

**COMMITTEE ON SPECIAL PERMITS
MONDAY, OCTOBER 7, 2019 at 6:36 p.m.
WOBURN CITY HALL
COMMITTEE ROOM**

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

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

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Reading of previous meeting minutes: Motion made by Alderman Tedesco and seconded by Alderman Gaffney to approve the minutes of the meeting of September 23, 2019; all in favor, 4-0.

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On the Petition of TMC New England, LLC, 501 Pennsylvania Parkway, Suite 160, Indianapolis, Indiana 46280 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.69, 7.3, 8.6.3, 8.7.1.6, 13.5 and 15 to allow for: 1. Renovation of existing nonconforming retail establishment and shopping center to retail establishment greater than 15,000 square feet gross floor area with drive-up customer service facility within Groundwater Protection District; 2. Exception to area and landscaping requirements; 3. Allow for loading door in place of loading bay; 4. Modifications to existing nonconforming signage; and 5. Modification of Special Permit dated May 8, 2008 as modified November 12, 2009, at 175 Main Street: Appearing for the petitioner were Attorney Joseph Tarby, Murtha Cullina, 600 Unicorn Park Drive, Woburn, MA; Brian Dundon, R.J. O'Connell & Associates, Inc., 80 Montvale Avenue #201, Stoneham, MA; and F. Giles Ham, Vanasse and Associates, 35 New England Business Center Drive, Andover, MA. Attorney Tarby said the petitioner has taken the committee's comments from the previous meeting on Sept. 23 into consideration. Mr. Dundon said the petitioner is proposing to remodel the building into a CVS pharmacy with a drive-through component. He said the building is being reduced by about 550-square-feet to accommodate the pickup window. He said the parking lot will be reconfigured. He said the committee gave some feedback at the Sept. 23 meeting and the loading dock and delivery areas were adjusted accordingly. He said the loading dock was kept in back of the building but it and the trash enclosure area were relocated to avoid potential conflicts with cars parked at 5 Fowle Street. He said the delivery route will come off Main Street, circle around the back of the building, and then exit left onto Fowle Steet and then onto Main Street. He said the petitioner will agree to another suggestion by the committee to install a stop sign in the parking lot. He said there was a request to relocate the snow storage area, which will be moved to the side of the building and if the storage area becomes full, the surplus snow will be trucked off-site. He said the petitioner will remove invasive plants in back of the building and will install new lighting. He said security cameras will be installed. He said the curb cuts did not

change. He said there are issues with the property owner and Auto Zone about the curb cuts and any changes require approval from both the property owner and the tenants. He said a 55-foot trailer will have no conflicts with the retaining walls, curbs or parked cars when accessing the loading dock. Alderman Campbell said one of the committee's requests was removal of one of the curb cuts on Fowle Street. Mr. Dundon said the petitioner looked into that but determined if one of the curb cuts is removed, it will create a bottleneck. He said the petitioner also looked at eliminating left turns. Alderman Campbell said there is no way to enforce a prohibition on left turns. She said the elimination of one of the curb cuts is a priority. She said she goes to that shopping center all the time and it is already a bad situation she does not want to make worse. She said she hoped the petitioner would have found another way to alleviate traffic and a good way to do that would be by closing one of the curb cuts. Attorney Tarby said the petitioner has no control over closing the curb cuts. President Anderson said if the council makes closing the curb cuts a condition to the approval of the special permit, the petitioner will have to negotiate with the property owner. Alderman Campbell said the council has a responsibility to make a bad situation better. Alderman Ferullo said any action the petitioner takes on Fowle Street will have an equal and opposite reaction on Main Street. He said closing one of the curb cuts on Fowle Street will make worse the situation across from the gas station on Main Street. Alderman Campbell said there needs to be another way out of the parking lot, but she is not sure where that would be. Alderman Higgins suggested the cars could exit around the back of the building onto Fowle Street. Chairman Gately said the committee talked about not allowing tractor-trailers onto the site. He said he would prefer deliveries by box trucks only. Mr. Dundon said he believes tractor-trailers are already making deliveries to Walgreens, Auto Zone and Busa's Liquors. He said CVS will use smaller tractor-trailers that will be able to negotiate the left turn onto Fowle Street. Chairman Gately said that plan isn't going to work. He said if there's one car in the way, a 55-foot trailer will be driving over lawns. Attorney Tarby asked where the tractor-trailers are exiting now. Chairman Gately said the bigger trucks are exiting onto Main Street. Alderman Higgins asked if the petitioner would accept a proposal that involved making the first curb cut off Fowle Street enter only and the second curb cut exit only. Mr. Dundon asked if there would be right turns in and right turns out only in such a configuration. Alderman Campbell said that would help. Mr. Ham said the right turn out is not a problem. He said he thinks limiting left turns out of the site is the way to go. He said he knows some people will take the left turn, but if the island is reconfigured, most of the left turns will be prevented. He said the petitioner won't be able to fix every traffic problem with the site. Alderman Campbell said the council is trying to help the traffic situation in the entire area. Mr. Ham reiterated left turns can be limited. Alderman Campbell said 80 percent of the people who want to take left turns will still take left turns. She said the petitioner needs to be realistic. Alderman Concannon said the current situation is bad, particularly the exit onto Fowle Street and the exit onto Main Street. He asked if the situation would be improved by a main entrance and exit opposite Warren Avenue that would use the traffic light. Mr. Ham replied the adding another phase to the traffic signal at the intersection would make the situation worse. Alderman Concannon said the traffic situation could be helped by a traffic signal. He said Warren Avenue already has a cycle anyway. Mr. Ham said another curb cut would not make the traffic situation better. Alderman Concannon suggested closing two of the curb cuts in exchange for opening one opposite Warren Avenue. Alderman Concannon said if the petitioner was before the council with a new petition, he would say no because of the location of the curb cuts on Main and Fowle streets. Mr. Ham said the goal in managing traffic at a traffic signal is to be at the signal or away from the signal. Alderman Ferullo asked if the

property is owned by a single entity. Attorney Tarby said yes, the property is under a single ownership. Alderman Ferullo said cars cut through the parking lot to avoid the signal. He said if there are more than a half-dozen cars queued on the north-bound side of Main Street, they will go through the parking lot to get to Fowle Street. He said if the cars that are cutting through move quickly enough, they can even get back onto Main Street during the light cycle. He said an island in the parking lot will help reduce cut-throughs, but it won't eliminate the problem entirely. Mr. Ham said traffic data shows there are some cut-throughs, but not as many as Alderman Ferullo thinks there are. Chairman Gately said the traffic situation is helter skelter and no one lets anyone out. Mr. Ham said the petitioner is never going to make things perfect. He said the circulation will improve and signage will make the parking lot safer. Alderman Concannon asked if aligning the curb cut with Hudson Street is going to help. Mr. Ham said it will help. Mr. Dundon said there is an existing curb cut at the Irish-American Club. He said aligning the entrance with Hudson Street will consume parking spaces. Alderman Ferullo asked if there is any benefit to reversing the 1-way configuration on Richardson Street. Mr. Dundon said he does not think so. Mr. Ham said the petitioners have heard the committee's ideas, particularly the prohibition on left turns. Alderman Concannon asked how the petitioner will avoid a conflict at the loading dock between trucks when they are done unloading and cars. Mr. Dundon said the truck drivers will be able to see the cars. Mr. Ham said almost all the drive-through traffic will circulate around the building. He said there will be 73 cars at the drive-through over the course of 11-12 hours, which he said is not a huge number. Alderman Concannon asked if there will be any issues with a truck making it around the corner of the building. Mr. Dundon said there is 20 feet of clearance. President Anderson asked if a truck will be able to make it around the corner if there are cars parked there. Mr. Dundon said the adjacent parking spaces are not code compliant and the designated parking goes unused. Alderman Campbell said she is not satisfied with the plan. She said it is not the best use of the area. She said she does not why the council would make a bad situation worse. She said she likes the idea of moving a curb cut. She said she would like to have the curb cut on Fowle Street closest to Main Street entrance only and have the other curb cut exit only. Mr. Ham said the petitioner's proposal will improve the traffic situation. Alderman Campbell said the improvements will be slight. President Anderson asked if CVS is sub-leasing the property. Attorney Tarby said the petitioner is leasing the property directly from the land owner. Randall Brown, 8 Fowle Street, said there are already numerous issues with the site. He said Dole & Bailey runs trucks on Fowle Street all night long. He said customers from Giovanni's sub shop park in front of his house. He said a car dealership uses the street for satellite parking. He said cars cut through the parking lot from Richardson Street Extension to go to the liquor store. He said he is totally against the idea of funneling traffic around the back of the building to exit onto Fowle Street. He said there is a sign prohibiting trucks from exiting onto Fowle Street. President Anderson asked if trucks go in and out from Fowle Street now. Mr. Brown said there is a sign. Mr. Dundon said trucks are permitted to exit onto Fowle Street. Mr. Brown said he cannot let his daughter out in front of his house because it is not safe for her. He said the exit onto Fowle Street should not be used for trucks. Attorney Tarby said there was a special permit issued in 2008 that allows Fowle Street to be used as an entrance for trucks. Salvatore Urdi, 48 Waverly Road, who owns property at 5 Fowle Street, asked why the traffic isn't directed out onto Main Street. He said Fowle Street is already a mess. He said there are cars that travel at 40-50 mph in the parking lot. He said the parking lot gets backed up often. Chairman Gately asked what the will of the committee is. Alderman Campbell said she would like to leave the matter in committee. Chairman Gately said

he is dead-set against tractor-trailers on the site. He said the petitioners have some things to look over before the public hearing resumes.

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Tidd Home LLC for a special permit to allow conversion of a Significant Historic Building to allow for: 1. Fourteen (14) dwelling units; 2. Reduction in parking spaces from 28 to 15; 3. Relief from design and screening requirements for parking spaces and parking lot; and 4. Alteration of nonconforming use and nonconforming structure, at 74 Elm Street:

Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina, 600 Unicorn Park Drive, Woburn, MA; and John Flaherty, 28 West Street, Woburn, MA. Attorney Tarby said the initial public hearing was held on Sept. 3. He said there were issues about on-site parking and snow storage. He said an abutter suggested the property might attract undesirables. He said there were concerns raised about conflicts with parking on Traverse Street in proximity to a school. President Anderson left the Committee Room at 7:23 p.m. Attorney Tarby said the site plan shows no plans to do anything to the outside of the building itself. He said there will be landscaping added and a drainage system will be installed. He said there is a report from Planning Dept. staff. He said the petitioner has not received anything from the Woburn Historical Commission. He said he is not sure what's going on with the commission. He said he does not think there is any question that the structure is historically significant. He said the process will be the same as it was for St. Joseph's Church, which Mr. Flaherty also converted to residential units. He said it is unlikely the historical commission will make a determination on the property until November. Alderman Concannon said the zoning ordinance calls for the historical commission to make that determination. Attorney Tarby said he and his client have been in touch with the Woburn Housing Authority. Mr. Flaherty said all of the units will be affordable. Attorney Tarby referenced the site plan and said the fence is not within the front yard setback. He said they have identified snow storage areas and that there is plenty of space for snow storage. He said the driveways are 12-feet wide and there was some discussion about widening them. He said his client is looking into that. He said his client is considering a white vinyl fence. He said there will be no additional signage on the building. Alderman Tedesco asked the petitioners to walk through the drainage plan. Attorney Tarby said there will be two subterranean catch basin areas. He said Chairman Gately would be better at explaining what is involved than he could. Chairman Gately said the drainage system involves underground water recharging units. He said they are generally about eight feet long and 3-4 feet wide. He said the drainage system also involved a base of stone at the surface. The water hits the stone and dissipates, he said. Chairman Gately said the water that goes into the underground tanks is piped into the municipal drainage system. He said the systems are built for 2,500-year storms and if they are done right, they are very effective. Chairman Gately asked how many people in the audience reside on Edwards Road. Approximately four people raised their hands. Chairman Gately said he grew up in the Webster Avenue projects and lived there for 15 years. He said there is a brook that runs from Nichols Street to Pearl Street and the area was always wet. He said there were cows and horses there. Chairman Gately asked if anyone in the audience wished to address the committee about the petition. Janice Pinto, 11 Edwards Road, asked how the drainage system will function when the ground freezes. Mr. Flaherty said the catch basins are right there and will still work even if the ground is frozen. Chairman Gately said Traverse Street will not have any additional water from the Tidd Home. He said if there is any additional water, that's a city problem. Judy Nasse, 16 Edwards Road, said the water currently comes right down Ward Street.

Mr. Flaherty said the proposed drainage system will make the situation better. Ms. Nasse said the residents in the area have been asking the city for some time to address the drainage problem, and the city's response has been the street is non-conforming. Chairman Gately reiterated there should not be any additional water from the Tidd Home. Anthony Montanaro, 8 Edwards Road, asked how the neighbors will know if there's any additional runoff. Mr. Flaherty said he lives 900 feet away and he would not do anything to harm the neighborhood. Mr. Montanaro said if Mr. Flaherty lived on Edwards Road, he would have a different opinion. He said Mr. Flaherty can move, but the neighbors can't. Mr. Montanaro said he is concerned about traffic leaving the site at the same time school is coming into session and people are leaving for work. Mr. Montanaro asked why there is no visitor parking. Mr. Flaherty said he does not want any on-site visitor parking. He said visitors can park on Elm Street. Chairman Gately said the city can put up signs indicating there is no parking on Edwards Road within 20 feet of the intersection. Ms. Nasse said trying to go from Traverse Street to Elm Street is dangerous. Alderman Campbell said 28 parking spaces are required under the city's zoning ordinance and Mr. Flaherty is proposing only 15 spaces. Mr. Flaherty replied there is nothing in the zoning ordinance about parking for studio apartments, which he is planning to build. Alderman Campbell said she does not think one parking spot per apartment is enough. Alderman Tedesco said the parking ratio for studio apartments he initially proposed would have involved 1.25-1.5 spaces per unit. Alderman Campbell said a ratio of around 1.3:1 is different than 1:1. She said Mr. Flaherty did a good job with the parking situation at St. Joseph's Church and asked why he can't replicate that at the Tidd Home. Mr. Flaherty said he can't pull out any walls at the Tidd Home. He said leaving the premises the way it is works. He said there will be extra space even with 14 units. He said if he reduces the number to eight units, there will be too much extra space. He said he has to generate some revenue from the building. Alderman Campbell said she is concerned about a 50 percent reduction in parking from what is allowed in the ordinance. She said she was also concerned about how many neighbors spoke at the council's public hearing. Mr. Flaherty said the City Council voted in favor of changing the zoning ordinance and there was no opposition during the Planning Board process. Several neighbors spoke in unison that they were not notified of the zoning change nor the Planning Board hearings. Alderman Campbell reiterated she is concerned about the parking issue. Alderman Tedesco said if the council did what he requested at the beginning, 19 parking spaces would have been required. He said the Planning Dept. thought a parking waiver would be a better route. Alderman Campbell said no one thought someone would come in with a plan that reduces the parking by 50 percent. Alderman Higgins said the plan for the Tidd Home always involved 15 parking spaces. Alderman Gaffney asked how big the units are. Mr. Flaherty said they will be between 250-300 square feet. He said they will not be much bigger than the Committee Room. He said they will have bathrooms and kitchens. Ms. Pinto said 14 units would create a multi-unit apartment building which is not consistent with the neighborhood. She said there are going to be transient people living there. Mr. Flaherty said the Tidd Home is located in a 2-family zoning district. He said he spent more than a year trying to change the zoning. He said the Tidd Home will not be a sober house or a rehab facility. He said he wants to improve the neighborhood. Alderman Ferullo said a rehab center can go in there by right, with no oversight from the council. Ms. Pinto said she is concerned about people coming in and out of the property. Ms. Nasse said the proposed use of the Tidd Home would change the entire neighborhood. Ms. Pinto said she does not want to see the character of the neighborhood changed. Arthur Duffy, 38 Alfred Street, said he is totally in favor of the proposal for the Tidd Home. He said conversion of buildings is Mr. Flaherty's forte. He said Mr. Flaherty takes

historical buildings and converts them. Ms. Pinto asked if the building is actually historical. Mr. Flaherty said it is. Alderman Campbell asked if there will be an on-site manager. Mr. Flaherty said there will be someone watching the property. Alderman Campbell asked if the council should make on-site supervision a condition of the special permit. Mr. Flaherty said the council can trust him. Alderman Campbell said the council has to consider what could happen 10-15 years down the road. Chairman Gately asked what the will of the committee is. Alderman Tedesco suggested leaving the matter in committee until it receives a document from the Woburn Historical Commission confirming the Tidd Home is a historical building.

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Garage 42 Degrees, LLC for special permits to allow for reconditioning motor vehicles, commercial parking lot, and alteration of nonconforming structure at 20 Sonar Drive:

Appearing for the petitioner were Attorney Joseph R. Tarby III, Murtha Cullina, 600 Unicorn Park, Woburn, MA; George Mihov, P.E., Howard Stein Hudson, 11 Beacon Street, Suite 1010, Boston, MA; and David Bamforth, property owner, 20 Sonar Drive, Woburn, MA: Attorney Tarby said the public hearing was held on October 1 and there were no abutters in opposition nor in favor. Attorney Tarby presented a proposed list of conditions. Motion made by Alderman Tedesco and seconded by Alderman Gaffney to accept and make part of the permanent record a document from Attorney Tarby entitled “City Council Special Permit Petition Garage 42 Degrees LLC 20 Sonar Drive Woburn MA Proposed Conditions October 1, 2019,” approved, 4-0. Attorney Tarby presented a document entitled “Reciprocal Easement Agreement” for 20 Sonar Drive (Lot 11A) and 10 Sonar Drive (Lot 10), Woburn, Massachusetts.” Motion made by Alderman Tedesco and seconded by Alderman Gaffney to accept and make part of the permanent record the Reciprocal Easement Agreement; approved, 4-0. Mr. Mihov presented a document entitled “20 Sonar Drive – Site Redevelopment.” Motion made by Alderman Tedesco and seconded by Alderman Gaffney to accept the document entitled “20 Sonar Drive – Site Redevelopment,” approved, 4-0. Alderman Tedesco asked if the proposed easement documents are in order. Attorney Tarby said there is one executed easement document in place and he has been trying to reach another abutter, Mr. Charles Whitten, to execute a second easement agreement. He said his client would agree to a condition requiring a second easement agreement to be in place before a building permit can be issued. Motion made by Alderman Tedesco and seconded by Alderman Gaffney to add a condition requiring the petitioner to execute a second easement agreement before a building permit is issued; approved, 4-0. Chairman Gately said he would like to restrict the hours the dumpster is emptied to between 7 a.m. and 7 p.m. Alderman Gaffney said the facility will be used for storage of classic cars. Chairman Gately said he has no big concerns and no issues with the petitioner’s presentation, but he does not want any car to be delivered by large car carriers. Mr. Bamforth said he will be making deliveries with single car carriers only. Chairman Gately said he thinks the business will be a pretty good fit down there. Alderman Campbell said she has no problems with the petition. Motion made by Alderman Tedesco and seconded by Alderman Campbell that the petition “ought to pass,” with the following conditions:

1. The Petitioner shall construct and improve the site as substantially described on the Plan of Record which for this project shall be “20 Sonar Drive Redevelopment, 20 Sonar Drive, Special Permit Set, Woburn, MA” dated September 26, 2019, prepared by Howard Stein Hudson, 11 Beacon Street, Suite 1010, Boston, MA 02108 (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. No vehicle repairs (mechanical or bodywork) shall take place on the premises of Garage 42 Degrees LLC.
3. The use of the premises by the Petitioner shall be limited to the adjusting, equipping and detailing of motor vehicles and the parking of same.
4. The Petitioner shall be allowed to park 55 motor vehicles inside the premises.
5. A snow plow removal plan shall be filed with the Building Commissioner prior to occupancy.
6. All dumpsters and waste containers shall be enclosed by means of a fence, wall or landscaping in compliance with the Woburn Zoning Ordinances.
7. A second easement access document shall be provided prior to the issuance of a building permit.
8. Deliveries of vehicles to the site shall be made by single car carrier only.
9. The dumpster shall only be emptied between 7 a.m. and 7 p.m.

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Motion made by Alderman Tedesco and seconded by Alderman Campbell to adjourn; approved, 4-0. Chairman Gately adjourned the meeting at 8:07 p.m.

A TRUE RECORD ATTEST

Gordon Vincent
Clerk of Committees