

COMMITTEE ON SPECIAL PERMITS
SEPTEMBER 24, 2018 at 6:28 p.m.
WOBURN CITY HALL
COMMITTEE ROOM

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

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

Motion made by Alderman Mercer-Bruen and seconded by Alderman Tedesco to take the Resolve to review special permit issued for Hilton Hotel at 2 Forbes Road relative to deliveries, out of order from the posted agenda, approved, 4-0: Appearing for the Hilton Hotel were Attorney Mark Salvati, 10 Forbes Road, Woburn, MA, and Mike Chouri, General Manager. Chairman Gately recognized from the audience Josephine Benson, 55 Cedar Street, Woburn, MA. Alderman Mercer-Bruen said she has received complaints about deliveries to the hotel late at night and early in the morning. She said the first time she got a complaint was in 2017. Mrs. Benson said the Hilton Hotel accepts deliveries seven days a week for what seems like 24 hours a day. She said she often hears at 10 p.m. or 3 a.m. trucks beeping when they back up, and asked if they could shut off the alarm before 3 a.m. She said she does not understand why there are deliveries at 3 a.m. She said she called the hotel on Sunday to complain because there was a sign being painted on the building. Alderman Mercer-Bruen said she believes the Board of Appeals granted a variance for the sign. Attorney Salvati said the painting is being done by right. He said the board's request for a variance for a sign was denied by the Board of Appeals. Mrs. Benson asked what the difference is between painting the sign and graffiti. She said the painters were using a cherry picker that beeps when it backed up. She said the painters started at 7:45 a.m. on Sunday and there was a delivery at 6:45 a.m. She said she started hearing the cherry picker at 7:45 a.m. She said she called the hotel twice to complain but was hung up on both times. She said she spoke to Mr. Chouri. She said she does not think the painting project needs to be done on a Sunday. Mrs. Benson said she realizes she does not live in an entirely residential area but she would like more peace and quiet. Alderman Mercer-Bruen said there are other people in the area having the same issues. Attorney Salvati said there have been recent changes to management and ownership of the hotel. Mr. Chouri apologized to Mrs. Benson for the disruptions caused by the painters. Alderman Mercer-Bruen asked about the disruptions from the deliveries. Mr. Chouri said deliveries at odd hours are not the norm, and he has told the hotel's vendors they cannot arrive during the early morning hours. Mrs. Benson said she is fine with one or two deliveries, but not all week long. Alderman Mercer-Bruen said if there were noises coming from another building and the guests at the Hilton could not sleep, that wouldn't be good for the hotel. Mr. Chouri said the hotel wants to be a good neighbor and there have been procedures for deliveries emailed to the hotel's vendors. Alderman Mercer-Bruen suggested Mr. Chouri could reach out to the building manager at 55 Cedar Street, who has apparently been keeping a log of complaints. Chairman Gately said the backing alarms on trucks cannot be disabled. Attorney Salvati said there is nothing in the special permit referencing deliveries and that his client must abide by delivery hours set forth in the Woburn Zoning Ordinance. Alderman

Mercer-Bruen asked if the special permit allows the hotel to paint on Sundays. Chairman Gately said they are not supposed to be working on Sunday. Mr. Chouri said the painters felt badly when they were advised there was a complaint. Mrs. Benson said the situation has gotten better. Alderman Mercer-Bruen said she is all set. Chairman Gately said a complaint has been issued and any further complaints will result in hotel officials being brought in for another meeting. Alderman Gaffney said if there is a trade show at the hotel, those events run for 24 hours.

Motion made by Alderman Mercer-Bruen and seconded by Alderman Tedesco to return to the regular order of business; approved, 4-0.

283 Salem Street, LLC for a special permit to allow accessory storage and overnight parking of up to ten (10) commercial motor vehicles and open or outside storage of new or used building materials or equipment as relates to the operation of a fence assembly and manufacturing business at 4 Draper Street: Appearing for the petitioner were Attorney Robert Tedesco, 88 Main Street, Woburn, MA, and Andre Theriault and Michael Theriault, 283 Salem Street LLC. Chairman Gately asked if Reliable Fence will be moving from its Salem Street location. Andre Theriault said the company is not leaving Salem Street. He said it is expanding to Draper Street. Chairman Gately said there were some issues with the property on Draper Street that were discussed during the public hearing. He said he hopes Reliable Fence will clean up the property. He said there are four storage trailers that are illegally on the property. Andre Theriault said he did not put those trailers there. Chairman Gately said there were 15 different vehicles, some of which were from landscaping companies, and all of them must come out of there. Andre Theriault said his observation of the property in its current state is it is where canteen trucks go to die. He said his goal is to be a good neighbor on Draper Street. Chairman Gately said he has never heard any complaints about the operation on Salem Street. Andre Theriault said his operation is more of assembly and shipping than manufacturing. He said the company does 70 percent of its own installation and there is very minimal noise. He said the machines the company uses make a beep-beep noise when they are backing up, but that OSHA will not allow them to be removed. He said the employees do not work after hours. He said the beep-beep noises are not louder than the trains that go by. He said he wants to repave the parking lot and repair the roof. He said he wants to have a nice piece of property because he is buying it. Chairman Gately said there must be access to the pumping station. He suggested installing a lock box, with a key given to the DPW. He said there is a pipe on the lot on the incline toward the railroad tracks. Andre Theriault suggested laying crushed stone around the pipe. Chairman Gately estimated 2.5 inches of crushed stone would be required. Chairman Gately advised Mr. Theriault to contact the DPW if he plans to do any digging, so the location of the sewer line can be confirmed. He said he would like the property cleaned, with landscaping installed. He said the storage trailers will have to be moved out. Alderman Mercer-Bruen said she conferred with Attorney Tedesco and drafted a list of proposed conditions. Motion made by Alderman Mercer-Bruen and seconded by Alderman Tedesco to accept Alderman Mercer-Bruen's draft list of conditions for 4 Draper Street; approved, 4-0. Chairman Gately said he has gone through all the conditions. Alderman Mercer-Bruen referenced condition #1 and said the petitioner was supposed to provide pictures of the commercial vehicles that will be parked on the Draper Street site. Michael Theriault provided the committee with pictures of a pickup truck and a flatbed truck. Motion made by Alderman Mercer-Bruen and seconded by Alderman Tedesco to accept the photos from Michael Theriault and make them part of the permanent record; approved, 4-0.

Alderman Mercer-Bruen said condition #7 regarding the installation of an 8-foot fence was suggested by the Planning Board and offers the petitioner the option of installing a solid fence or a chain link fence with mesh covering. Attorney Tedesco said his client wants to put in a chain link fence with vinyl slats and that the Building Commissioner is OK with that. Regarding condition #8, Alderman Mercer-Bruen said that she is trying to avoid as much cut-through traffic as possible in the residential area, and she requested that Mr. Theriault ask his employees to enter and exit from Montvale Avenue. Andre Theriault said his employees are like family members and they will generally cooperate with any requests. Referencing condition #10, Andre Theriault asked to refer to "Reliable Fence Co. of the North Shore Inc." Motion made by Alderman Tedesco and seconded by Alderman Mercer-Bruen to add the aforementioned phrase after both references to "283 Salem LLC;" approved, 4-0. Alderman Anderson suggested adding the phrase "employees shall be encouraged" to condition #8. Motion made by Alderman Tedesco and seconded by Alderman Mercer-Bruen to add the aforementioned phrase to condition #8; approved, 4-0. Andre Theriault asked why a distance of 5 feet is referenced in condition #11. Alderman Mercer-Bruen said the 5-foot distance is the buffer zone between the petitioner's property and the residents. Alderman Mercer-Bruen referenced condition #13 and asked about the status of the existing tenants. Andre Theriault said he has seen a lot of movement recently. Michael Theriault said he expects all the tenants to vacate the property by November 1, except for Al Depaoli's small portion of the building. Andre Theriault said he eventually wants to occupy the entire building. Michael Theriault said he expects Mr. Depaoli to be out within a year. Mr. Theriault asked if condition #12 could specify that parking for tenants will be in front. Alderman Mercer-Bruen said that could be left up to the petitioner to figure out. Motion made by Alderman Mercer-Bruen and seconded by Alderman Tedesco to add the phrase "except for Adco" to condition #13; approved, 4-0. Motion made by Alderman Mercer-Bruen and seconded by Alderman Tedesco to remove condition #14 from the proposed list of conditions; approved, 4-0. Alderman Mercer-Bruen said condition #15 will now become condition #14 and reflects the regulations for dumpsters in the Woburn Zoning Ordinance. Alderman Mercer-Bruen said proposed condition #16 is now condition #15 and requires rodent control measures to be in place year-round. Attorney Tedesco asked the petitioners what types of materials they put in the dumpster. Michael Theriault replied most of the company's refuse is fence debris. Attorney Tedesco asked the petitioners if they recycle. Michael Theriault said the company does in fact recycle. Alderman Mercer-Bruen said she is concerned about trucks leaving the site before 7 a.m. and asked if the departure hour could be later. Michael Theriault said the company services the Greater Boston area and if the trucks don't get to Route 128 until 7:30 a.m., they will be stuck on the highway for two hours. He said customers need to see the fence crews arrive early. Alderman Mercer-Bruen asked how many of the 10 commercial vehicles will be leaving at the same time. Michael Theriault said only 3-4 trucks will be leaving at once. Andre Theriault said the company does not use tractor-trailers. Alderman Mercer-Bruen said she plans to work with the mayor to fix the roads in the area so big trucks don't run over potholes and make noise. She said if Reliable Fence is going to use flatbeds and pickup trucks, she does not have as much of a problem. Alderman Mercer-Bruen suggested a condition #17 that reads the south parking lot must be maintained and 2.5 inches of crushed stone shall be added. Alderman Mercer-Bruen suggested a condition #18 that requires the petitioner to maintain the landscaping. Michael Theriault said they intend to make the parking lot look nice. Alderman Mercer-Bruen suggested a condition that the front of the building must be numbered. Michael Theriault said that can be done when they apply for a building permit. Chairman Gately suggested condition #19 that a key

to the security gate must be given to the DPW. Alderman Mercer-Bruen asked if the committee wanted to include re-paving of the parking lot as a condition. Michael Theriault said he is not sure if the company will be able to get into the building by Nov. 1, and if it doesn't gain occupancy by that date, it may not be able to pave the parking lot. Andre Theriault said he wants to pave the parking lot so it will look good for the next 20 years. Chairman Gately asked if the petitioners will occasionally send someone over to the back wall in the rear corner and make sure it is accessible. Motion made by Alderman Mercer-Bruen and seconded by Alderman Tedesco to add condition #21 that states the head wall must be clear and free of obstruction; approved, 5-0. Chairman Gately suggested condition #22 citing the plan of record of Sept. 17, 2018. Motion made by Alderman Mercer-Bruen and seconded by Alderman Tedesco that the special permit "ought to pass" with the following 22 conditions, approved, 4-0:

1. Overnight parking of up to (10) commercial vehicles owned by Reliable Fence. (Pictures of types of vehicles to be attached)
2. All commercial vehicles to be registered in Woburn
3. All commercial vehicles to be lettered with company name "Reliable Fence"
4. Snow Removal plan to be submitted to building inspector
5. No deliveries before 7 a.m. or after 6 p.m.
6. A written description of materials to be stored outside kept on file in the building department.
7. All outside storage of materials to be fenced in with 8" solid fence, or chain link with mesh covering. No materials to be stored in parking areas.
8. Employees and delivery vehicles shall be encouraged to enter from Montvale Ave.
9. Any assembly of fencing must be done inside the building
10. Special permit is issued to 283 Salem, LLC DBA, Reliable Fence Co. of the North Shore, Inc., and shall not be transferable with the exception of a transfer to an entity of which 283 Salem Street, LLC or Reliable Fence Co. of the North Shore, Inc. is the primary or principal owner.
11. All commercial vehicles will remain in designated parking spaces and not encroach within 5 feet of the property lines (in accordance with Section 8.4.2.1)
12. No overnight parking of commercial vehicles by the "tenant". Parking spaces for the "temporary tenant" to be assigned. Tenant is office space use only
13. All existing tenants except for Adco are to be out of the building before occupancy of 283 Salem, LLC. Inspectional Services to inspect the site to confirm all tenants are gone, and site is cleaned up and report sent to the Special Permits Committee.
14. Dumpsters to be enclosed and not to be emptied before 7am or after 6pm
15. Rodent control measures shall be in place year round.
16. Hours of operation 6 am – 6 pm Monday - Friday and 7am - 5pm Saturdays. No Sundays. No tractor-trailer deliveries before 7 a.m.
17. The southerly parking area must be maintained and 2 1/2 inches of crushed stone must be laid.
18. The landscaping must be maintained in a neat manner.
19. The front of the building must be numbered.
20. A key to the security gate must be provided to the DPW.
21. The head wall must be clear and free of obstruction.
22. The plan of record is dated September 17, 2018.

JianPing Lin for a special permit to allow therapeutic massage and spa at 546 Main Street:

Appearing for the petitioner were JianPing Lin, 3 Sandpiper Lane, West Yarmouth, MA, Mike Li, 4 Duke Lane, Concord, N.H., and Mahavir Patel, representing the owner of the property, Arvind Patel, 42 Stillman Road, Lynnfield, MA. Chairman Gately said a special permit for the premises was issued on June 21, 2016, and at that time the City Council attached seven conditions, one of which was the installation of two shade trees, one on Main Street and the other on Plympton Street, that have still not been planted. Mr. Patel said planting the trees should not be a problem and won't be a big deal. Chairman Gately asked about snow storage on-site and what type of dumpster will be on the premises. Mr. Patel said the dumpster will be a model on wheels that will be emptied once a week. Mr. Li said he expects the dumpster will only have to be emptied once a week. Chairman Gately said there is room for snow storage on the right side of the parking lot, but if the snow gets too high, it will have to be removed from the site. Noting there are only five parking spaces in the parking lot, Chairman Gately asked how many employees the massage therapy business will have. Mr. Li said there will be two employees to start. He said if the business flourishes, another employee may be added, but he said they will all travel to the business in the same car. Chairman Gately asked if there are two or three office spaces in the building. Mr. Patel said there are two offices. Chairman Gately asked about booking procedures for massages. Mr. Li said appointments will be booked for a half-hour or an hour. Chairman Gately said he is concerned about parking. Alderman Concannon asked how many customers will be on-site at the same time. Mr. Li said the schedule of appointments will be staggered so there are only two customers there at the same time. Chairman Gately said the business will not be able to use any municipal parking because the building is not within 500 feet of a municipal parking lot. He said the closest municipal parking lot is the Hanson School lot. Alderman Concannon said the council must be comfortable with the parking situation before it approves the special permit. Chairman Gately said there is no parking on Main Street and there is no parking on Plympton Street due to line of sight issues. Alderman Mercer-Bruen said the council may have to include a condition in the special permit limiting the business to two therapists. Alderman Concannon asked if that works. Mr. Li asked if the council will allow three therapists. Alderman Mercer-Bruen said there is not enough parking. Mr. Patel said there are four or five parking spaces on Main Street that can be used by customers. Chairman Gately asked about hours of operation. Mr. Li said the hours being requested are 9 a.m. to 9 p.m., seven days. Chairman Gately said there is a church close by. Alderman Anderson suggested reducing the hours on Sunday to 9 a.m. to 7 p.m. Mr. Li said that is fine. Chairman Gately said all the therapists who work at the site must be licensed. Alderman Anderson said all the other terms of the existing special permit should remain in effect. Alderman Anderson said the two shade trees should be installed by May 1. Mr. Patel said he will try to plant the trees by that date. Chairman Gately said to the rear of the building there is a wall the drops down. He said trees were left there to block the wall but noted any wall more than three feet high must have a barricade. He said it is a safety issue. He urged the property owner to contact the Building Dept., because if someone falls off the wall, they are going to seek out the property owner. The following conditions were suggested: 1. The on-site dumpster shall be screened; 2. Rodent control measures shall be in place year-round; 3. Hours of operation shall be 9 a.m. to 9 p.m., Monday-Saturday, and 9 a.m. to 7 p.m. on Sunday; 4. All massage therapists must be appropriately licensed; 5. All the conditions of the existing special permit for 546 Main Street shall remain in full effect; 6. The two shade trees required as part of condition #4 of the special permit for 546 Main Street shall be planted by May 1, 2019; 7. A fence shall be erected on the existing wall in back of the building,

in accordance with the Woburn Zoning Ordinance; 8. The dumpster shall not be emptied before 7 a.m. or after 6 p.m., in accordance with the Woburn Zoning Ordinance; 9. The plan of record is dated July 25, 2018. Motion made by Alderman Mercer-Bruen and seconded by Alderman Tedesco that the special permit “ought to pass,” as amended; approved, 4-0.

Motion made by Alderman Mercer-Bruen and seconded by Alderman Tedesco to adjourn, all in favor, 5-0. Chairman Gately adjourned the meeting at 7:32 p.m.

Attest: _____

Gordon Vincent
Clerk of Committees