

COMMITTEE ON SPECIAL PERMITS
As a Committee of the Whole
TUESDAY, JULY 6, 2021, at 6:00 p.m.
WOBURN CITY HALL
CITY COUNCIL CHAMBERS

Voting members present: Chairman Richard Gately, Alderman Darlene Mercer-Bruen, Alderman Jeffrey Dillon, Alderman Michael Lannan, Alderman Michael Concannon, President Edward Tedesco, and Alderman Robert Ferullo. Absent: Alderman Joanne Campbell and Alderman Joseph Demers

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Reading and approval of meeting minutes of June 28, 2021: Motion made by President Tedesco and seconded by Alderman Concannon to approve the minutes of the previous meeting; in favor, 7-0.

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FRH Realty LLC, An Affiliate of Fairfield Residential for a special permit to allow: 1. Four hundred forty-five (445) residential dwelling units, 2. Accessory pool, 3. Accessory garages for use of residents on the premises, and 4. Site Plan Approval for four hundred forty-five (445) residential dwelling units, at 316 New Boston Street: Representing the petitioner were Attorney Joseph Tarby, Rubin and Rudman, 600 Unicorn Park, Suite 7, Woburn, MA; and Scott Thornton, Principal, Vanasse & Associates, Inc., 35 New England Business Center Drive, Andover, MA. Chairman Gately said the committee will be meeting as a committee of the whole tonight. Attorney Tarby said his client is seeking a special permit for 445 residential dwelling units and a number of accessory special permits. He said the most recent public hearing was held on May 4, when the applicant presented updated renderings and design elements. He said they also provided peer reviews. He said another peer review related to traffic is still being studied. He offered a handout showing a summary of the market affordable housing units proposed for the site. Motion made by President Tedesco and seconded by Alderman Mercer-Bruen to accept and make part of the permanent record a document from the petitioner entitled “Summary of Market and Affordable Units,” approved, 7-0. He said the petitioner’s entire team is here. He said Mr. Thornton is available to discuss any issues related to traffic. Attorney Tarby said an adjacent property at 216 New Boston Street is under agreement. He said this is one step to an upgrade to the industrial area. He said 180 New Boston Street was purchased last fall for a research and testing facility. Mr. Thornton said the applicant made an initial presentation in January. He said they are communicating with City Engineer John Corey and updating the traffic figures in coordination with the New Boston Street bridge project. He said Engineer Corey requested the traffic data from the bridge project being incorporated into the applicant’s traffic report. He said the traffic study was prepared consistently with local guidelines and in coordination with the City Engineer’s office and MassDOT. He said data was re-submitted in

April to reflect the data associated with the bridge. Mr. Thornton said eight intersections were studied. He said traffic counts were taken in January 2020, before the pandemic impacted traffic. He said their observations show the 316 New Boston Street project will cause a traffic delay of 2-7 seconds at the site. He said once you get away from the location, the impact on traffic is not something you will likely notice. He said a section of New Boston Street 500 feet to the north of the bridge will be reconstructed and will provide access to the Anderson Regional Transportation Center. He said they are in the middle of the peer review process. He said the applicant received comments from World Tech on May 12. He said World Tech thought the applicant should provide less parking. He said the applicant feels as though the parking is adequate. He said the applicant provided responded to Engineer Corey and the peer review on June 15. He said most issues are resolvable. He said the applicant is looking to discuss mitigation. He said they are waiting for World Tech to review the applicant's responses. Alderman Concannon asked what World Tech's logic is to suggest less parking. Mr. Thornton said MPAC released a parking study that indicates that a lot of parking spaces go under-utilized at this type of development. He said some of these developments are near rapid transit. He said the applicant feels like this is the right number of parking spaces. Alderman Concannon asked if there is a concern that someone else would use the applicant's parking spaces. Mr. Thornton replied the concern is people will bring in more cars. Alderman Dillon asked what the transportation management demand references. Mr. Thornton said the transportation management demand identifies resources. He said a transportation manager comes to the site. He said the applicant thinks it is a good idea. He said it is a standard practice they provide and always recommend. Alderman Mercer-Bruen referenced Mr. Thornton's comment about less parking. She said the clients they are trying to attract are people who have a car. She said she does not understand how the transportation management demand comes into place. Mr. Thornton said peak hour trips can be mitigated. He said carpooling can be encouraged. He said perhaps people can coordinate rides. He said there are steps that can minimize peak hour trip generation. Alderman Mercer-Bruen said if the applicant's clientele are people who want their own cars, they are not going to do things like that unless there is an incentive. Chairman Gately asked if everyone on the committee saw the communication from R.J. O'Connell in regard to Engineer Corey's comments. He asked if anyone has any questions about that document. Alderman Mercer-Bruen said she has not read that document, but she will make sure she does before the public hearing resumes. Chairman Gately said the committee has received peer reviews for water and sewer but is still waiting on the traffic review. He asked what kind of mitigation is being considered. Attorney Tarby said the mitigation will be a topic once the peer review is completed. Alderman Mercer-Bruen said she wants to thoroughly review the traffic reports from World Tech and Engineer Corey. She said she still has concerns about the number of units.

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Woburn APNA Bazar Incorporated, 4 Held Circle, Medford, Massachusetts 02155 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.69 and 7.3 to amend a special permit dated January 12, 2011, modified June 9, 2016 to allow for alteration of pre-existing non-conforming use and structure containing approximately 53,326 square feet of gross floor area to allow for 1. Retail store in Unit 2 consisting of approximately 14,440 square feet of net floor area, and 2. Provide for 232 parking spaces as

shown on plan on file, at 335 Washington Street: Representing the petitioner were Attorney Joseph Tarby, Rubin and Rudman, 600 Unicorn Park, Suite 7, Woburn, MA; and Scott Thornton, Principal, Vanasse & Associates, Inc., 35 New England Business Center Drive, Andover, MA. Chairman Gately said the meeting tonight is not going to be opened to comments from the public. He said the council has already accepted comments during the previous meeting, and the council is aware of the public sentiment. He said the Indian community is comprised of the hardest working people he knows. He said they are here for the American dream. He said this situation involves one entity that signed a lease with Cummings Properties and another entity that has entered into a lease with another landlord in another building. He said the council is aware there is a conflict between these two parties. He said the City Council is not going to get involved in that conflict. He said the council's role is to determine if the proposed use is legal. He said there has been discussion about proposed conditions like no left turns from the site onto Washington Street. He said that is a viable option. He said one of the issues is there is no parking in Cummings Park. Alderman Mercer-Bruen said Chairman Gately just said it is not the council's job to discuss the grocery store at Cummings Park. She asked if the committee could stick to the petition for 335 Washington Street. Chairman Gately said the council cannot get into aspects of the competing grocery store but acknowledged there have been comments from both sides. Alderman Mercer-Bruen said the council's role is to decide if the petition for 335 Washington Street meets the legal standards for approval. She said one of the considerations is whether traffic is detrimental. President Tedesco said the competition factor is a valid point but what is before the council is a special permit application for 335 Washington Street. Attorney Tarby said his client is seeking a special permit for an ethnic market comprising approximately 14,440-square-feet. He said the public hearing was opened on June 1 and continued until July 13. He said Mr. Thornton provided crash data and a traffic study. He said the council also discussed the City Solicitor's opinion and he is not going to get into that any further. He said the council he received a communication from the competitor's counsel. He said there is a circular discussion about legal issues. He said Building Dept. records indicate no building permits have been applied for at 6 Cummings Park. He said a lease has been signed but as of today nothing has been filed except an application to subdivide the building into two spaces. Attorney Tarby said the City Solicitor has opined the applicant's petition involves a reasonable interpretation of the ordinance. He said the City Council has the authority to grant a special permit. He said the applicant's entire team is present to answer any questions from the committee. Alderman Mercer-Bruen said there is absolutely no reason to move forward tonight. She said she requested more information from City Engineer John Corey following testimony from 10-15 people at the public hearing in June. She said it is important for the council to have that information about traffic. She said Washington Street already operates at a level of service "F." She said the applicant making the traffic worse is not the right thing for the community. Alderman Mercer-Bruen said the City Solicitor's opinion is not as clear as Attorney Tarby makes it out to be. She said Attorney Demakis' opinion is spot on. She said at the end of the day the council's decision will come down to traffic. She asked if anyone has gotten anything from Engineer Corey. She said person after person spoke at the hearing in June saying they would come to this location to shop. Attorney Tarby said the applicant followed the same process to measure traffic as it did when the previous two tenants petitioned the council. He said traffic for Consumer Auto Parts 10 years ago is different than is for Bulbs & Lamps, for which an estimated 50 percent of the customers would be retail and the other 50 percent would be wholesale. He said they are talking about traffic in 2021, as opposed to 2016 for Bulbs & Lamps and 2011 for Consumer Auto Parts. Alderman

Mercer-Bruen said no one from the neighborhood spoke in favor of this petition. She said the City Council should defer to the people who live in the immediate neighborhood. She said most of the people who showed up for the hearing were not from Woburn. She said she is concerned about the size of this business at this location. She said Washington Street is a nightmare. She said she thinks the business itself is great, but she does not think this is the right spot for it. She said cars cannot get in and out of the location. She said she hopes the committee will allow her to wait until people have an opportunity to speak for or against the petition at the public hearing next week. Alderman Concannon said the notion of a competitor lodging a complaint is off the table as far as the council is concerned. He said he has read the suggestion that what has been provided to the council is a pre-existing, non-conforming use. He said he is still struggling with that notion. He said the opinion from the City Solicitor is not a conclusive yea or nay. He said he is looking for a crystalized analysis from the petition as to why what is being proposed should be allowed. He said the memo that Attorney Demakis has prepared is compelling. He said his other concern is traffic. He said Washington Street is the busiest street in Woburn, in Massachusetts and maybe in all of New England. He said it is a nightmare. He said the council cannot make it worse. He said if there is a solution to keep from making it worse, he would be all ears. He said he would like to hear the petitioner's very best solution to mitigate traffic. Chairman Gately said there has been traffic associated with businesses on Washington Street for all these years. He said he is not saying the grocery store is not going to bringing more traffic, but he thinks the bar will be raised a little bit. Alderman Mercer-Bruen said the existing businesses bring traffic, but not to the level of a grocery store. She said if someone proposed this on the other side of Washington Street, she would be equally concerned. She said the demand for this store gives her pause. She said the council cannot make the traffic worse. She said Staples is at its busiest during the back-to-school period, and after that people buy their supplies on-line. She said a grocery store is going to attract traffic because most people do not buy groceries on-line. Chairman Gately said there is a Portuguese market in the South End that attracts a lot of people, but there has never been a problem with traffic. Alderman Mercer-Bruen said the proposed grocery store on Washington Street is a big place. She said it will be great for customers. She said it should be located somewhere else, not on Washington Street. Chairman Gately said people need a grocery store. He said if a grocery store is located in a place where there is demand, he is all for it. Alderman Mercer-Bruen said she is all for opportunity, but not if the traffic is going to be made worse. She said this is not the right place. Chairman Gately said he represents a lot of constituents of Indian descent who might like to have grocery store that caters to them. Alderman Mercer-Bruen said that is not an issue. She said this is about the size of the proposed grocery store. Attorney Tarby said Mr. Thornton can address any questions about traffic. Alderman Mercer-Bruen said she is still waiting for Engineer Corey's analysis of the traffic. Mr. Thornton said he looked at five intersections along with Engineer Corey. Mr. Thornton said the levels of service will not decrease with the addition of the grocery store. He said the traffic will increase 0.5-1.9 percent during peak hours. He said there is a regional traffic issue. He said a lot of people who spoke at the hearing in June were people who live in other towns but work in the area. He said those trips are already there. He said those people do not represent new trips. Alderman Mercer-Bruen said the majority of those people were not people who said they work in Woburn. Mr. Thornton said another thing that is important to keep in mind is a lot the commenters reacted to the size of the store. He said most ethnic markets are small. He said potential customers are going to be excited about a 14,000-square-foot grocery store. He said a large grocery stores appeal to everyone, but this type of ethnic store will cater to Indians. He said this grocery store is

not going to generate the same amount of traffic as a Stop & Shop. He said mitigation at Cedar and Salem streets has been discussed. He said the controller is not working, and if the applicant provides mitigation, it will allow those intersections to be coordinated. He said those improvements will reduce delays and make the traffic situation better. He said if those intersections are going to be improved by someone else, the applicant can provide funds toward another improvement in the area, perhaps the proposed Cedar Street ramp. Alderman Lannan asked what days and time the grocery store will generate the most traffic. Mr. Thornton said peak hours will be Thursday, Friday, Saturday, and Sunday after 5 p.m. He said most of their business will occur between 5-9 p.m. Alderman Lannan asked how the size of the grocery store compares to B.J.'s. Mr. Thornton said the grocery store will be about 1/10th the size of B.J.'s, which is about 100,000-125,000-square-feet. Alderman Mercer-Bruen suggested leaving the matter in committee with no action. Motion made by Alderman Mercer-Bruen and seconded by Alderman Dillon to receive and make part of the permanent record a memorandum from Attorney Gregory Demakis, 56 Central Avenue, Lynn, MA, regarding 335 Washington Street; approved, 5-2, President Tedesco and Chairman Gately opposed.

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Motion made by Alderman Mercer-Bruen and seconded by Alderman Dillon to adjourn; in favor, 7-0. Chairman Gately adjourned the meeting at 7:02 p.m.

A TRUE RECORD ATTEST

Gordon Vincent
Clerk of Committees