

**COMMITTEE ON SPECIAL PERMITS
MONDAY, AUGUST 26, 2019 at 6:37 P.M.
WOBURN CITY HALL
COMMITTEE ROOM**

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

Non-voting members present: President Michael Anderson, Alderman Lindsay Higgins, Alderman Michael Concannon, and Alderman Robert Ferullo

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VOTED to dispense with the reading of the previous meeting's minutes and to approve, all in favor, 5-0.

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On the Petition by Arista Development, LLC for special permits as follows: 1. to allow for an exception to area and landscaping requirements, 2. to allow a loading door in place of a loading bay, and 3. for alteration of nonconforming structure to allow for retail pharmacy at 506 Main Street: Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina, 600 Unicorn Park Drive, Woburn; MA. Philip R. Henry, P.E., Civil Design Group, LLC, 21 High Street, Suite 207. North Andover, Massachusetts 01845, F. Giles Ham, Vanasse & Associates, Inc., 35 New England Business Center Drive, Suite 140, Andover, Massachusetts 01810, and Douglas Benoit, Project Manager, and Scott Weymouth, Principal, Arista Development, LLC, 450 South Station Avenue, South Yarmouth, Massachusetts 02664. Mr. Henry said the existing building will be demolished and replaced with a Walgreens. He said there will be no drive-through pharmacy component. He said there will be 20 parking spaces in back of the building. He said there will not be any large tractor-trailers delivering to the building. He said there is a change in grade of about seven feet from the parking lot to the parking area. He said the property line will be bounded by a 6-foot stockade fence. He said the project is addition by subtraction. He said his client is re-purposing the existing site. Attorney Tarby said the property runs about 230 feet off Main Street, and that removal of the building will add daylight to the area. He said there will be landscaping added to the property. He said an existing retaining wall will be replaced with a fence and trees and it will be more open. President Anderson asked why the stockade fence is not white vinyl. Mr. Henry said his client prefers a wooden fence. President Anderson asked about signage. He said he does not want any traffic from Walgreens going onto Spring Street. He said he wants traffic routed to Main Street. He said he wants concrete sidewalks instead of bituminous materials. He said there should be granite curbing on both sides of Hovey Street. Mr. Henry said his client is prepared to mill and overlay Hovey Street. Alderman Concannon asked what the condition of the existing sidewalks is. President Anderson said they are crumbling. Chairman Gately agreed the sidewalks on both side of Hovey Street should be bounded by granite curbing. President Anderson said the DPW and the Building Dept. would like to know who the snow removal vendor is going to be. He said there should be a condition requiring pest management for the dumpster that should be coordinated with the health inspector. Attorney Tarby said he has drafted a list of proposed conditions. Motion made by

Alderman Tedesco and seconded by Alderman Mercer-Bruen to accept Attorney Tarby's document entitled "Working Draft of Proposed Conditions to Special Permit Petition of Arista Development LLC – August 23, 2019;" approved, 5-0. Alderman Campbell asked if trees will be planted in the back section of the parking lot to screen the building from neighbors. Mr. Henry said the petitioner felt that was unnecessary. Alderman Campbell said she would like to see trees. She said the Walgreens in the South End has not been good stewards of the property. She said Walgreens has not kept up the property in the South End. She said she would like Walgreens to add vinyl fencing and trees to upgrade the property on Main Street. Attorney Tarby said Walgreens does not own the property in the South End. He said the landlord has not been responsive. Mr. Henry said he is not sure Hovey Street is wide enough to accommodate sidewalks on both sides of the street but added he would look into it. Chairman Gately said he would like the dogleg on Spring Street to be paved up to the 7-Eleven building. Alderman Concannon asked what the distance of Spring Street is. Chairman Gately said Spring Street is about 110-120 feet. Alderman Concannon asked if the petitioner considered a 1-way in, 1-way out configuration for better traffic circulation. Mr. Henry said they did think about that, but there would be enforcement issues. He said the egress is not wide enough to promote 1-way traffic. He said drivers typically take the path of least resistance. Alderman Concannon asked about trucks coming down Hovey Street from Main Street. Mr. Henry said the large trucks that will be coming to the site can circulate in the parking lot and will back into the loading area. He said a couple of parking spaces were removed to accomplish this. Alderman Concannon asked what will happen if the parking spot next to the loading pad is occupied. Mr. Henry replied the loading area can still be accessed. President Anderson asked about the status of the crosswalk. Mr. Henry said the crosswalk will be restored as part of the effort to mill and overlay the street. President Anderson asked where the stop sign will be located on Hovey Street and if sight lines will be blocked by the building. Mr. Ham said the intersection of Hovey and Main streets will be tight and drivers will have to look both ways and be careful to exit Hovey Street. Alderman Campbell asked how many deliveries there will be per day. Mr. Benoit said he expects there will be one or two Walgreens trucks per week. He said trucks from various suppliers like Coke and Pepsi will be coming at various times and the deliveries will be arranged by the store manager. Alderman Campbell said she does not believe there should be any deliveries on Sunday. Mr. Benoit said expects there will be deliveries of Sunday newspapers. Alderman Campbell said 7 a.m. – 9 p.m. seems like a long period of time for deliveries. President Anderson said there should be a limit on dumpster emptying to between 7 a.m. and 7 p.m. Attorney Tarby said the council limited deliveries on Sunday to the CVS in North Woburn to CVS trucks. Alderman Concannon asked if Walgreens would be willing to limit hours of deliveries. Mr. Benoit said Walgreens could limit hours of deliveries to 7 a.m. – 7 p.m. Alderman Campbell said that is better. Chairman Gately said he would prefer the dumpster to be emptied between 7 a.m. and 5 p.m. President Anderson suggested limiting Sunday deliveries to the front of the building. Mr. Weymouth said that would be really difficult to manage. He said he could live with the same condition as CVS regarding Sunday deliveries. Alderman Ferullo said the situations are different because of the proximity of neighbors. Alderman Tedesco said there are neighbors who live near the CVS in North Woburn. Alderman Campbell said she would have to take a look at delivery restrictions on Sunday. She said she would like to give the neighbors a little relief. Chairman Gately said the existing business used to have tractor-trailer deliveries and 30-40 employees. President Anderson said he believes the existing business limits deliveries to the front of the building. Alderman Mercer-Bruen suggested adding a condition requiring all exterior lighting to be dark sky compliant. She

suggested amending condition #5 to read no construction work can take place while City Hall is closed because the Building Dept. is unable to respond to any inquiries. Chairman Gately said he would like to see the petitioner be required to re-pave Spring Street, re-stripe the handicapped spots in front of the building, and enact pest control for the dumpster. Chairman Gately asked how the petitioner intends to dispose of pharmaceutical waste. Mr. Weymouth said pharmaceutical waste is stored inside the pharmacy area, and it is not disposed of in the dumpster. Chairman Gately said he hopes there will be more landscaping at the 506 Main Street site than there is at the 175 Main Street site. Mr. Weymouth said there is distinct difference between the two properties. Chairman Gately said he wants a sign on Spring Street indicating there are right turns only onto Main Street. President Anderson suggested an addendum to proposed condition #4 requiring the dumpster to be emptied between 7 a.m. – 7 p.m. President Anderson suggested the following additional conditions 12-19 as enumerated below. Chairman Gately suggested conditions 20-26 as enumerated below. Mr. Henry said the abutters to the south of the property are 6-8 feet above grade. Attorney Tarby said he would like to review the full list of conditions. Motion made and seconded by Alderman Tedesco and seconded by Alderman Mercer-Bruen to send the matter “back for action,” with the following conditions; approved, 5-0:

1. The Petitioner shall construct and improve the site as substantially described on the Plan of Record which for this project shall be “Site Plan Set for Proposed Walgreens, 506 Main Street, Woburn, MA 01801” dated July 26, 2019, Sheets 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 (hereinafter the “Site Plan”) although design adjustments and modifications generally associated with: (i) preparing so-called “working drawings” or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan.

2. That all deliveries shall be between 7:00 a.m. and 7:00 p.m. Monday to Saturday. Deliveries on Sunday shall be between 8:00 a.m. and 5:00 p.m. and shall be on Main Street side only on Sundays;

3. Prior to the issuance of its occupancy permit, the Petitioner shall complete the following:

- a) An upgrade of the traffic signal controllers for the intersections of Main Street at Salem Street/Campbell Street and Main Street at Montvale Avenue from M-50 controllers to ATC 60 controllers;
- b) Install new SPF switches in the cabinets at the above two intersections;
- c) Work with the City of Woburn to diagnose and repair (not to exceed \$20,000.00) the communication issue from the signal controllers to the City of Woburn Engineering Office;
- d) Subject to approval of the Woburn Traffic Commission, install a stop sign on Hovey Street at the intersection with Main Street;
- e) Subject to approval of the Woburn Traffic Commission, install a stop sign on Manns Court at the intersection with Main Street;
- f) Install concrete sidewalk along its property boundary from the rear property line to Main Street as shown on Sheet 4 of the Site Plan; and
- g) Topcoat, mill and overlay extending to the Northerly edge of pavement on Hovey Street as shown on Sheet 4 of the Site Plan.

4. All dumpsters and waste containers shall be enclosed by means of a fence, wall or landscaping in compliance with the Woburn Zoning Ordinances; and may only be emptied between the hours of 7 a.m. and 7 p.m.

5. Exterior construction activities on the Site shall not commence prior to 7:00 a.m. and shall cease no later than 6:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. Saturday. This condition shall not apply to any on street utility work;

6. During the Site redevelopment and construction phases, the Petitioner shall maintain all adjoining roadways free and clear of all debris;

7. All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting any abutting properties;

8. That the hours of operation for the store and pharmacy shall be limited to 7:00 a.m. to 10:00 p.m. seven (7) days per week;

9. The Petitioner shall file with the City Clerk a snow storage plan prior to the issuance of an occupancy permit;

10. Mitigation for this project shall consist of the items set forth in Condition 3(a)-3(g) above; and

11. The City Council in granting this Special Permit finds that the alteration of the nonconforming structure will not be more substantially detrimental than the existing nonconforming structure to the existing neighborhood.

12. All fencing on the property shall be made of white vinyl and must be maintained in perpetuity.

13. All landscaping and trees on the property shall be maintained in perpetuity, with the replacement of any dead or ailing specimens.
14. All sidewalks shall be constructed with concrete.
15. All curbing on Hovey Street shall be granite. Curbing on the inside of the site shall be either granite or concrete.
16. Signs shall be erected directing traffic exiting the site toward Main Street, not Spring Street.
17. Grinding and overlay of Spring Street from the intersection of Hovey Street to the fare end of the “7-Eleven building”.
18. The dumpster shall be screened and a pest management system shall be implemented in coordination with the Board of Health Agent.
19. The identity of the snow removal vendor shall be provided to the Dept. of Public Works and the Building Dept. by Oct. 15 each year.
20. All unused utility lines shall be cut and capped.
21. A 3-gate system of fire suppression shall be installed.
22. The dumpster shall only be emptied between 7 a.m. and 4 p.m., Monday-Saturday.
23. Trees shall be planted as a screen on the west side of the parking lot
24. The handicapped parking space in front of the building shall be re-stripped and re-painted.

- 25. All exterior lighting on the property shall be dark sky compliant.
- 26. The fence surrounding the premise shall be white vinyl and shall be maintained in perpetuity.
- 27. Granite curbing shall be installed on the North side of Hovey Street from Main Street to Spring Street at the direction of the DPW Superintendent and sidewalks shall be installed on the North side if the DPW Superintendent determines that there is sufficient room to do so.

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On the Petition of Seaver Properties LLC, approval of landscape plan at 299 Lexington Street: Representing the special permit holder was Attorney Joseph Tarby, Murtha Cullina, 600 Unicorn Park Drive, Woburn, MA, and Matthew Maggiore, The Maggiore Companies, 13 Wheeling Avenue, Woburn, MA. Mr. Maggiore showed a display of the proposed landscaping plan. He said the plan is dated February 6, 2018. Attorney Tarby said condition #17 of the special permit requires the City Council to approve the landscaping plan contemporaneously with the approval of the occupancy permit for the first phase of the project. Mr. Maggiore said the landscaping plan is rather robust. He said there are a variety of tall trees including Green Mountain sugar maples, white spruces, blue spruces and sour gum among others that will provide quite a bit of screening from Lexington Street. Alderman Campbell asked how big the trees will be when they are planted. Mr. Maggiore said the trees will have a 3.5-inch caliper. Mr. Maggiore said five trees on city of Woburn property were cut down. He said he has spoken to Alderman Higgins and the trees will be replaced with new trees. He acknowledged it will be difficult to replicate the trees that were cut down. Alderman Higgins said a couple of the trees that were cut down were removed to provide access to the house that was there. Mr. Maggiore said the landscaping on the interior of the development will be just as robust. He said he wants the place to look nice because their name is on it. Chairman Gately asked if the landscaping plan was required after the first seven units were built. Mr. Maggiore said that is correct. He said the project is almost at that point. He said he would like a vote from the council on Tuesday. Attorney Tarby said procedurally there is no public hearing involved. He said the committee can send a recommendation to the full council. Mr. Maggiore said everything is irrigated. He said everything will be screened. Motion made by Alderman Tedesco and seconded by Alderman Mercer-Bruen to accept the landscaping plan dated February 6, 2018; approved, 5-0.

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Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to adjourn; approved, 5-0. Chairman Gately adjourned the meeting at 7:27 p.m.

A TRUE RECORD ATTEST

Gordon Vincent
Clerk of Committees