

**COMMITTEE ON SPECIAL PERMITS  
MONDAY, NOVEMBER 25, 2019 at 7:11 p.m.  
WOBURN CITY HALL  
COMMITTEE ROOM**

Voting members present: Chairman pro tem Edward Tedesco, Alderman Darlene Mercer-Bruen, Alderman Joanne Campbell, Alderman Mark Gaffney, and Chairman Richard Gately (participating remotely)

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

Also present: Ward 3 Alderman-elect Jeffrey Dillon

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Alderman Tedesco said he would accept a motion to make him chairman pro tem. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to make Alderman Tedesco chairman pro tem; all in favor, 5-0. Chairman pro tem Tedesco announced the Chairman Gately will be participating remotely and said any vote that is taken must involve a roll call and the minutes should reflect the roll call votes.

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**Reading of previous meeting minutes:** Motion made by Alderman Campbell and seconded by Alderman Gaffney to approve the minutes of the previous meeting. Roll Call: Chairman pro tem Tedesco – aye; Alderman Mercer-Bruen – aye; Alderman Campbell – aye; Alderman Gaffney – aye; Chairman Gately – aye; all in favor, 5-0.

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**ARE-MA Region No. 20, LLC for special permits and site plan review to allow biomedical research and development building with associated uses and surface parking at 195 and 215 Presidential Way f/k/a 19 Presidential Way:** Representing the petitioner were Attorney Mark Vaughan, Riemer & Braunstein, 700 District Avenue, Burlington, MA; Eric Gerade, Vanasse Hangen Brustlin, 101 Walnut Street, Watertown, MA, and Suzie Markin, Senior Project Manager, Alexandria Real Estate Equities, Inc., 364 Longwood Avenue, Boston, MA. Attorney Vaughan said his client is looking to build a second building for its life sciences/biotech campus. He said a special permit was approved in 1998 but the second building was never constructed. He said the Planning Board submitted a memo requesting some potential revisions which he said Mr. Gerade has addressed. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to accept the revised site plan dated November 25, 2019; Roll Call: Chairman pro tem Tedesco – aye; Alderman Mercer-Bruen – aye; Alderman Campbell – aye; Alderman Gaffney – aye; Chairman Gately – aye; all in favor, 5-0. Mr. Gerade said the applicant has agreed to install vertical granite curbing in the areas highlighted on the revised plan, along with additional signage for parking spaces for compact cars. Alderman Higgins asked how many parking spaces

there are for compact cars. Mr. Gerade said there are 73 spaces for compact cars. Alderman Higgins said she hates compact car spaces but acknowledged they are allowed. Mr. Gerade said 1-way signage was added to the drop-off loop and the water connection was updated with a 3-way gate valve. He said the fencing was revised. Alderman Mercer-Bruen asked what kind of fencing is there. Mr. Gerade said it is a chain link fence. Chairman Gately asked if there is a 3-gate tie-in. Mr. Gerade said there is. Mr. Gerade said the landscaping plan was updated to include 3-inch caliper trees, at the Planning Dept.'s request. Attorney Vaughan said he communicated with Director Cassidy about the trees and she is satisfied with the revisions. Chairman pro tem Tedesco said he thinks the council requested a response from City Engineer Jay Corey regarding confirmation of a mitigation payment of \$5,000 to upgrade signalization. Alderman Mercer-Bruen said Engineer Corey is working on a response to the development impact statement. Alderman Concannon said it is up to Engineer Corey to provide commentary about the development impact statement. Chairman Tedesco said he thinks Engineer Corey is going to request \$5,000 for the traffic signal. Alderman Mercer-Bruen suggested sending another communication to Engineer Corey. Chairman pro tem Tedesco said he has no problem doing that but asked Alderman Mercer-Bruen to withhold a motion to that effect until the end of the discussion so the committee could combine that request into one roll call vote. Alderman Mercer-Bruen asked the petitioners if they have any visuals or drawings of what the building will look like. Attorney Vaughan said Alexandria Real Estate Equities is one of the primary developers of life science buildings. He said they do have a rendering of what the building will likely resemble and showed a photograph to the committee. Alderman Mercer-Bruen said the photograph portrays a beautiful new building and asked why the petitioner would want to install a chain link fence around it. Mr. Gerade said the chain link fence is existing. Alderman Mercer-Bruen said she does not think a chain link fence is appropriate for the size, scale and beauty of the proposed building. She said it is like pairing a beautiful new suit with a cheap pair of shoes. She asked if the building will resemble the one depicted in the photo. Attorney Vaughan said the building will look approximately like the one in the photo but his client would not want to be tied to the specific building depicted in the photo. Alderman Mercer-Bruen said the building in the photo looks nice. Ms. Markin said ARE's intent is to keep with the aesthetics shown in the photo. Chairman Gately asked if the Conservation Commission has any jurisdiction over the building. Attorney Vaughan said the Conservation Commission does not have jurisdiction. Chairman Gately asked if the petitioner's have conducted a fire flow test. Attorney Vaughan said a fire flow test has been conducted. Chairman Gately asked if the plan of Record dated October 8, 2019 is still the plan of record. Attorney Vaughan said there are updated plans dated November 19, 2019, that are being tweaked slightly. Chairman pro tem Tedesco said he could drop off a set of revised plans to Chairman Gately. Chairman pro tem Tedesco suggested sending the matter back for action pending receipt of the response from Engineer Corey to the development impact statement by December 3. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to send the petition back for action, pending the receipt of correspondence from Engineer Corey: Roll Call: Chairman pro tem Tedesco – aye; Alderman Mercer-Bruen – aye; Alderman Campbell – aye; Alderman Gaffney – aye; Chairman Gately – aye; all in favor, 5-0.

**Braese Holdings LLC for special permits to allow for 1. Six (6) dwelling units with required parking, and 2. Continuation of office space (reduction from 3,262 square feet to 1,230 square feet), at 132 Pleasant Street:** Representing the petitioner were Attorney Joseph Tarby, Murtha Cullina, 600 Unicorn Park, Woburn MA; and Stephen Braese, Braese Holdings LLC, 132 Pleasant Street, Woburn, MA. Attorney Tarby said his client has submitted to the Woburn Historical Commission a request for a finding, which is on the agenda for the commission's meeting on Wednesday, November 27. He said during the council's public hearing a number of issues were raised, including the relocation of the dumpster. He said the dumpster is located in an area where the closest neighbor does not have an issue with it, and his client would like to keep the dumpster where it is. He said there were questions about parking, but his client has more than enough. Chairman Gately asked a question about setting up the water meters. Mr. Braese said he would like to maintain one water meter for the whole building. He said he would like to install a second water line for the lawn sprinkler system. Chairman Gately said there was some conversation about the trees in back of the building. Mr. Braese said he is removing trees that came down two or three years ago, and he would prefer not to put in more trees on Mr. Ferullo's side of the building, but he is willing to put in six arborvitaes. He said the Clarks have not approached him about anything. He said the Ferullos are the one neighbors who have asked for more screening. He said the fences are relatively new and he does not think they ought to be replaced with plastic. He said it would be difficult to put a fence in the back portion of the lot. In response to a question from Chairman Gately about landscaping, Mr. Braese said he does blow leaves in the back portion of the lot. Alderman Campbell said she has gotten some information from City Solicitor Ellen Callahan Doucette about the affordable unit. She said for the unit to be deemed affordable it must be a 1-bedroom unit at least 700-square-feet with a bathroom, or a 2-bedroom with at least 900-square-feet. She said if the state will still count the units toward the city's housing stock, even if one of the units is not deemed affordable. Mr. Braese said he does not have anything that size in the building. Alderman Campbell asked if Mr. Braese will move forward with a sixth unit or maintain five. Alderman Higgins said the council has established a process to designate affordable units. Mr. Braese said most of the units are between 450-500 square feet except for one unit which is 710-square-feet. Alderman Campbell said the unit that is 710-square-feet would qualify for affordability. Attorney Tarby said he does not think Section 29 of the zoning ordinance applies to the petition. Alderman Campbell said the city solicitor thinks it does. She asked if Mr. Braese will move forward with six units if one is not counted as affordable. Mr. Braese said he needs the number of units he requested or the cash flow doesn't work. He asked if the largest unit is deemed affordable, who would rent it, the Woburn Housing Authority or would it become federal Section 8 housing? Alderman Mercer-Bruen said there are pretty strict rules and the council will have to figure that out. She said there is a requirement for one affordable unit. Mr. Braese said he is not opposed to making one unit affordable, but he would prefer it not be the biggest unit. He said the original plans called for six units but they went to seven because of the potential there would be an affordable unit required. President Anderson said he is concerned about the number of units being proposed for a building in an R-1 zoning district. He said he does not like the idea of keeping the business component and six units. He said his preference would be for five units. Mr. Braese said he has been talking to Woburn Historical Commission chairman Carol Seitz. He said she knows he is seeking five or six units. Alderman Concannon asked if the council knows what the historical commission's process is. Chairman pro tem Tedesco said there is established criteria for determining what is a historically-significant structure. He said the commission says whether a building is historically-

significant or not and then sends something to the City Council, unless the commission requests more information. Mr. Braese said the historical commission's biggest issue is the age of the addition to the building. Alderman Mercer-Bruen suggested leaving the matter in committee until the Woburn Historical Commission makes a determination. Chairman pro tem Tedesco said he can see the committee sending the matter back for action without a committee report and taking a vote on December 3 as long as there is a recommendation from the historical commission. Motion made by Chairman Gaffney and seconded by Campbell to send the matter "back for action." Alderman Mercer-Bruen said she would second the motion pending the receipt of a recommendation from the Woburn Historical Commission and a revamp of the plans to get to either four or five units. Attorney Tarby said his client cannot do that. Alderman Higgins asked how the council is supposed to act if the letter from the Woburn Historical Commission is not received by December 3. Chairman pro tem Tedesco said he does not envision there will be another committee meeting on the petition. Alderman Higgins said the council also has to sort out the affordable issue. Chairman pro tem Tedesco said there will not be a vote until the council gets a letter from the WHC, but in any event he does not think there needs to be another committee meeting to determine whether there needs to be an affordable unit. Alderman Mercer-Bruen said she disagrees. Alderman Campbell said she does not think the committee should make a recommendation until the council gets the letter from the WHC. Alderman Campbell said she would withdraw her second. Motion made by Alderman Gaffney and seconded by Chairman pro tem Tedesco that the matter be sent "back for action." Roll call - Chairman pro tem Tedesco - aye; Alderman Mercer-Bruen - nay; Alderman Campbell - aye; Alderman Gaffney - aye; Chairman Gately - aye; approved, 4-1.

**304 Cambridge LLC for a special permit to allow reduction in parking from 303 parking spaces to 202 parking spaces at 304 Cambridge Road:** Representing the petitioner were Attorney Joseph Tarby, Murtha Cullina, 600 Unicorn Park, Woburn, MA; and John Paul and Ronald Martignetti, 304 Cambridge LLC, 304 Cambridge Road, Woburn, MA. Attorney Tarby said Alderman Concannon requested the petitioner compile a list of hours of operation for the businesses in the building and a snapshot of the parking during various hours of the day. Motion made by Alderman Gaffney and seconded by Alderman Campbell to accept and make part of the permanent record a document from the petitioner entitled "Estimated hours of operation and parking use for existing tenants;" Chairman pro tem Tedesco - aye; Alderman Mercer-Bruen - aye; Alderman Campbell - aye; Alderman Gaffney - aye; Chairman Gately - aye; all in favor, 5-0. John Paul Martignetti said he undertook the task of compiling the chart and that he was thrilled with the result. He said the conclusion is the usage of the parking lot is a lot less than what is required. He said the estimated actual use is 68 parking spaces, and the required number of spaces is 107. President Anderson said there is a chart on the bottom of the front page of the document and asked if it indicates the vacant office spaces and how many spaces those would use. John Paul Martignetti said that is correct. John Paul Martignetti said page 2 of the document shows the parking counts for every hour from 6 a.m. to 7 p.m. He said the highest number is 90 spaces. He said he thinks there will be less than 50 percent of the parking lot used. He said page 3 of the document indicates use of the parking lot with the proposed restaurant. He said the numbers he used were conservative. He said Friday and Saturday nights will be the busiest nights for the restaurant. He said he estimated heavier traffic for lunch than what may actually occur. He said the numbers indicate the entire parking lot will not be used even during the busiest periods. Alderman Concannon asked what the maximum occupancy of the restaurant is. John Paul

Martignetti said there are 238 seats not including the patio. Chairman Gately said the Martignettis have done a great job on the building. He said there is more than ample parking for everything that is there. He said the Martignettis have been great for the city. Alderman Campbell thanked the petitioners for the diagram. She said she believes there is going to be enough parking. She said this document eases her mind. Alderman Higgins said she still would like to see a stop sign where the parking lot exits onto Country Club Way. John Paul Martignetti said they can do that. Ronald Martignetti said there was supposed to be a stop line painted when the parking lot was re-striped. He said it was an oversight. He said he wants that done this week. He said if the stop line doesn't work, they will put in a stop sign. Alderman Higgins said she thinks there needs to be a stop sign. She said she hates compact car spaces, but the petitioner is doing what is allowed. She said the petitioner has taken out language that the special permit is specific to the property owner and she would prefer to have that put back in. She said that is a kind of a deal breaker for her. She asked if there are any contingencies for parking if someone is running late for pickup. She asked how many children are licensed for the day care center. John Paul Martignetti said he thinks the day care center is licensed for 92 children. Alderman Higgins asked how many siblings are together at the day care center. She said the provision of that data would be helpful. John Paul Martignetti said day care children do not stay for an entire day from 7 a.m. to 6 p.m. He said there are limitations on the number of hours a child can stay at day care. Alderman Higgins said she would like a breakdown of when the day care children are dropped off and picked up. She asked if there is a lane for day care drop-offs and pickups. John Paul Martignetti said there is no drive-through lane. He said after 6 p.m., parents are charged a fee for late pickup. He said pickups tend to tail off after 4 p.m. Alderman Higgins said she is concerned with conflicts with the day care center and the restaurant. Attorney Tarby said the language about transferability of the special permit was removed because it would bog down a potential sale of the building. Alderman Higgins said restoration of the transferability requirement to return to the council would make her more comfortable. Alderman Concannon said the council maintains the right to bring in any special permit holder. Alderman Mercer-Bruen said she is not going to support the petition without the transferability requirement. John Paul Martignetti said the council has the ability to bring them back in if anything gets out of line. He said they do not want to put themselves in a position where they hurt the value of the building. Alderman Higgins said the special permit holder does not have to come in if it is refinancing. John Paul Martignetti said the appraiser may not see it that way. Ronald Martignetti said he is embarking on an endeavor that no sane man would embark on. He said if the council allows him to finance the building, he will keep finding properties in Woburn and working to improve them. He said he enjoys working in Woburn. President Anderson said he agrees with Alderman Mercer-Bruen and Alderman Higgins. He said he wants the property owners to succeed. He said in the 10 years he has been on the council that a transfer of the special permit has never been held up. He said the council would like to know if someone new owns the building. He said he does not think the requirement of a transferability is an unreasonable request. Chairman Gately said the petitioner has invested millions of dollars in the building and he can't see the petitioners selling the building within one year or five years. He said Mr. Martignetti is taking a big chance with the restaurant. He said the council does maintain jurisdiction over a special permit and the council can dictate what goes on there. Alderman Concannon said he does not have a problem with the council using the tools it already has. Alderman Mercer-Bruen reiterated she is not going to support the petition without the transferability component. Motion made by Alderman Campbell and seconded by Alderman Gaffney to send the matter back for action with the first three conditions recommended by the

Planning Dept. and a fourth condition that the petitioner install a stop line and a stop sign at the exit to the parking lot at Country Club way; Chairman pro tem Tedesco – aye; Alderman Mercer-Bruen – nay; Alderman Campbell – aye; Alderman Gaffney – aye; Chairman Gately – aye; approved, 4-1.

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**Motion made** by Alderman Mercer-Bruen and seconded by Alderman Campbell to adjourn. Roll call: Chairman pro tem Tedesco – aye; Alderman Mercer-Bruen – aye; Alderman Campbell – aye; Alderman Gaffney – aye; Chairman Gately – aye; all in favor, 5-0. Chairman pro tem Tedesco adjourned the meeting at 8:21 p.m.

A TRUE RECORD ATTEST

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Gordon Vincent  
Clerk of Committees