

COMMITTEE ON SPECIAL PERMITS
MONDAY, DECEMBER 9, 2019 at 6:25 p.m.
WOBURN CITY HALL
COMMITTEE ROOM

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

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 Gately - aye; Chairman pro tem Tedesco – aye; Alderman Mercer-Bruen – aye; Alderman Campbell – aye; Alderman Gaffney – aye; all in favor, 5-0.

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Woburn Armory LLC for minor modification of special permit relative to plan of record at 286 Main Street aka 320 Main Street: Representing the petitioner were Attorney Joseph Tarby, Murtha Cullina, 600 Unicorn Park, Woburn MA and Brandt Wild, Project Manager, Siena Construction, 38 Sidney Street, Cambridge MA, who said he is an adviser to the property owner. Motion made by Alderman Campbell and seconded by Alderman Mercer-Bruen to accept and make part of the permanent record a letter from Building Commissioner Thomas C. Quinn Jr. entitled “Woburn Armory Plan Revisions” and dated December 9, 2019; Roll Call: Chairman Gately - aye; Chairman pro tem Tedesco – aye; Alderman Mercer-Bruen – aye; Alderman Campbell – aye; Alderman Gaffney – aye; all in favor, 5-0. Mr. Wild said he is prepared to provide any backup information about the special permit that was issued. He said the property owner is requesting a minor modification because there are some changes between the plans and the actual construction, which he said is not uncommon. He said he does not know if there are any specific concerns. He said a ramp had to be moved due to the elevation of the parking lot. Alderman Mercer-Bruen said one of her biggest concerns is whether the people who live in the

neighborhood have had an adequate opportunity to review the plans and comment on them. She said DPW Supt. Jay Duran alluded he has not seen the new plan and asked if he has seen the new plan by now. Mr. Wild said he sent a copy of the plan to Supt. Duran on Friday. Attorney Tarby said Supt. Duran has indicated he would not have a comment ready for tonight. Chairman pro tem Tedesco said Supt. Duran can only opine about work on public property. Alderman Mercer-Bruen she would appreciate hearing from Supt. Duran by next Tuesday. Alderman Mercer-Bruen said she would like to open the meeting to the public. Chairman pro tem Tedesco said the meeting was advertised as a request for a minor modification to a special permit that does not require a public hearing. Alderman Mercer-Bruen said there are members of public here in the room and that a committee meeting can be opened to the public by a vote of the committee. Chairman pro tem Tedesco said there could be a potential Open Meeting Law violation if the meeting is opened to the public. Alderman Mercer-Bruen said lack of notification is one of the problems with the process of a minor modification. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to suspend the committee's rules to open the meeting to comments from the public; Roll Call: Chairman Gately - nay; Chairman pro tem Tedesco - nay; Alderman Mercer-Bruen - aye; Alderman Campbell - aye; Alderman Gaffney - nay; fails, 2 in favor; 3 opposed. Mr. Wild said he does not think any of the proposed changes will impact the neighbors. Alderman Mercer-Bruen said she wants to make sure the neighbors get a copy of everything. Elisa Roche, 5 Myrtle Street, said she wants to be notified whenever the armory project is on an agenda for a City Council meeting. Mark Sanborn, 12 Caulfield Road, Woburn, MA, asked if the meeting on Tuesday, December 17, will be open to the public. Alderman Mercer-Bruen said the meeting may not be open to the public because the filing was a request for a minor modification. Mr. Wild said he would be happy to provide the committee with any materials it wishes. Alderman Mercer-Bruen said the public should have an opportunity to speak. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to suspend the committee's rules to open the meeting to comments from the public; Roll Call: Chairman Gately - nay; Chairman pro tem Tedesco - aye; Alderman Mercer-Bruen - aye; Alderman Campbell - aye; Alderman Gaffney - aye; approved, 4 in favor; 1 opposed. Chairman pro tem Tedesco said if decorum is not maintained, he will return the meeting to the regular order business. He said the public will be afforded the opportunity to ask questions but there should be no back-and-forth between the public and representatives from the developer. Mr. Sanborn said he is a direct abutter. He said he has spoken to Commissioner Quinn and said he has not approved the new plans. He said he spoke to the project foreman and three days later a wall went up. Then he spoke to Commissioner Quinn and two days later the wall came down. He said he is concerned about drainage. Mr. Wild said there is a 2-tiered retaining wall. He said construction of the wall has been hampered by the weather and it has not been finished yet. He said the drainage had to be reviewed because the property was not marked correctly on the plan. He said the wall is being installed according to the plan. Mr. Sanborn said there is no crushed stone around the drainage pipe. Mr. Wild said the crushed stone was removed. He said the pipe will be installed according to the plan. He said no one is trying to sneak anything in. Mr. Sanborn said the wall cannot be more than four feet high. He said he is concerned the wall will force water into his yard. Mr. Wild said there is an underground connection. He said the applicant cannot get an occupancy permit until the Building Commissioner signs off on the project. Mr. Sanborn said he wants the project to get done and done right. He said there is only one opportunity to get it right. He said the neighbors were not advised of the request for a minor modification and that they read about it in the paper. He said the neighbors have been concerned about drainage the whole time. Mr.

Wild said there will be no change to the drainage. He said the wall will be four feet high. He said the drainage concerns were in near the Myrtle Street boundary of the property. Ms. Roche said her biggest concern is drainage. She said she has never had water in her basement, and she does not want to get water now. She said she feels frustrated that she is not being updated and notified. She said she is concerned about who is going to make sure the drainage plan is going to work. Mr. Wild said the drainage will have to be installed and inspected. Ms. Roche said she would like to be notified if there is work being done. Mr. Wild reiterated there have been delays due to the weather. He said the neighbors are seeing the wall before it is done. He acknowledged there has been some miscommunication. He said the Building Dept. stopped work. He said the drainage pipes were wrapped in stone and fabric and that's the way they will be installed. Mr. Sanborn said he saw a pipe that was not wrapped. He said a pipe can't be wrapped after it goes into the ground. Ms. Roche said she would be updated and not have to reach out and ask about any changes to the project. She said she is beyond frustrated. She said it is disappointing that the alderman who represents Ward 2 does not want to hear from her. Mr. Sanborn said he would like to submit a series of pictures from the armory site. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to accept and make part of the permanent record pictures from Mr. Sanborn. Roll call: Chairman Gately - aye; Chairman pro tem Tedesco - aye; Alderman Mercer-Bruen - aye; Alderman Campbell - aye; Alderman Gaffney - aye; approved; 5-0. Mr. Sanborn said he is frustrated the neighbors were not initially allowed to speak. Chairman pro tem Tedesco said the proceedings tonight are a public meeting but not a public hearing. Mr. Sanborn said it seems like the city does not want to hear from the neighbors. Chairman pro tem Tedesco asked what date Mr. Tedesco's photos were taken. Mr. Wild said there is no snow on the ground in the photo indicates they were taken before the snow storm on December 1. Alderman Mercer-Bruen said the record should reflect Mr. Sanborn's photos were taken before December 1. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to return to the regular order to business. Roll call: Chairman Gately - aye; Chairman pro tem Tedesco - aye; Alderman Mercer-Bruen - aye; Alderman Campbell - aye; Alderman Gaffney - aye; approved; 5-0. Chairman Gately said he wants to respond to Ms. Roche's comments. He said the council has been limited about how much input it has into the project since it started. He said he has talked to the City Engineer and Commissioner Quinn and has done as much as he could on his end. He said if there are problems with the project, they can be fixed. He said he has heard complaints from only two abutters and the other neighbors including the people at St. Charles Church have made positive comments about the project. He said if the construction is not being done properly, the Building Commissioner will not issue a building permit. He said he feels badly for the developer because there have been so many delays. He said he hopes the project will come to fruition. Alderman Gaffney said he initially voted against opening the meeting to comments from the public because he had concerns about violating the Open Meeting Law. Chairman pro tem Tedesco said the meeting was advertised as being open to the public but not a public hearing. Alderman Gaffney said a violation of the Open Meeting Law would be a very serious thing. Alderman Campbell asked if any trees are being removed. Mr. Wild said any trees that were removed were agreed to by the abutters. Alderman Mercer-Bruen thanked her colleagues on the committee for allowing the public to speak. She said this was filed as a minor modification and that does not require a public hearing. She said there is some debate about whether the modification is minor. She said if the matter has to be re-opened, then there has to be notification to abutters. Alderman Mercer-Bruen said she will request the committee to send a communication to Supt. Duran to comment on the drainage. She said if anyone in the audience

has questions that they should send them to her via email and she will see that they get submitted. Chairman pro tem Tedesco said he was shocked when the request for a minor modification was sent to committee. He said the modifications that are being requested are a lot more minor than other modification the council has approved. He said he has no problem asking Supt. Duran to comment on the drainage. Alderman Higgins said she does not think what the applicant is requesting is a minor modification. Alderman Concannon asked when the project is going to be done. Mr. Wild said the building is complete, and the retail space is wrapping up. He said he expects partial occupancy by January, and then landscaping will be installed in the spring. Attorney Tarby said Careway Wellness Center is moving into the retail space, once the retail space is ready. President Anderson asked if the residential units will be apartments or condos. Mr. Wild said his understanding is the units will be apartments. He said there are no changes to the drainage other than what was approved by Supt. Duran. He said that while there may be a lot of red ink on the revised plan, the revisions truly are minor. Chairman Gately asked if the heat has been turned on in the building. Mr. Wild said the heat has been turned on. Chairman Gately said that was his biggest concern. He said he does not want there to be problems with the pipes. He said he's glad the heat is turned on and that he hopes it works out for everybody. Alderman Mercer-Bruen read the first paragraph of Commissioner Quinn's letter dated December 9, as follows: "With regard to the above referenced, I will advise that I have reviewed the plans as revised and would offer that the plan changes are more than what I would have considered a minor change to the working drawings that would be approved by my office as allowed with the approved special permit." Motion made by Alderman Mercer-Bruen that the petition for a minor modification be denied. Chairman pro tem Tedesco said there was no second to the motion. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to send a communication to Supt. Duran asking him to report back to the City Council by Tuesday, December 17, regarding the drainage pattern for the armory site; Roll call: Chairman Gately - aye; Chairman pro tem Tedesco - aye; Alderman Mercer-Bruen - aye; Alderman Campbell - aye; Alderman Gaffney - aye; approved; 5-0. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to send the matter "back for action" on December 17. Chairman pro tem Tedesco said he would prefer to send the matter "ought to pass." Roll call: Chairman Gately - nay; Chairman pro tem Tedesco - nay; Alderman Mercer-Bruen - aye; Alderman Campbell - aye; Alderman Gaffney - nay; fails; 2-3. Motion made by Chairman Gately and seconded by Alderman Gaffney to send the matter "ought to pass." Alderman Campbell asked if the committee wishes to send the matter ought to pass before it receives a response from Supt. Duran. Chairman pro tem Tedesco said Supt. Duran has already approved the drainage. He said the committee has three options - to send the matter back for action, ought not to pass, or ought to pass. He said philosophically he will no longer vote back for action on any petition. He said he will only vote ought to pass or ought not to pass. Alderman Campbell said she would like to hear from Supt. Duran before she votes on a recommendation. She said is there is a vote of ought to pass she will vote no because she thinks the matter should be sent back for action. Roll call: Chairman Gately - aye; Chairman pro tem Tedesco - aye; Alderman Mercer-Bruen - nay; Alderman Campbell - nay; Alderman Gaffney - aye; approved; 3-2.

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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; . and Brian Dundon, R.J. O'Connell & Associates, Inc., 80 Montvale Avenue #201, Stoneham, MA. Attorney Tarby said he sent to each member of the City Council a memo that includes a summary of correspondence from the Building Commissioner and the City Solicitor, and his client's desire to move forward with the special permit petition. He said his client has tried to address as many of the council's concerns as possible. He said the exit to Fowle Street was redesigned to prohibit left turn movements. He said the loading dock was redesigned. He said the parking field will be paved. He said there will be a bike rack added and an increase in landscaping. He said all of the existing vegetation in back of the building will be removed. He said his client has received permission from CVS to limit the size of delivery trucks to 40 feet. He said the dumpster will be enclosed. He said his client is working to upgrade the traffic signal. He said there will be approximately 550-square-feet removed from the building. Mr. Dundon said the exit to Fowle Street was redesigned with a curb cut extension that will discourage left turns. He said the dumpster has been relocated and will not be seen from Fowle Street. He said his client is repaving 6-7 spaces for the adjacent hair salon and they will be restriped to match the CVS lot. He said there will be pedestrian connectivity between Fowle and Main streets. He said there will be bike racks at the entrance to the pharmacy. He said there will be ADA spaces in front of the store. He said the drive-through lane will have a queue length of five vehicles. He said the drainage system will include a subsurface retention system. He said the landscaped area will increase by 3,800-square-feet. He said lighting in the parking lot will be upgraded. He said the client is taking an opportunity to cut back the overgrown shrubbery at the rear property line. Chairman Gately said the committee received communications from Commissioner Quinn and City Solicitor Ellen Callahan Doucette in regard to the use of the property. He said the final conclusion is the use is not changing. He said CVS is offering numerous improvements. He said there are problems with traffic on Fowle Street and he is looking at the proposed improvements by CVS as a benefit. He said if CVS goes in turn-key, the city has gained nothing. He said he is looking at the overall improvements to the lighting and parking as a lot more than the city could hope for. He said he is looking at the project as a benefit for the South End and he will vote in favor. Alderman Mercer-Bruen said she agrees with Chairman Gately. She said she has seen the benefits CVS has brought to North Woburn. She said the parking lot at Walgreens is a mess. She said CVS could go into the building at 175 Main Street by right, but the drive-through component requires a special permit. Attorney Tarby offered a draft list of conditions. Chairman pro tem Tedesco said he agrees with Chairman Gately and Alderman Mercer-Bruen. He said he is pleased CVS has agreed to only use smaller trucks in the South End. He said the CVS in North Woburn works. He said the proposed drive-through in the South End is for a pharmacy, not fast food. Alderman Campbell thanked the petitioner's representatives for listening and making changes. She said she will be voting in favor. Chairman pro tem Tedesco said he would accept a motion to accept the draft list of conditions from Attorney Tarby. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to accept and make part of the permanent

record a document entitled “Working Draft of Proposed Conditions to Special Permit Petition of TMC New England LLC December 9, 2019;” Roll call: Chairman Gately - aye; Chairman pro tem Tedesco – aye; Alderman Mercer-Bruen – aye; Alderman Campbell – aye; Alderman Gaffney – aye; approved; 5-0. Chairman Gately asked if the list of conditions references the date of the plan of record as October 1, 2019. Chairman pro tem Tedesco said the October 1 date is listed in condition #1 of the document. Chairman Gately said he is happy with the list of conditions. He said he thinks converting the building to a CVS will be worth it. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to suspend the committee’s rules to accept comments from the audience; Roll call: Chairman Gately - aye; Chairman pro tem Tedesco – aye; Alderman Mercer-Bruen – aye; Alderman Campbell – aye; Alderman Gaffney – aye; approved; 5-0. Chairman pro tem Tedesco asked if anyone in the audience wished to address the committee about the petition. Randall Brown, 5 Fowle Street, said he likes most of the plan. He asked if the road behind the building will be a 2-way road. He said there is limited parking and there are typically cars parked on the street and asked if it will be difficult for trucks exiting the parking lot to make the left turn. He said the drive-through is forcing all the traffic behind the building to his house. He asked if traffic coming from Busa’s and Auto Zone will also use the road behind the building. He said his front door is 1-2 feet away from the street. He said he has an autistic daughter and he is concerned for her safety, especially when there are more trucks coming onto Fowle Street. He said the comparison to the CVS in North Woburn is inapt because there are no houses there. Chairman pro tem Tedesco said there are houses in proximity to the North Woburn CVS. Mr. Brown said his neighborhood already gets a lot of trucks. Chairman pro tem Tedesco said the trucks going to CVS will be limited to 40-foot box trucks. Mr. Brown said he doesn’t understand why the trucks can’t utilize Main Street. He said the headlights from cars coming from the drive-through at night could create an issue. He said he is concerned about on-site lighting. He said the owner of the P.J. Gill building wanted to be here but wasn’t notified of the meeting until yesterday. He said he didn’t get a letter notifying him of the meeting until today. Alderman Higgins said the public hearing will resume on Tuesday, December 17. Mr. Dundon said there will be full access to the hair salon. He said after the hair salon, there will be Do Not Enter signs posted and there will not be full access. He said the special permit issued for the address in 2008-09 restricts truck access to Main Street or Richardson Street Extension and Fowle Street for egress. He said there will be no lighting spillage onto abutting properties. He said the lighting is typically shut down a half-hour after the pharmacy closes. Salvatore Urdi, 48 Waverly Avenue, said he is concerned about conflicts between traffic and parked cars. He said 18-wheel trucks have difficulty turning out of the parking lot and asked why the plan does not include deliveries via Fowle Street. He said he typically clears snow from the access road. Alderman Concannon said having the vehicles enter from Fowle Street would have been a great idea except the drive-through would be on the wrong side of the cars. Mr. Urdi said the lights from the vehicles are going to shine into the windows of his salon. Alderman Higgins said the vehicles cannot deliver after certain hours. Mr. Brown said the deliveries stop at 7 p.m. but the pharmacy will be open until 10 p.m. Mr. Brown asked why there is a need for a drive-through CVS in the South End when there is already a drive-through CVS in North Woburn. He said there will be an increase in traffic of 400 vehicles per day. Attorney Tarby said there will not be that many vehicles using the drive-through. Alderman Higgins asked if the committee has been provided with the number of trips to the drive-through. Mr. Brown asked if a special permit is required for the drive-through component. Chairman pro tem Tedesco said the drive-through component is part of the application. Mr. Brown said

everything else about the project is great. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to return to the regular order of business; Roll call: Chairman Gately - aye; Chairman pro tem Tedesco – aye; Alderman Mercer-Bruen – aye; Alderman Campbell – aye; Alderman Gaffney – aye; approved; 5-0. Alderman Mercer-Bruen said she wants to add a condition about paving. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to add condition #20, which reads: “The parking lot will be repaved, striped and maintained in perpetuity as depicted on the site plan of record.” Roll call: Chairman Gately - aye; Chairman pro tem Tedesco – aye; Alderman Mercer-Bruen – aye; Alderman Campbell – aye; Alderman Gaffney – aye; approved; 5-0. Alderman Mercer-Bruen referenced condition #2 and asked if there is any way to prohibit deliveries on Sunday. Attorney Tarby said the delivery schedule on Sunday is consistent with the schedule approved by the council for the new Walgreens on Main Street in Woburn Center. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to add the phrase “and no Sundays,” to condition #4 regarding days the dumpster can be emptied; Roll call: Chairman Gately - aye; Chairman pro tem Tedesco – aye; Alderman Mercer-Bruen – aye; Alderman Campbell – aye; Alderman Gaffney – aye; approved; 5-0. Motion made by Alderman Mercer-Bruen to add the phrase “no work on holidays recognized by the city of Woburn” to condition #5 referencing exterior construction activities. Attorney Tarby said his client has no issue with the imposition of such a condition. Motion seconded by Alderman Campbell; Roll call: Chairman Gately - aye; Chairman pro tem Tedesco – aye; Alderman Mercer-Bruen – aye; Alderman Campbell – aye; Alderman Gaffney – aye; approved; 5-0. Alderman Concannon said he agrees with the ward alderman. He said this project is an improvement over what could have gone in there by right. He said he’s disappointed with the curb cut situation and remains skeptical that the no left turn might actually work because there’s not been a huge success rate in the past, but maybe the proposed island will work. He said he thinks the council may have left a little on the table, but he does not want the good to be the enemy of the better. Attorney Tarby said he hopes the configuration stops most of the left turns. Motion made by Alderman Campbell and seconded by Alderman Mercer-Bruen to recommend the petition ought to pass with the list of conditions from Attorney Tarby, as amended; Roll call: Chairman Gately - aye; Chairman pro tem Tedesco – aye; Alderman Mercer-Bruen – aye; Alderman Campbell – aye; Alderman Gaffney – aye; approved; 5-0. Chairman pro tem Tedesco asked Attorney Tarby to make sure the plan of record is submitted by next week.

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Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to adjourn. Roll call: Chairman Gately – aye; Chairman pro tem Tedesco – aye; Alderman Mercer-Bruen – aye; Alderman Campbell – aye; Alderman Gaffney – aye; all in favor, 5-0. Chairman pro tem Tedesco adjourned the meeting at 7:46 p.m.

A TRUE RECORD ATTEST

Gordon Vincent
Clerk of Committees

