

**COMMITTEE ON SPECIAL PERMITS
MONDAY, JANUARY 24, 2022, at 6:40 p.m.
WOBURN CITY HALL
CITY COUNCIL CHAMBERS**

Voting members present: Chairman Richard Gately, Councilor Joanne Campbell, Councilor Darlene Mercer-Bruen, Councilor Charles Viola, and Councilor Lou DiMambro

Non-voting members present: President Michael Concannon, Councilor Robert Ferullo, Councilor Jeffrey Dillon, and Councilor Joseph Demers.

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Reading and approval of meeting minutes of November 29, 2021: Motion made by Councilor Mercer-Bruen and seconded by Councilor Campbell to approve the minutes of the previous meeting; in favor, 5-0.

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E.A. Spry, Inc. for special permit to modify Landowner’s Decision and Notice of Special Permit dated November 13, 2015 as modified by Landowner’s Decision and Notice of Special Permit dated February 27, 2020 and a special permit from Section 7.3 of the 1985 City of Woburn Zoning Ordinance as amended to allow for revised site plan, amendment to Condition 2, amendment to Condition 3 to allow overnight parking of additional vehicles, and the continuation of the nonconforming parking, loading bay fronting on Holton Street, area and landscaping requirements, at 80 Holton Street: Representing the petitioner were Attorney Joseph Tarby, Rubin Rudman LLP, 600 Unicorn Park, Woburn, MA; Nick Dellacava, Project Engineer, Allen & Major Associates, 100 Commerce Way, Woburn, MA; and James Spry, President and Treasurer, E.A. Spry, Inc., 54 Holton St., Woburn, MA. Attorney Tarby submitted a list of proposed conditions and a revised plot plan. Motion made by Councilor Mercer-Bruen and seconded by Councilor Campbell to receive and make part of the permanent record the following documents: “Proposed Conditions to Special Permit Petition E.A. Spry, Inc., 80 Holton Street, Woburn, MA, January 24, 2022;” and “Layout & Materials Plan,” dated January 24, 2022; approved, 5-0. Attorney Tarby said the plot plan reflects minor changes. Mr. Dellacava said the new plan reflects only one modification to the parking count, with a correction from 14 to 12 commercial spaces. He said there are still 56 total spaces. Attorney Tarby said the parking plan complies with zoning. Attorney Tarby said Spry is a family-owned business that has been operating for more than 80 years. He said the company is looking to expand to 80 Holton St. He said he has submitted a list of conditions as follows:

1. The Petitioner shall construct and improve the Site as substantially described on the Plan of Record which for this project shall be “Layout & Materials Plan” dated December 15, 2021, prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01801 (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. All dumpsters shall be enclosed, by means of a fence, wall or landscaping in compliance with the Woburn Zoning Ordinances.
3. No deliveries shall be allowed to the site prior to 8:00 a.m. or after 4:00 p.m. Monday through Friday. There shall be no deliveries to the site on Saturday or Sunday.
4. No deliveries shall be allowed from the site prior to 6:00 a.m. or after 6:00 p.m. Monday through Saturday. There shall be no deliveries from the site on Sunday.
5. The Petitioner shall post signs within its loading area requesting that its delivery companies obey the rules of the road while traveling on City of Woburn streets and to use caution while traveling on Nashua Street to and from Holton Street.
6. The Petitioner's commercial vehicles shall not use the section of Nashua Street between Draper Street and Holton Street or Blueberry Hill Road when traveling to and from the site.
7. That the commercial vehicles parked on the site shall be limited to seven (7) vehicles (seven (7) box trucks).
8. All commercial vehicles shall be registered in the City of Woburn.
9. No gasoline or other combustible material shall be stored in the building.
10. That all other conditions set forth in the Decision dated November 13, 2015 as modified by the Decision dated February 27, 2020 shall remain in full force and effect unless modified by this Decision.

Attorney Tarby also requested the committee make the following finding: "The proposed use by the Petitioner is consistent with the past use of the property and is not substantially more detrimental than the existing nonconforming use to the neighborhood." Councilor Mercer-Bruen said she received from the City Clerk's office a list of conditions from the previous use at 80 Holton Street. She said she also asked about any conditions for the other buildings controlled by Spry but she does not see any. Attorney Tarby said there are no special permits for 54 Holton St. or 70 Holton St. Councilor Mercer-Bruen asked if the hours of operation are permitted by zoning. Attorney Tarby answered affirmatively. Councilor Mercer-Bruen said the only condition she wishes to add is in reference to a snow removal plan. She said she does not want the petitioner storing snow on Holton Street. She said she would ask the petitioner to file a snow

storage plan with the Building Commissioner. She said she also has a question about proposed condition #7 as to whether all seven commercial vehicles and seven box trucks are all marked with Spry Trucking identifiers. Attorney Tarby answered affirmatively. Chairman Gately asked the applicants if they could advise their drivers to turn down the radios in their truck so they are inaudible to neighbors. He said the radios are sometimes turned up so loud they rattle windows at 6 a.m. or 7 a.m. Chairman Gately all the issues on Holton Street can't be blamed on Spry. He said the only complaint he has gotten about Spry is the loud radios. He asked the applicant to be careful about that. Councilor Viola asked if there would be any disruptions to the neighbors from idling vehicles warming up on cold mornings. Mr. Spry replied there is really no need to warm up vehicles. He said modern vehicles really don't need time to warm up on cold days or cool down on hot days. Councilor DiMambro asked if there will be any noise generated from the metal plates that are used to load and unload trucks. He said his concern is how loud the noise will be from the loading area. Mr. Spry said the loading operation at 80 Holton Street will be similar to what it is at 54 Holton Street and 70 Holton Street, with ramps. He said there are no spring-loaded devices that are used to load trucks. Councilor Campbell asked if there will be loading and unloading of trucks in the morning. Mr. Spry said trucks are loaded and unloaded all day. Councilor Campbell said 6 a.m. seems like it is too early to load trucks. Mr. Spry said 80 Holton Street will be the furthest building away from the residential area. He said loading usually starts at 7 a.m., after employees start arriving at 6 a.m. Councilor Campbell said she does not want to get complaints about noise at 6 a.m. Mr. Spry said it is unlikely there will be complaints about noise emanating from 80 Holton Street, which he said it closer to the Winchester line than it is to any homes in Woburn. Chairman Gately said 80 Holton Street is far enough away from the residents that it won't have an impact. He said he has never had a complaint from Spry's side of the street. He said the other side of the street is a different story. Motion made by Councilor Mercer-Bruen and seconded by Councilor Campbell to allow members of the council not on the committee to address the petition; all in favor, 5-0. Councilor Dillon said he has years of experience dealing with Spry and it has always been a quality business to work with. He said the company has been in that location for a number of years. He said this parcel is the furthest away from the residential. He said the proposed use is much better than some of the other options that could go in there. Councilor Ferullo said he agrees with Councilor Dillon. Councilor Mercer-Bruen said she echoes those sentiments. She said 80 Holton Street is furthest away from the residents, and that is the most important thing. She said Spry has been an incredible asset to the community and she is 100 percent comfortable supporting the petition. Motion made by Councilor Mercer-Bruen and seconded by Councilor Campbell that the special permit "ought to pass" with the 10 conditions suggested by the petitioner along with an 11th condition that reads "A snow removal and storage plan shall be filed with the Building Dept.," all in favor, 5-0.

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Motion made by Councilor Mercer-Bruen and seconded by Councilor Campbell to adjourn; in favor, 5-0. Chairman Gately adjourned the meeting at 7:00 p.m.

A TRUE RECORD ATTEST

Gordon Vincent

Clerk of Committees