

**COMMITTEE ON SPECIAL PERMITS
MONDAY, DECEMBER 12, 2022, at 6:00 p.m.
WOBURN CITY HALL
CITY COUNCIL CHAMBERS**

Voting members present: Chairman pro tem Darlene Mercer-Bruen, Councilor Joanne Campbell, Councilor Charles Viola, and Councilor Lou DiMambro. Absent: Chairman Richard Gately
Non-voting members present: President Michael Concannon, Councilor Jeffrey Dillon, Councilor Robert Ferullo, and Councilor Joseph Demers

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Resolve that the Committee on Special Permits meet with Garage 42 Degrees, LLC, relative to compliance with conditions of special permit, at 20-30 Sonar Drive: Representing Garage 42 Degrees LLC, 20-30 Sonar Drive, Woburn, MA, was David Bamforth, President and CEO, Garage 42 Degrees LLC, 20-30 Sonar Drive, Woburn, MA. Chairman pro tem Mercer-Bruen said Chairman Gately sponsored a resolve in response to a letter to various city and state agencies from Mark Swymer, 59 Leonard St., about recent work at 20-30 Sonar Drive that has impacted Mr. Swymer’s property. She said Chairman Gately is not able to attend the meeting tonight but Councilor Dillon is familiar with the situation, though he is not a member of the committee. Motion made by Councilor Viola and seconded by Councilor Campbell to suspend the rules allow any member of the council not on the committee to address the committee; approved, 4-0. Councilor Dillon said the simplest and easiest procedure is to ask the property owner a couple of questions. Councilor Dillon thanked Mr. Bamforth for coming and said he believes Mr. Bamforth is familiar with the situation. Councilor Dillon asked if Mr. Bamforth will agree to what the neighbors are asking him to do. Mr. Bamforth said he is open to some of the suggestions like agreeing to wash Mr. Swymer’s cars but some of the other requests may be cost-prohibitive. He said he does not think a third-party engineering review is needed. Councilor Dillon asked if Mr. Bamforth if it is a question of him not wanting to pay. He said he thinks the parties involved should work something out. Mr. Bamforth said he would like to provide some background. He said he has a handout that he would like to provide to the committee. Motion made by Councilor Viola and seconded by Councilor Campbell to receive a series of documents from Mr. Bamforth dated November 23, 2022, and make them part of the permanent record; approved, 4-0. Mr. Bamforth said a company called Geo Stabilization International performed work at 20-30 Sonar Drive. He said GSI is really one of the leaders in the country if not North America for this type of work. He said the first document is a memo from Michael Petro, Project Engineer, that explains the alterations to the vegetation at the crest of the slope adjacent to 30 Sonar Drive. Mr. Bamforth said the letter states “vegetation was removed above-grade as to not disturb the existing soil slope or modify susceptibility of slope to future erosion. Photos taken throughout the construction duration are presented below.” He said GSI engineers felt the removal of trees does not pose any additional risk of erosion. He said the photos enclosed in the handout show what was removed. He said the photos on page 3 show where GSI drilled 15-20 feet and stabilized any risk of falling rock. He said mesh netting was hung. Chairman pro tem Mercer-Bruen said the report was done by an engineering firm that was paid by Mr. Bamforth. She said the committee would like to get a level of comfort that the concerns brought up by Mr. Swymer have been alleviated. She said she is going to open the hearing to allow Mr. and Mrs. Swymer to address the committee, but she will limit the discussion to five minutes. She said

when Mr. Bamforth meets with the Swymers, they should talk about a peer review. She said that is a suggestion. She asked if cleaning up the rubbish was a problem. Mr. Bamforth said the rubbish is difficult to clean up. He said any cleaning crew has to follow proper safety procedures. He said they had to fly in a cleaning service. He said the previous effort at rubbish removal was successful. He said they cleaned bottles, cans, and Christmas trees. He said everything was cleaned. Motion made by Councilor Viola and seconded by Councilor Campbell to allow members of the public to address the committee; approved, 4-0. Mark Swymer and Gail Swymer, both of 59 Leonard St., came to the podium. Mr. Swymer said he and his wife really don't have a problem with the netting. He said if the netting falls down, it is Mr. Bamforth's problem. He said the crew that Mr. Bamforth hired was instructed not to talk to Mr. Swymer while they were working. He said all he wants is for the yard to be stabilized. He said he does not care if Mr. Bamforth cleans his cars. Mrs. Swymer said she was shocked by how much work was done. Mr. Swymer said he has no problem with Mr. Bamforth. He said there is debris in the yard. He said he may have thrown a Christmas tree or two there. He said the area is also a bird sanctuary and birds may use the discarded trees as shelter. Mrs. Swymer said they want the cliff to be stable and safe. Mr. Swymer said they want Mr. Bamforth to come up with an idea that works. Councilor DiMambro said his concern with the site is it is very loose. He said there is nothing anchoring that site. He said if there is a 100-year storm, there is nothing to prevent the soil from washing down that hill. He said if erosion is a concern, then he would ask the committee to ask the company that engineered the work to install some shrubbery to anchor the slope. Mr. Swymer said a geogrid could be installed. Mrs. Swymer said the slope is very unsafe. She said there is a drop of about 120 feet. She said she did not think the trees would be cut. She said the view from her back window is unsightly. Councilor Demers asked if there was any discussion with the Swymers about working being done in the buffer zone. Mr. Swymer said no one ever discussed it with him. Councilor Dillon said the council members have copies of a document from the Special Permit application in 2021 entitled "Exhibit A," the last paragraph of which he read: "The new building will have less of an impact on the buffer zone than the existing building as shown on the plans." He said the council members also have a copy of the minutes of the November 16, 2021, meeting of the City Council that reads as follows: "George Mihov, the site engineer ... stated that the building is moving away from the west wall 20 feet to the east, which will allow for a bigger setback with the ledge face and residential area higher above." Councilor Dillon said it is the committee's responsibility to look out for and ensure the safety of the abutters. Councilor Viola said he concurs with Councilor Dillon. He said the Swymers ought to be made whole. He said if he lived there, he wouldn't like it. Mrs. Swymer said they just want the area to be safe. Motion made by Councilor Viola and seconded by Councilor Campbell to accept the following documents and make them part of the permanent record: The minutes from November 16, 2021, meeting of the City Council that reference the petition from Garage 42 Degrees LLC, and Exhibit A Special Permit Petition Garage 42 Degrees LLC, 20-30 Sonar Drive, Woburn, MA 01801; approved, 4-0. Councilor Campbell asked if the Swymers' property ends at the fence or beyond the fence. Mr. Swymer said it depends upon where you're looking in the yard. He said there is an old, dilapidated fence. He said once a month the fire department or the police department has to rescue a kid from the other side of the fence. He said he called either Mayor Rabbitt or Mayor Dever many years ago to remove the fence, and the response was they might only replace the fence. He said Councilor Gately advised him he could make the hill safe. Councilor Campbell asked how far the fence is from the Swymers' yard. Mr. Swymer said the fence is on the property line at some points and a few feet in from the property line at other

points. He said if you go onto the other side of the fence, you would be on his property. Councilor Campbell said it is a shame the trees were cut down. She said it seems like there should be new trees planted, but she does not know how much soil there is there. She asked what was referred to as a geogrid earlier in the discussion. Councilor DiMambro said a geogrid is a system of shrubs that holds everything in place. Chairman pro tem Mercer-Bruen said she will ask other members of the committee members to support a motion that will lead to Garage 42 Degrees meeting with the Swymers and making things right. She said Garage 42 Degrees is in violation of the terms of its special permit. She said this is not a negotiation. She said Mr. Bamforth has a couple of weeks to meet with the Swymers. Motion made by Councilor Viola and seconded by Councilor DiMambro to require officials from Garage 42 Degrees to meet with the Swymers and work out a solution that is satisfactory; approved, 4-0.

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PPC Event Services, Inc., for a special permit to allow for: (1) a modification to the Landowner’s Decision and Notice of Special Permits dated August 11, 2011, and January 26, 2012 to update the plan date; (2) an increase in the overnight parking of commercial vehicles from forty-four (44) to seventy-eight (78) pursuant to Section 5.1(57b) of the WZO; and (3) the approval of office space of approximately 24,095 square feet pursuant to Section 5.1(30b) of the WZO, at 36 Cabot Road: Representing the applicant was Attorney Joseph Tarby, Rubin Rudman, 500 Unicorn Park, Woburn, MA. Chairman pro tem Mercer-Bruen said a public hearing was held on December 6 and the only reason the application was not moved off the floor that night is because there are questions about vehicles being registered in the city of Woburn for excise tax purposes. She said President Concannon and Councilor Ferullo have information about the proper way to do this. President Concannon said the city or town that collects the excise tax is where the vehicle is properly garaged. Attorney Tarby said 29 of the 37 vehicles that are leased by the company are garaged in Woburn. He said they hope to change the status of the other eight vehicles this week. He said they will submit updated information to the City Council. Chairman pro tem Mercer-Bruen asked if the applicant will have updated information to provide to the City Council by its next meeting on December 20. Attorney Tarby said the status of the vehicles is being updated by the RMV and they will be ready by December 20. Councilor Viola asked if all the vehicles are licensed under the company’s name. Attorney Tarby said that is a good question and he will provide the council with an answer. Chairman pro tem Mercer-Bruen suggested sending the matter back for action to allow time for the applicant to provide the council with documentation that all vehicles associated with the business are registered in Woburn. Motion made by Councilor DiMambro and seconded by Councilor Viola to send the matter “back for action;” approved, 4-0.

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Reading and approval of meeting minutes of November 28, 2022: Motion made by Councilor Viola and seconded by Councilor DiMambro to approve the minutes of the previous meeting; in favor, 4-0.

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Motion made by Councilor Campbell and seconded by Councilor Viola to adjourn; in favor, 4-0. Chairman pro tem Mercer-Bruen adjourned the meeting at 6:37 p.m.

A TRUE RECORD ATTEST

Gordon Vincent
Clerk of Committees