

**COMMITTEE ON SPECIAL PERMITS
MONDAY, JUNE 7, 2021, at 6:23 p.m.
WOBURN CITY HALL
CITY COUNCIL CHAMBERS**

Voting members present: Chairman Richard Gately, Alderman Joanne Campbell, Alderman Jeffrey Dillon, Alderman Darlene Mercer-Bruen, and Alderman Michael Lannan

Non-voting members present: Alderman Joseph Demers, Alderman Michael Concannon, and President Edward Tedesco. Absent: Alderman Robert Ferullo

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Reading of meeting minutes of April 26, 2021: Motion made by Alderman Mercer-Bruen and seconded by Alderman Dillon to approve the minutes of the previous meeting; in favor, 5-0.

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Popeyes for a special permit to allow for a fast food restaurant pursuant to Section 5.1 (29) at 305 Mishawum Road: Representing the petitioner were Attorney Mark Salvati, 10 Cedar Street, Woburn, MA; and Howard Hymowitz, Director of Operations, Popeye’s Louisiana Kitchen. Attorney Salvati said he has addressed several issues raised by Alderman Mercer-Bruen. He said mitigation is not needed in this instance because the mitigation ordinance only applies to a new use or a substantial change to the use. He said Popeye’s is not increasing the use from D’Angelo’s. He said he has given Chairman Gately a copy of the revised site plan and has other copies for dispersal to the other members of the committee and council. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to receive an undated plot plan with a Popeye’s logo; approved, 5-0. (Scrivener’s note: Subsequent to acceptance by the committee, the plot plan was dated and time stamped in the City Clerk’s office at 6:48 p.m. on Monday, June 7, 2021). Attorney Salvati said a Popeye’s without a drive-through component is expected to generate only 10 percent of a restaurant with a drive-through component. He said therefore there is no need for a traffic study, which he said would be overkill. Alderman Mercer-Bruen said she inquired about mitigation because she did not know whether it was required. She said she told Attorney Salvati she was going to speak to City Engineer John Corey and Building Commissioner Thomas Quinn and request they look at the plans. She said not all fast food is the same. She said Popeye’s could potentially generate far more traffic than Dunkin’ Donuts or D’Angelo’s and a professional traffic analysis is required. She said the popularity of chicken right now is high. She said she thinks a traffic survey is appropriate. Attorney Salvati said Popeye’s would have provided a traffic survey if a drive-through had been proposed. Alderman Mercer-Bruen said Commissioner Quinn has questions. She said she is having a hard time figuring out the color scheme of the restaurant. She said she has visited two Popeye’s locations and the color scheme for the restaurant in Lynn is orange and brown. She said a lot of time went into Woburn Village and she would like to see a more subtle look for Popeye’s. She said the elements of Woburn Village are very high end. Mr. Hymowitz said the chain has adopted a new

color scheme that is more subtle. He said the new colors are being utilized at a new restaurant in Lawrence. He said he has pictures on his phone that he can show the council. Alderman Mercer-Bruen said he is going to take a ride to Lawrence and take pictures. She said she will make a road trip this week. Mr. Hymowitz said the new color scheme is white with orange lettering. Mr. Hymowitz said the restaurant will be located in a beautiful white building. Alderman Mercer-Bruen said there are a couple of chicken restaurants in Woburn and they tend to generate a lot of traffic. Mr. Hymowitz said an excess of traffic is no good for Popeye's either. Alderman Dillon said traffic is the biggest problem in that area. He said he goes to West Marine probably more frequently than his wife would like and he is almost always contending with heavy traffic. He said there are a number of different parcels owned by a number of different entities and he would like to see them all get together to make the traffic situation better. Attorney Salvati said he can make arrangements for the property owner to attend the next meeting. He said he thinks there was a plan for a curb cut at 299 Mishawum Road but it was withdrawn. Alderman Mercer-Bruen said the plan for the curb cut was withdrawn because what was being proposed had no support from the people who approve curb cuts and the people in this room. She said five years ago the property owners had a meeting and no one would budge. She said if Attorney Salvati could deliver a message to the property owner about a meeting to discuss potential traffic improvements, she will make sure the appropriate city personnel are here. Alderman Campbell said her primary concern is traffic. She said traffic in that area is bad. She said she would like to see a traffic study. She said she wants to know if Popeye's will generate more traffic than D'Angelo's or Dunkin' Donuts. She said she likes the idea of all the people involved talking to each other. She said she will also visit the restaurant in Lawrence to look at the color scheme. She said she believes a traffic study is important. She said Popeye's will be a popular restaurant, even without a drive-through component. Alderman Dillon said he goes to Lynn a few times a week. He said he has seen the Popeye's there and asked if that is a good example of the color scheme. Mr. Hymowitz said the new design is more modern. He said the Lynn restaurant has the old color scheme. He said the Lawrence restaurant is the only one in New England with the new color scheme. Chairman Gately asked how many parking spaces there will be outside Popeye's. Attorney Salvati said there will be 53 spaces, and of those 39 will be in front of the building, 10 in back of the building and six in front of the building. Chairman Gately asked if there will be one entrance. Attorney Salvati said there will be one entrance for Popeye's. Chairman Gately said he would like to see a traffic study. He said the applicant should indicate where the dumpster and snow storage locations will be. He said the applicant should show access for handicapped patrons. He said he will be looking to see how the parking lot will be lighted and how the parking spaces will be striped. He said all of these items will likely become conditions of the special permit. He asked what the current condition of the parking lot is. Mr. Hymowitz said the parking lot looks pretty good, actually. Chairman Gately said if the lousy parking lot is lousy, that is not going to work. He suggested seal coating the parking lot to enhance the appearance. Chairman Gately asked if this will be the final plan of record. Attorney Salvati said the applicant will have to submit a new floor plan. He said the site plan is the one he submitted earlier. Chairman Gately asked how many seats there will be in the restaurant. Attorney Salvati said there will be 50 seats. Chairman Gately said pest control measures will need to be implemented. Alderman Mercer-Bruen said one of the biggest issues with fast food is trash. She said the council may have to implement a condition about how trash is managed. She said in the past the council has required other fast food restaurants to police their parking lots for trash every 5-6 hours. Motion made by Alderman Mercer-Bruen to send a communication to City Engineer

Corey to review the traffic analysis that will be provided by the petitioner. Chairman Gately said he has the Woburn Mall traffic study. Alderman Mercer-Bruen asked if her motion was seconded. President Tedesco advised Alderman Mercer-Bruen said her motion was not seconded. Alderman Mercer-Bruen said she would like to retract her motion. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to request City Engineer Corey examine the Popeye's traffic study in conjunction with the Woburn Mall traffic study and issue a report to the committee; approved, 5-0. Motion made by Alderman Mercer-Bruen and seconded by Alderman Dillon to send a copy of the site plan to Commissioner Quinn asking him to review and issue a report to the committee; approved, 5-0. Motion made by Alderman Mercer-Bruen and seconded by Alderman Dillon to send a copy of the site plan to DPW Supt. John Duran asking him to review and issue a report to the committee; approved, 5-0. Chairman Gately said there is a lot of information that Popeye's has to provide to the City Council.

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Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to adjourn; in favor, 5-0. Chairman Gately adjourned the meeting at 6:43 p.m.

A TRUE RECORD ATTEST

Gordon Vincent
Clerk of Committees