hands from the audience regarding who was in favor of the petition and who was opposed. Clerk of Committees counted six people who raised their hands in support of the project, and 12 who raised their hands in opposition to the project. Maj. Angela Motlagh, 38 Buckman Street, said she is stationed at Hanscom Air Force Base. She said the Skate for the 22 Foundation is a learn-to-skate program that helps veterans cope with the pressures of military service. She said Mr. Hill is doing a great job of trying to accommodate the neighbors' concerns about traffic and parking. She said she learned to skate through the Skate for the 22 Foundation. She said there are usually only three participants and a coach on the ice, and that wouldn't take up much parking. She said she thinks the hockey rink will be beneficial to the community. She said she and her husband moved to Woburn a few years ago and they are looking forward to raising their child in the community (Scrivener's note: Maj. Motlagh is discernably pregnant). Donald Chamberlain, 4 Walnut Court, said he is a Senior Vice-President of Woburn Youth Hockey and he has a lot of experience working with youth hockey programs. He said he never recalls there ever being more than 20 cars in the parking lot at Holland Arena. He said he is not insensitive to the neighbors' concerns, but the hockey rink will be one of the uses that has a least impact on the area. Patty Coakley, 2 Pigeon Road, said she didn't think it was right for Maj. Motlagh to try to tug at the neighbors' heartstrings because she is a veteran. She said the neighbors' concerns about parking and traffic coming off Blueberry Hill Road and Holton Street are legitimate. Robert Collintin, of the Skate for the 22 Foundation, said rinks like the one Mr. Hill wants to establish are crucial to the success of the program. He

said the foundation has reached out to Mr. Hill and Ms. Olson about the availability of ice time. He said there are about 300 participants in the program. He said they have respect for the community. He said one of the goals of the foundation is suicide prevention and the availability of ice time is an important aspect in that respect. Jason Coakley, 46 Blueberry Hill Road, said the rink will be in his backyard. He asked why all of a sudden he has to deal with noise from a hockey rink. He said the hill is very dangerous. He said he is not against hockey, and he's not against veterans, but this is just a bad idea. Nicholas Motlagh, 38 Buckman Street, said he is a part-time major in the U.S. Air Force. He said he flies for Delta Air Lines. He said he has flown 262 combat missions. He said he is involved in the Skate for the 22 Foundation. He said when he was considering moving to Woburn he googled "ice rinks" and found out there is a fine tradition of youth hockey in Woburn. He said comparing Hill Hockey to a full-sized ice rink is comparing apples and oranges because Mr. Hill will be operating more of a training facility. He said the Skate for the 22 Foundation is held to a strict code of conduct. He said the participants do not drink alcohol. He said the Hill Hockey facility will provide opportunities. He said his not-yet-born son, who will be named Zachary, will be playing hockey. He said he and his wife have grown so fond of the community they plan to retire here. Michael Dupont, 23 Blueberry Hill Road, said he has three children aged 10, 9 and 4 who are involved in sports. He said even though the moving company works seven days a week the impact on traffic is maybe two cars per day. He said the rink is not the same. Attorney Tarby asked if he could have a copy of the email presented by Chairman Gately. Motion made by Alderman Tedesco and seconded by Alderman Campbell to provide the petitioner with a copy of the email presented by Chairman Gately; approved, 5-0. Alderman Mercer-Bruen said she received one email about the petition from someone who is not from the neighborhood. Attorney Tarby said the council needs to consider the other potential uses. He said Planet Fitness could go in there if it is under 15,000-square-feet. He said the Hill Hockey proposal takes steps to mitigate traffic on Blueberry Hill Road. Attorney Tarby said there is a commercial building there now and something will go in there. He said the hockey rink will not impact property values. He said his client is willing to work with the committee on conditions to the special permit. Chairman Gately said the petition is more detrimental to the neighborhood, under Section 7.3 of the Woburn Zoning Ordinance. He said he estimates there will be 120 trips, seven days a week. He said there will be too much traffic in the wrong area. He said the building is not safe and the and the dumpster won't fit. He said the number one thing is the rink will be a detriment to the neighborhood. He said Blueberry Hill is the worst hill in Woburn. He said he's seen school buses that couldn't make it up that hill. Attorney Tarby said that is why his client is offering to put up left turn only signs. Chairman Gately said there are traffic and safety issues. He said it's a bad spot. He said the neighbors don't want it and he doesn't want it. He said if Planet Fitness wants to go in there, the council will also raise the same issues about parking. Alderman Mercer-Bruen said she is still struggling with the parking aspect. She said minivans are probably better than trucks. She said this is an opportunity to get trucks off Holton Street and that is something she does not want to ignore completely. She said she is still struggling with the parking. She said she said she would prefer to hold another committee meeting or send the matter back for action. She said she wants to make sure the council is doing to right thing all around. President Haggerty said he thinks the committee ought to make a recommendation for the petitioner and for the neighbors. He said he thinks the committee has to make a decision. He said deliberations have been going on for a long time. President Haggerty said he lives on Leonard Street, near Blueberry Hill, and he played hockey

his whole life, so he gets input from people on both sides. Motion made by Alderman Campbell and seconded by Alderman Mercer-Bruen to send the matter “back for action,” approved, 5-0.

**Motion made by Alderman Mercer-Bruen and seconded by Alderman Tedesco to adjourn,** all in favor, 5-0. Chairman Gately adjourned the meeting at 8:28 p.m.

Attest: \_\_\_\_\_

Gordon Vincent  
Clerk of Committees