

**CITY OF WOBURN
WOBURN CITY COUNCIL
SPECIAL PERMITS COMMITTEE
WOBURN CITY HALL
COMMITTEE ROOM
MONDAY, JANUARY 22, 2024 – 6:25 P.M.**

Voting members present: Chairman Darlene Mercer-Bruen, Councilor Joseph Demers, Councilor Lou DiMambro, and Councilor Charles Viola. Absent: Councilor Joanne Campbell.

Non-voting members present: President Jeffrey Dillon, Councilor Robert Toro, Councilor William Pappalardo and Councilor Robert Ferullo

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Reading and approval of meeting minutes of December 12, 2023: Motion made by Councilor Viola and seconded by Councilor DiMambro to waive the reading of and approve the minutes of the previous meeting; in favor, 4-0.

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Madison Woburn Holding, LLC for a Modification to special permit under Section 5.1(20a), Section 5.1(29) and Section 5.1 note 16 to allow for a fast food restaurant, and for an amended site plan for previously issued special permit at 369 Washington Street: Representing the petitioner were Attorney Joseph Tarby, Rubin Rudman, 500 Unicorn Park Drive, Woburn, MA; Timothy Williams, Principal, Allen & Major Associates, 100 Commerce Way, Woburn, MA; Scott Thornton, Principal, Vanasse & Associates, 35 New England Business Center Drive, Suite 140, Andover, MA; and Denis Dowdle, Madison Woburn Holdings LLC, 333 Newbury Street, Suite 201, Boston, MA. Motion made by Councilor Viola and seconded by Councilor DiMambro to suspend the City Council’s rules to allow any member of the council not on the committee to address the petition; approved, 4-0. Attorney Tarby said his client has filed a special permit request for a Starbucks restaurant in the empty space of a building that also contains the 110 Grill restaurant. He said during the public hearing last week the applicant was asked by Chair Mercer-Bruen to come to the committee meeting with solutions for curb cuts and parking for Starbucks. He said he has a list of proposed conditions and revised site plans he would like to submit to the committee. Motion made by Councilor Demers and seconded by Councilor DiMambro to accept and make part of the permanent record a document from the petitioner entitled “Proposed Conditions Special Permit Decision Madison Woburn Holdings LLC 369 Washington Street Woburn MA January 22, 2024;” and a revised site plan that includes a graphic from Vanasse & Associates dated January 22, 2024; approved, 4-0. Mr. Williams said the petitioner’s goal is to occupy the vacant tenant space next to 110 Grill. He said the space is ready to be occupied. He said a new service corral will be added behind the building, subject to a change to the zoning code. He said there will be space to use roll out bins. He said the space has been vacant since the site was constructed. He said the roadway plans are based on a state project in 2014. He said this is revision number 28. He said the site is required to have at least 500 parking spots and 517 parking spaces are provided, with an excess of 17. Councilor DiMambro asked what the anticipated customer and traffic volume will be. He said he saw approximately 26

seats on the plan. Attorney Tarby said the customer volume and traffic are already on Washington Street as a Starbucks presently exists on the opposite side of the street. Councilor DiMambro said Starbucks business is such that people may want to hang out for 2-3 hours. Mr. Thornton said the applicant assumes there will be 130 transactions during the peak hour in the morning. He said that is an otherwise inactive period for the other businesses on the site. He said 110 Grill isn't open during the peak morning hour for Starbucks. He said traffic is being shifted to a safer access location. Chair Mercer-Bruen said her question was answered when Mr. Thornton said 110 Grill is not open in the morning. She said she was wondering whether people would be driving around to try to find parking in another area. Attorney Tarby said the applicant has another solution to the curb cut situation. Mr. Thornton said the applicant looked at a number of different options. He said it makes sense to add a left turn restriction southbound on Washington Street. He said there is already a no left turn sign on the island. He said another suggestion would be to augment the signs with pavement markings. He said he thinks the no left turn message is already there, and the addition of pavement markings would drive it home. He said the applicant examined crash data from the past five years. He said there were no crashes in 2020 and 2019, and one crash each year from 2021-2023. He said all three of those crashes were on Dewey Avenue and there were no crashes coming in or out of Woburn Landing. Councilor DiMambro said it looks like the island will deter left turns. Mr. Thornton said the island is based on the standard MassDOT design. Councilor Mercer-Bruen thanked the applicant for making the change. She asked if the applicant looked into trucks not being able to make turns. She said signage is great, but people are going to do what they want to do. She said she thinks a signalized system makes it a better and safer location for a Starbucks. She said she has concerns about people ignoring the left turn prohibition. She asked what the petitioner can do to stop those left turn movements. She also asked if there are any other access points for trucks. Mr. Thornton said legal access is off Washington Street. Attorney Tarby said if the city of Woburn owned Tower Park Drive, there could be legal access there. He said the access has to be from a legal street frontage. Chair Mercer-Bruen said she does not think this will be a more dangerous situation than what's happening across the street, but she does want to make sure the applicant is not overdoing it at this site. Councilor Pappalardo asked if the footprint of the Starbucks at 369 Washington St. the same size as the Starbucks across the street. Mr. Dowdle said he is not sure. Councilor Mercer-Bruen said the restaurant at Woburn Landing is definitely bigger. Councilor Pappalardo asked if the Woburn Landing restaurant will drive more traffic to the site than the existing restaurant. Mr. Thornton said the exact number of trips were not counted. He said they based their traffic data on a typical Starbucks. Councilor Toro asked if the owners of the Woburn Landing restaurant are the same as the owners of the restaurant across the street. Attorney Tarby answered affirmatively. Councilor Toro asked if there are 130 transactions expected in the morning peak hour. Mr. Thornton answered affirmatively. Councilor Toro said it would be relatively easy to count the number of transactions across the street to get a concise idea of the number of transactions at the Woburn Landing location. He said they could count the transactions between 8-9:30 a.m. one morning instead of estimating, and then bring that data to the council. Chair Mercer-Bruen said thinks that's a great idea. Councilor Toro said even if the buildings are not the same size, they would have an idea. He said he would like to see the number of transactions for the existing Starbucks. Councilor Mercer-Bruen suggested drawing data from a Monday or Tuesday from 5 a.m. to noon and providing it to the council. Motion made by Councilor Demers and seconded by Councilor Viola to request from the applicant the number of transactions during the peak period identified in the applicant's traffic study;

approved, 4-0. Chair Mercer-Bruen said the idea is to match the time of day with the hours identified in the traffic study and replace the estimates with hard data that shows the actual number of transactions. Councilor Demers said the council would want to see that, as well. Mr. Thornton asked if numbers from 7-9 a.m. would suffice. Councilor Demers answered affirmatively. Attorney Tarby asked how the applicant will count that. Councilor Demers said the applicant can go to the existing Starbucks and ask for numbers from a certain time period. Councilor DiMambro said the survey also may be helpful to the council if the number of transactions turns out to be 230 instead of 130. Chair Mercer-Bruen said the council should take this one step at a time. She said she thinks this is a great request. Motion made by Councilor Viola and seconded by Councilor Demers to suspend the City Council's rules to allow anyone in the audience to address the committee; approved, 4-0. Chair Mercer-Bruen asked if anyone in the audience wished to address the committee in regard to the petition. Kris Wilson, Public Affairs Director, Cummings Properties, 200 West Cummins Park, Woburn, MA, said on behalf of Cummings Properties he expresses concerns about the turning movements, though he does appreciate the additional signage. He said he would like to bring the committee's attention to the shape of the island which he said does not stop people from making left turns. He suggested additional research regarding the shape of the island. Attorney Tarby said when you go up and down Washington Street only two curb cuts are restricted – Town Fair Tire and this one. He said there have only been three accidents in proximity to this intersection in five years. He said there is a lot of work involved to get MassDOT to agree to another curb cut. Mr. Thornton said there have been more accidents across the street than at the locus. Chair Mercer-Bruen asked the petitioner to provide the transaction data by the next meeting. She said she thinks this is a better location for a Starbucks than the current location but there is still work to do. Allison Scire, 2 Lee Road, said she does not live in the area but her brother owns Wicked Bagel at 345 Washington Street. She said people will drive the way they want to drive regardless of restrictions. She said she thinks better planning would be great. President Dillon said what he hears is this petition takes a more dangerous situation across the street and makes it safer. He said he likes the fact that 110 Grill opens later than Starbucks. He said he thinks this is a good fit.

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Sun Tree Estates LLC for a special permit under Sections 5.1(12) and 15.6(c)vi of the WZO to allow for a child care center at 205 and 213 Cambridge Road: Representing the petitioner were Attorney Johnathan Silverstein, Blatman, Bobrowski, Haverty & Silverstein LLC, 9 Damonmill Square, Suite 4A4, Concord, MA; Robert Michaud, Managing Principal, MDM Transportation Consultants, Inc., 28 Lord Road, Suite 280, Marlboro, MA; Bert Corey, P.E. of DGT Associates Surveying & Engineering, 1071 Worcester Road, Framingham, MA; and Shuo Sun, 332 Concord Avenue, Lexington, MA. Chair Mercer-Bruen said the committee is in receipt of several documents. Motion made by Councilor Viola and seconded by Councilor Demers to receive and make part of the permanent record an email from Anne G. Chatfield, 10 Dawes Circle, dated January 22, 2024, with the subject "Letter for Permit Meeting;" approved, 4-0, Motion made by Councilor Viola and seconded by Councilor Demers to receive and make part of the permanent record a memorandum from City Solicitor Ellen Callahan Doucette dated January 17, 2024, and entitled "Sun Tree Estates, LLC – Child Care Facility – Future Use?" approved, 4-0. Chair Mercer-Bruen said the City Solicitor was asked under the Dover Amendment what would happen if this property is no longer used as a school. She said the City Solicitor opined the building becomes a non-conforming building and any subsequent occupant

would have to follow any rules of non-conformity. She said any new applicant would have to come back to the council for a public hearing. Motion made by Councilor Viola and seconded by Councilor Demers to receive and make part of the permanent record an email from Woburn Dept. of Public Work Supt. John Duran dated January 22, 2024, with a subject "215 Cambridge Road;" approved, 4-0. Attorney Silverstein said the property is formerly the site of a church and abuts Colonial Cadillac and the Reeves Elementary School. He said this project has been under review for about six months. He said the original proposal involved the retention of the existing house on the site but after hearing the comments and requests the house has been demolished. He said dimensional relief will no longer be required. He said the applicant is trying to make it better. He said the original application was withdrawn and re-filed due to the change in composition of the City Council. He said hopefully the applicant and the council can complete the process prior to the resumption of the public hearing on February 6. Chair Mercer-Bruen said the committee asked for renderings of the building and a landscape design plan. Mr. Sun said the school is going to look like the school that exists in Lexington. He said can show the renderings of the building on his iPad. Clerk said the visual system in the Committee Room is incompatible with Apple devices. Mr. Sun said there is a possibility the coloring of the building may be different. Chair Mercer-Bruen said these nuances are important. She said the neighbors are going to see this building. She said this petition will not get to the floor for a vote without a rendering. Attorney Silverstein said the applicant will provide renderings within the next couple of days. Councilor Ferullo said Mr. Sun's other locations are identical to the proposed school in Woburn. Chair Mercer-Bruen said all the council needs is proof of that. Mr. Sun asked what will happen if he finds that during construction the building needs to be a different color. Chair Mercer-Bruen said the council has the ability to make a minor modification to a special permit. Councilor Viola said the renderings should also show the landscaping and the trees on Cambridge Road. Attorney Silverstein said his intent was to obtain photos from the school in Lexington as opposed to submitting elevation documents. Mr. Michaud said he would like to recap the project from where it started. He said the original proposal was for a 12,000-square-foot building flanked by playgrounds. He said the applicant heard concerns about the placement of the playgrounds and the proximity of the access/egress drive to Day Circle, and the retention of the single-family home. He said Vanasse Hangen Brustlin conducted a peer review of the traffic report and the applicant has addressed all of the concerns addressed therein. He said the playground areas have been reconfigured, and consolidated the driveway and moved it farther from Day Circle. He said the concept is anyone coming into the site would have to make a right turn and allows folks to get in effectively. He said the number of parking spaces is 48, which is far more than what is needed. He said industry standards require 43 spaces. He said demand peaks during a 5–10-minute period prior to pick up. He said the most anyone will ever see is 25 cars parked at one time. He said there will be a slight uptick in the mornings and afternoons when the demand will ramp up to a maximum of 43 parked cars but never more than that. He said Cambridge Road is a state highway under the jurisdiction of MassDOT. He said the preliminary review was very straightforward. He said MassDOT recommends a single driveway and the reconstruction of the sidewalk, which he said will be ADA compliant. He said the site is along an MBTA bus route but there will be no reliance on public transportation. He said public transportation will be an option for some staff but there is no need to make any accommodation. He said in response to comments from the Planning Board there is no anticipated use of commercial overnight parking, nor reliance on bus or shuttle transportation. He said the remainder of the Planning Board's comments are related to the site plan, which Mr. Corey will review. Mr. Corey said at the last

committee meeting the committee had a desire for the applicant to come up with a landscaping plan. He said the landscape architect is not present but he can be contacted by telephone if there are any overly technical questions. He said there will be a full line of trees planted along the front boundary of the property, including red maple, birch, and oak. There will also be red cedar and green arborvitae trees planted along the south side of the property. He said the applicant also initially provided an 8-foot vinyl fence, but that height is not allowed by zoning and it needs to be changed to a 6-foot vinyl fence. He said 6-foot fences are not allowed by zoning within 25 feet from the property line and they will have to pull that section of the fence back from 5 feet to 25 feet. He said there will be plantings in front of the building. Chair Mercer-Bruen asked what the date is on the landscaping plan. Mr. Corey said the date on the landscaping plan is December 28, 2023. Councilor Viola asked how close the maple and oak trees will be to the power lines. Mr. Corey said the trees will be approximately 10 feet from the power lines. Councilor DiMambro asked if the sidewalk is located outside of the tree line. Mr. Corey said the trees are located five feet from the sidewalk. Councilor DiMambro said he hopes the applicant realizes the plants need to have a deep root system so as to not disrupt the sidewalk. Attorney Silverstein said that will not be a problem. Councilor Viola asked what the sidewalk will be made of. Mr. Michaud said the sidewalk will be made of asphalt and they will resurface what is there. Councilor Pappalardo said he is having a hard time understanding with all the stuff that's going on how the project is going to help the traffic get in and out of Cambridge Road. Mr. Michaud said the business is such that not all the vehicles will arrive at the same time. He said the vehicles will naturally stagger over a 2–3-hour time frame. He said the highest hour of activity is 70 arrivals in an hour, which is about a vehicle per minute. He said roughly half of the vehicles will be coming from each direction on Cambridge Road. Councilor Pappalardo asked how that solves the traffic problem. Mr. Michaud said the traffic report documents the queuing. He said VHB agreed with the applicant's numbers. He said the report shows there will be very little delay getting onto the property. He said most of the delays will be for people leaving the site. He said the right turn will be easy but the left turn will be delayed. Councilor Pappalardo asked if the delays will occur because the entrance was moved. Attorney Silverstein said any delays will be due to the existing traffic on Cambridge Road. Mr. Michaud said the relocation of the entrance was due to concerns about a conflict with Day Circle. He said the proposed access/egress plan will have one-way circulation and allow for a longer queue on-site. Councilor Pappalardo asked if Mr. Michaud mentioned there isn't a traffic problem. Mr. Michaud said Cambridge Road has high volumes of traffic. He said the impact of adding 70 vehicles was analyzed and entering the site is not a concern. He said exiting the site will be more difficult if you make a left turn. Councilor Pappalardo asked if there will be instances when everyone arrives at the same time or if arrivals will be random. Mr. Michaud said they went to the applicant's location in Lexington which has an enrollment of 150 children. He said there are 3-4 other sites that also compare favorably. He said the traffic in the afternoon is a little more intense but there will not be any off-site queuing. He said the child care center is not going to make Cambridge Road worse. President Dillon asked if the single-family home is razed and the side setbacks comply with the zoning code, will the applicant still be relying on the Dover Amendment. Attorney Silverstein said the Dover Amendment would be an option in lieu of a special permit. He said the applicant has found the special permit process has resulted in a good plan. He said the only way the applicant would rely on the Dover Amendment is if the City Council does not issue a typical special permit. He said technically the applicant does not need a special permit but is asking for it. He said the law would not support a denial. President Dillon asked how the last half dozen

challenges to the Dover Amendment have been adjudicated. Attorney Silverstein said the courts have always upheld the Dover Amendment as valid. He said he has never seen the court uphold a denial. Chair Mercer-Bruen said the applicant does not need to be here but is following the collaborative process, which she said is a much nicer experience. Councilor Ferullo asked if the special permit is denied then any agreements with the council would go out the window. Attorney Silverstein said the applicant is trying to do the right thing, but there would be no binding obligation to a special permit. Councilor Viola asked if the applicant is willing to put a 3-foot fence within the 25-foot front setback. Mr. Corey said the fence can be sloped down to 3 feet. Councilor DiMambro said the committee has received an email from DPW Supt. Duran, who he said has some concerns. He asked the applicant to reach out to Supt. Duran. Attorney Silverstein said he saw the email from Supt. Duran today. Mr. Corey said he has communicated with Supt. Duran via email. He said he has been trying to get in touch with the Woburn Fire Dept. He said Supt. Duran's email suggested a much wider width of repaving. He said he would prefer not to install a crosswalk. He said this is a common request for a road that has recently been repaved. He said he needs to work with the Woburn Fire Dept. on the water service and the placement of a fire hydrant. He said Supt. Duran is looking for a sewer manhole on the sidewalk. He said he would just rather keep the manhole on the property and run the line along the property line. Councilor DiMambro said Supt. Duran's memo also references the drainage system. Mr. Corey said Supt. Duran is asking for 4 feet of surrounding stone. He said that is not an issue. Councilor Viola said he would like to go through a list of proposed conditions he has compiled. Councilor Viola read proposed condition #2 and asked if hours of operation from 7 a.m. to 5 p.m. on weekdays are acceptable. Attorney Silverstein said every day care center has events that are outside of the hours of operation. Mr. Sun said standard hours of operation are from 6:30 a.m. to 6:30 p.m., and he is asking for 6 a.m. to 7 p.m.. He said he would like to be open one Saturday a month for special events. Councilor Viola asked if hours of operation from 8 a.m. to 1 p.m. is acceptable. Mr. Sun said that should be fine. Chair Mercer-Bruen said the applicant may be able to estimate the number of events so the Saturday hours are not open-ended. Councilor Viola read proposed condition #2 as follows: "All exterior lighting shall be directed downward (dark sky compliant) to minimize light pollution and shedding of light onto adjoining properties." Attorney Silverstein said his client has no issue with that condition. Councilor Viola read proposed condition #3 as follows: "All exterior lighting shall be shut off from the hours of 7 a.m. to 6:30 p.m., except for emergency lighting." Attorney Silverstein suggested adding "and security" after the word "emergency." Councilor Viola said that is acceptable. Councilor Viola read proposed condition #4 as follows: "There shall be no left turn out of the property onto Cambridge Road." Mr. Michaud said a prohibition on left turns is impractical. He said 50 percent of the vehicles will have to make a left turn. He said if left turns are prohibited onto Cambridge Road, it is likely the day care center customers will go to the side streets and use those to make left turns. Councilor Viola said the committee can come back to that condition. He said the committee can also skip proposed condition #5, which reads "Right turn only signage shall be installed on the exit of the property," since it is a companion to proposed condition #4. Councilor Viola read proposed condition #6 as follows: "All clients will be informed that no queuing of traffic is allowed on Cambridge Road." Attorney Silverstein said his client has no issue with that condition. Councilor Viola read proposed condition #7 as follows: "All clients will be informed that on-street parking shall not be allowed on Cambridge Road, Day Circle, Mayflower Road or Parker Street." Attorney Silverstein said that his client has no issue with that condition. Councilor Viola read proposed condition #8 as follows: "All clients will be informed they must

not travel through Day Circle, Mayflower Road, Parker Street, New Village Road, Highview Road or Morningside Drive.” Attorney Silverstein said his client has no issue with that condition. Councilor Ferullo said restrictions on public roads are unenforceable. Councilor Demers said there is case law supporting Councilor Ferullo’s statement. Councilor Viola said proposed condition #8 will be stricken. Councilor Viola read proposed condition #9 as follows: “Except in the event of an emergency, work on the exterior of the site shall be from 7 a.m. – 6 p.m. Monday through Friday, and 8 a.m. – 4 p.m. on Saturdays. No work on the site shall be permitted on Sunday, or state and federal holidays recognized by the City of Woburn.” Attorney Silverstein asked if this condition refers to construction. Councilor Viola answered affirmatively. Attorney Silverstein said his client has no issue with this condition. Councilor Viola read proposed condition #10 as follows: “All buildings must be tested for asbestos prior to any demolition occurring. Inspectional Services, (the) Board of Health and the City Council shall be notified of the results of the testing. If asbestos is found then all Federal and State regulations for asbestos abatement shall be followed, and abutting properties shall be notified.” Attorney Silverstein said his client has no issue with this condition. Councilor Viola read proposed condition #11 as follows: “When demolition of the building occurs, water must be utilized to minimize dust in the air, and no stockpiling of demolition debris on the property.” Attorney Silverstein asked if there can be some sort of time frame regarding removal of demolition debris. Mr. Corey said requiring removal of demolition debris within a week would be tight. Councilor Viola asked if a two-week time frame would be acceptable. Mr. Corey said two weeks is better. Councilor Viola read proposed condition #12 as follows: “The white vinyl fence between 215 Cambridge Road and the petitioner shall be no higher than 6 feet tall and shall not be greater than 3 ft tall within the 25 ft setback. An 8-ft fence would need zoning relief unless the petitioner is successful in providing it is allowed per the Dover Amendment.” Attorney Silverstein said his client is fine with maintaining a 6-foot fence and a 3-foot fence within the 25-foot front yard setback. Councilor Viola said he would like to strike the second sentence from proposed condition #12. Chair Mercer-Bruen said proposed conditions #10 and #11 are highly controlled by Inspectional Services. Councilor Viola read proposed condition #13 as follows: “The white vinyl fence between the petitioner and 215 Cambridge Road shall be maintained in perpetuity.” Attorney Silverstein said his client has no issue with this condition. Councilor Viola read proposed condition #15 as follows: “Shrubbery shall be planted on both sides of the vinyl fence between 215 Cambridge Road and the petitioner and shall be maintained in perpetuity. Should a shrub die then the petitioner shall replace the shrub.” Attorney Silverstein said he does not think his client is planning to plant on both sides of the fence. Mr. Corey said he would like to retain that space for snow storage. Councilor Viola said proposed condition #14 will be stricken. Councilor Viola read proposed condition #15 as follows: “All dumpsters shall be enclosed, by means of a fence, wall or landscaping in compliance with the Woburn Zoning Ordinances, have pest control and shall be emptied between the hours of 7 a.m. and 5 p.m. Monday through Friday.” Attorney Silverstein asked Mr. Sun when the dumpsters are emptied at his other locations. Mr. Sun said the dumpsters in Lexington and Wellesley are emptied during the day. He said he cannot control late arrivals by the trash removal contractor. Chair Mercer-Bruen said Mr. Sun can control the time the dumpster is emptied. She said there is a problem in the city with trash removal contractors showing up whenever they want. She said the council solves that by requiring the enclosures to be locked. She said Mr. Sun’s name will be on the contract and he will therefore be responsible for making sure the trash contractor follows the rules. Councilor Viola read proposed condition #16 as follows: “There shall be adequate rodent control in place prior to

commencement of any site disturbance and maintained throughout all site development and construction phases. The petitioner shall provide monthly rodent control reports to both the Board of Health and the Dept. of Inspectional Services.” Attorney Silverstein said his client has no issue with that condition. Councilor Viola read proposed condition #17 as follows: “No idling of construction vehicles on property according to MGL Ch. 90 Section 16A.” Attorney Silverstein said his client has no issue with this condition. Councilor Viola read proposed condition #18 as follows: “All students shall be escorted into the child care center by an adult. There shall be no ‘live parking’ or dropping off” of students at the entrance to the child care center.” Attorney Silverstein asked if a parent transfers a child to a teacher in the parking lot. Mr. Sun said parents are required to walk their children into the building and he has no issue with this condition. Councilor Viola read proposed condition #19 as follows: “Mitigation for this project is as follows: Subject to approval from the Massachusetts Dept. of Transportation, pedestrian actuated crosswalk lights shall be paid (for) and installed by the petitioner at the crosswalk between 215 and 219 Cambridge Road. One pedestrian actuated crosswalk light shall be installed in each direction of Cambridge Road prior to occupancy permit.” Attorney Silverstein said that is going to cause a big financial hit. He said with the loss or revenue from the demolition of the house he does not think his client can do that. Councilor Viola said the crosswalk lights will make it safer for the kids at the Reeves School. Attorney Silverstein said he is sympathetic to the councilor’s concerns about safety but he said neither the applicant’s traffic consultant nor the peer reviewer indicated the child care center will have an appreciable impact on the Reeves School. He said this condition would create a big financial commitment. Councilor DiMambro said similar lights on East Dexter Avenue cost \$16,500 for the pair. He said those lights are solar powered. Mr. Michaud said that cost sounds about right. He said if the signals are purchased by a private entity, the cost will be higher. He said there would also need to be a survey conducted to install the lights. He said adding MassDOT’s soft costs, when all is said and done the price tag for the applicant will be between \$30,000-\$40,000. He said there is a cost implication for razing the house. He said the applicant is trying to work within reasonable costs. He said the milling and resurfacing of the road will be expensive. Councilor DiMambro said East Dexter Avenue is a small road in North Woburn that is not under MassDOT jurisdiction. He said he was just throwing out a number. Councilor Dillon said safety has come up as a concern during public meetings. He said the signals may be something for the petitioner to think about. Chair Mercer-Bruen asked if there was a conversation about a pedestrian signal when the plan went to MassDOT. She asked if the applicant told MassDOT that the council may want safety lights installed, or was it never proposed. She said she is a little disappointed because the council has been talking about these lights since day one. She said the lack of a commitment to install the pedestrian lights changes her perception of the petition. Mr. Michaud said MassDOT’s District 4 office looked at the entire locus and would not approve an RFB. Attorney Silverstein said Mr. Michaud knows the people at MassDOT well enough to know that he wouldn’t have to ask. He said it’s a question of whether a pedestrian crossing signal is warranted. He said mitigation is tied to an impact, and no one has raised a concern about this. He said the amount of traffic the applicant is adding isn’t even going to move the needle. He said the applicant is being asked to ameliorate an existing problem, not because of what is being added. He said the applicant is being asked to make a financial commitment to mitigate a problem that he did not create. Chair Mercer-Bruen said this is an important sticking point for her. She said she wants to make that clear. Attorney Silverstein said the driveway was moved to make the situation safer for the applicant’s customers. He said now the applicant is being asked to make an improvement that

has nothing to do with his business. Mr. Michaud said he believes there is already a crossing guard at that location. He said that is better than an RFB. Councilor Viola said he disagrees. He said he thinks the pedestrian signal is safer. Councilor Viola read proposed condition #20 as follows: "Subject to approval from the Massachusetts Dept. of Transportation, the Petitioner shall pay and install school signage in accordance with the Manual on Uniform Traffic Control Devices (MTUCD) to advise road users on Cambridge Road they are approaching a school area. One sign is proposed in each direction of Cambridge Road in advance of the existing site driveway prior to occupancy permit." Attorney Silverstein said his client has no issue with this condition. Councilor Viola reads proposed condition #21 as follows: "This Special Permit shall be issued to Sun Tree Estates LLC, and that any transfer of the special permit shall be subject to the approval of the Committee on Special Permits to determine if the new petitioner meets the guidelines of the Dover Amendment and additionally is in good standing with all licensure requirements by the Commonwealth of Massachusetts and Board of Health, and additionally the Committee on Special Permits shall make a finding that the impacts of the potential new special permit holder are similar or less impactful to the area, and if any of these conditions are not met the Committee on Special Permits shall refer the petition back to the City Council for a public hearing." Attorney Silverstein said he thinks that condition should be fine. Councilor Viola read proposed condition #22 as follows: "Sidewalks and roadways shall be kept open and clear during demolition and construction." Attorney Silverstein said his client has no issue with this condition. Councilor Viola read proposed condition #23 as follows: "The petitioner shall receive approval from the Historical Commission prior to tearing down structures on the lots according to WMC Title 15." Attorney Silverstein asked if this condition is in reference to a demolition delay ordinance. Councilor Viola answered affirmatively. Mr. Sun said if the condition refers to the single-family house only, he is okay with the condition. Councilor Viola read proposed condition #24 as follows: "Handicapped parking spaces shall be striped, be painted with the universal handicapped accessible parking logo and have proper signage indicating the handicapped accessible parking space in perpetuity." Attorney Silverstein said his client has no issue with this condition. Mr. Michaud said paint tends to wear quicker than thermal tape. He said an annual review is prudent. Councilor Viola read proposed condition #25 as follows: "All striping/ painting of driveway and signage on the property must be inspected yearly and must be re-striped or painted if wearing is occurring." Mr. Michaud said paint tends to wear quicker than thermal tape. He said an annual review is prudent. Councilor Viola read proposed condition #26 as follows: "All curbing on the property must be granite." Attorney Silverstein said this is a big cost item. Mr. Corey said the curbing in the front and along the driveway is granite but there is Cape Cod berm on the rest of the lot. Councilor Viola said he would like to see granite in the whole property. Mr. Corey said there are cost considerations. Councilor Viola said he would like granite curbing to keep runoff from the Reeves School property. Attorney Silverstein asked if the committee is willing to compromise and require granite curbing along the back length of the parking lot. Councilor DiMambro asked if it makes sense to allow the applicant to install Cape Cod berm in the back and repair it as needed after the winter. Attorney Silverstein said his client would be fine with that. Councilor Viola asked that proposed condition #26 be replaced by "Any damaged portions of the Cape Cod berm curbing must be expeditiously repaired and/or replaced." Councilor Viola read proposed condition #27 as follows: "A snow plow and storage plan shall be placed on file with the Building Inspector." Attorney Silverstein said his client has no issue with this condition. Councilor Viola read proposed condition #28 as follows: "When excessive amounts of snow occur, snow must be removed off property." Mr. Corey said there is

a note on plans referencing snow removal as follows: "In circumstances where excess snow is impacting public safety or parking capacity, snow shall be removed from the site and properly disposed of in accordance with the MassDEP snow removal guidance." Chair Mercer-Bruen said she would prefer to have a condition attached to the special permit. She said once the process is over, plans get tucked away, but the conditions will be on the special permit document. Councilor Demers suggested using the language on the plan. Councilor DiMambro asked if the applicant can use snow melters and if so will the drainage system be able to handle it. Mr. Corey said he does not know what a snow melter is. Councilor Demers said it will be cheaper to remove the snow. Councilor Viola read proposed condition #29 as follows: "All landscaping shall be maintained in perpetuity. Any trees or shrubs that die must be replaced." Attorney Silverstein said his client has no issue with this condition. Councilor Viola read proposed condition #30 as follows: "No construction vehicles will be allowed to park on Cambridge Road, Day Circle, Mayflower Road or Parker Street." Attorney Silverstein said his client has no issue with this condition. Councilor Viola read proposed condition #31 as follows: "No construction vehicles shall travel through Day Circle, Mayflower Road, Parker Street, New Village Road, Highview Road or Morningside Drive." Attorney Silverstein asked his client if he is okay with this condition. Mr. Sun said he is okay with it, but he cannot control it. Chair Mercer-Bruen said Mr. Sun can come up with a construction route plan that he and Councilor Viola agree to. Attorney Silverstein said he can do that. Councilor Viola read proposed condition #32 as follows: "All signage shall conform with city ordinance." Attorney Silverstein said the proposed sign is larger than what the ordinance allows. He said if people cannot see the sign and end up driving around, it will create a less safe situation. Mr. Michaud said the monument sign will conform to the ordinance, but he cannot speak to any other sign. Mr. Sun said the sign will be similar to the sign at the Artisan day care center on Winn Street at the Burlington line. Chair Mercer-Bruen said she would like to add a couple of conditions. She said proposed condition #33 shall be "There shall be no overnight parking on site." The petitioner raised no objection to this condition. Chair Mercer-Bruen said proposed condition #34 shall be: "The Special Permit shall be contingent upon MassDOT approval for all traffic improvements agreed to by the petitioner and City Council." Attorney Silverstein asked if that condition can be imposed prior to construction. Mr. Michaud suggested making that condition based on the issuance of an occupancy permit. Chair Mercer-Bruen said that is all the conditions she has for now but she still has concerns about the safety lights. Motion made by Councilor Viola and seconded by Councilor Demers to suspend the council's rules to allow members of the audience to speak; approved, 4-0. Chair Mercer-Bruen asked anyone in the audience to limit their input to new information. Allison Scire, 2 Lee Road, said she lives in that area and traffic is a nightmare, especially for people who live on Day Circle. She said no one is going to stop to allow cars to turn left, and that will hold up traffic. She said traffic is bad enough now as it is. She said she likes the idea of pedestrian crossing signs. Michael Delano, 210 Cambridge Road, asked what a Cape Cod berm is made of. Attorney Silverstein said a Cape Cod berm is made of asphalt. Mr. Delano said there is a large bin of coal on the property and asked if that can be removed before the church is razed. Mr. Corey said he has not seen that on the site. Mr. Sun said he has no issue with getting rid of that right away. Judy Stafford, 215 Cambridge Road, said no one has said anything about the 20-foot drop to the Reeves School. She said it is straight down,. She said she wanted to make sure that is mentioned. Mr. Sun said there are two 6-foot fences between the locus and the Reeves property. He said there is a retaining wall and a fence on top of that. He said his playgrounds will be fenced and enclosed. David Tessein, 2 McDevitt Drive, asked if any

concerns have been raised about whether the landscaping plan obstructs the view of the road. He said there have been issues transferring students who arrive at the Primrose School on Lexington Street. He said what's happened there now in terms of traffic is a nightmare. Mr. Michaud said the landscaping plan conforms to MassDOT standards for sight line triangles being unobstructed. He said he cannot speak to any issues at the Primrose School. He said there has been some discussion that the shoulder of Lexington Street is being used for queuing, but he cannot speak to what is happening at that site. He said the applicant does not have the luxury of a wide shoulder on Cambridge Road for parking and queuing. He said he is comfortable enough parking and queuing have been provided for the Goddard School. Chair Mercer-Bruen said the City Council is very aware there are issues at the Primrose School and she expects there will be some discussion about that very soon. Councilor Viola said it seems the applicant and the committee are stuck on the need for a pedestrian actuated crosswalk. He said he does not know if he can vote in favor of the petition without one. Chair Mercer-Bruen said there is still a little work to be done on the petition. She suggested the committee might send the matter "back for action," partially out of deference to Councilor Campbell, provided she is okay with the conditions. She said she will express her concerns about the pedestrian light at the public hearing. Councilor Viola said he would prefer not to make a motion at this time and leave the matter in committee.

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Motion made by Councilor Viola and seconded by Councilor DiMambro to adjourn; in favor, 4-0. Chair Mercer-Bruen adjourned the meeting at 8:25 p.m.

A TRUE RECORD ATTEST

Gordon Vincent
Clerk of Committees