

**CITY OF WOBURN
WOBURN CITY COUNCIL
SPECIAL PERMITS COMMITTEE
WOBURN CITY HALL
COMMITTEE ROOM
MONDAY, MARCH 25, 2024 – 7:24 p.m.**

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

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

* * * * *

Reading and approval of meeting minutes of February 26, 2024: 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, 5-0.

* * * * *

Garage 42 Degrees, LLC request for minor modification to special permit dated November 7, 2023, by replacing the three (3) month time limit with nine (9) months, at 20 Sonar Drive: Representing the applicant were Attorneys Joseph Tarby III and Ryan Douglas, Rubin Rudman, 500 Unicorn Park, Woburn, MA; and David Bamforth, 20 Sonar Drive, Woburn, MA. Motion made by Councilor Demers and seconded by Councilor Campbell to suspend the council's rules to allow any member of the council not on the committee to address the agenda item; approved, 5-0. Attorney Tarby said his client is seeking to extend the 3-month time limit for the special permit for storage containers to nine months retroactive to November, which he said would carry through to August. He said there has been substantial work done to mitigate the rock fall. He said there was a site visit attended by Building Commissioner Thomas Quinn, Councilor Pappalardo and Mayor Concannon. He said the property owner intends to file an application with the Zoning Board of Appeals for variances for setback reduction and the height of the proposed barriers. He said there was discussion with Commissioner Quinn about when a storage container becomes a structure. Mr. Bamforth said eight different options for mitigation of the rock fall were considered. Attorney Tarby said Mr. Danforth has prepared a visual presentation that is also depicted in a handout he will provide to the council. Motion made by Councilor Demers and seconded by Councilor Campbell to accept and make part of the permanent record a document entitled "20 Sonar Drive LLC 20 Sonar Drive LLC Woburn MA Rockfall Mitigation" prepared by DC Beane and Associates Construction Company; approved, 5-0. Mr. Bamforth said there have been meetings with the mayor and other city officials since November. He said three options were short-listed. He said Garage 42 Degrees has hired a structural engineer. He said since the last meeting rock fall has continued to be an issue. He said a small rock broke a window of a car. He said two other rock fall events have been contained or mostly contained by the barriers. He said some re-striping will be required in the parking lot to accommodate the barriers. He said the handout contains renderings of the three preferred options. He said option #1 involves utilizing the existing storage containers. He said option #2

involves ballasting the containers. He said option #3 involves the installation of approximately 300 feet of rock fall barriers with structural mesh. He said there are pros and cons to each option. He said he is currently working with a structural engineer to get plans for options #1 and #2. Attorney Tarby said the idea is to extend the special permit for six months for use of the storage containers, which he said would be a structure if the doors are sealed and the structural engineer issues an opinion about their structural integrity that satisfies the Building Commissioner. He said it took time to hire a structural engineer. He said the containers will not be used for storage since they will be filled with cement. He said the option #3 will incur an expense of approximately \$700,000 and is therefore cost prohibitive. He said you have to take a ride to the site to appreciate the conditions. Councilor Pappalardo said he has met with Mr. Bamforth a couple of times and he took a group of city officials on a tour. He said this is exactly the same plan that was proposed before. He said he thought it was made clear the storage trailers were not going to be allowed. He said he thought there was an understanding the storage containers need to go. Attorney Tarby said the difference is Mr. Bamforth is going to make the containers into structures, which was discussed with Commissioner Quinn. He said he does not think the council would be setting a precedent. He said all the trailers will be welded together and that would be considered a structure. He said Mr. Bamforth would seek relief from the ZBA for the setback and the height of the structure. He said this has been looked at in so many different ways and the best option is filling the containers with cement and welding them together. He said there would be no access to the trailers. Councilor Pappalardo said he is not in favor of option #1 nor option #2. Councilor DiMambro said he was there today. He said he saw a boulder on the left that had broken through the Jersey barriers. Attorney Tarby said their proposal is to extend the structure to the end. Councilor DiMambro asked why Mr. Bamforth is not considering interlocking steel panels. He said they should be at least 5/8" thick. He said panels that thick are not going to bend. He said he does not know why that option would not be considered. Mr. Bamforth said he looked at concrete or steel walls, but the price is considerable. He said the ground is soft. He said finding a structural engineer to design that system has proven difficult. Councilor DiMambro asked if type of barrier can go into the ground. Mr. Bamforth said they cannot go more than 2-3 feet deep before they start to hit ledge. Councilor DiMambro said he would ask members of the City Council to visit the site. He said there is a rock that broke through the barriers. Councilor Demers said this has been a difficult petition for a while. He said he would never advocate against the wishes of a ward councilor. He asked if there has been any discussion about a phased implementation of option #3 so the \$700,000 cost is not all at once. Mr. Bamforth said there have been no substantive discussions in that regard. Councilor Demers asked if option #3 is off the table. Mr. Bamforth answered affirmatively. Councilor Demers said he is thinking there has to be some sort of compromise. He asked what the parking situation is on the lot. Mr. Bamforth said the company occupies only the front of the lot. Councilor Demers asked if Mr. Bamforth can locate the Jersey barriers to stop the rock fall and change the parking configuration. Attorney Tarby said that may be something his client can take a look at. Councilor Campbell said she is also trying to think outside the box. She said it is questionable to ask Mr. Bamforth to spend \$700,000 for netting when the existing netting isn't working to begin with. She asked Councilor Pappalardo what he doesn't like about the storage containers. Councilor Pappalardo said the neighbors are not happy with the containers being there. Attorney Tarby asked if it makes sense for his client to meet with the neighbors. Councilor Pappalardo said Mr. Bamforth can do that, but he knows what Mr. Bamforth is going to hear. Attorney Tarby said he would like an opportunity to meet with the neighbors. Councilor Campbell said there has to be something that

can be done. She said it is unrealistic to ask Mr. Bamforth to spend another \$700,000 when the netting isn't working. Mr. Bamforth said the netting has been doing a good job but it only extends 100 feet right now. He said he thinks the cement containers would be better at stopping the rocks. Councilor Campbell asked if there is anything that can be done to make the containers look less like containers. She asked if there is anything that can be done to make the containers look more appealing. Chair Mercer-Bruen said she is not going to support keeping the storage trailers. She said it will set a precedent. She said the council needs to be clear about this. She said she will not support the containers. She said they need to go. She said the council will work with Mr. Bamforth to find a different solution. Councilor Toro said these containers were put in without approval in the first place. He said it was made clear to Mr. Bamforth that he had three months to make progress. He asked when the progress that has been made started to happen. Councilor Pappalardo said there was no progress made until about 6-8 weeks ago. Mr. Bamforth said the engineering company visited between Thanksgiving and Christmas. Councilor Toro said he is going to back Councilor Pappalardo and Chair Mercer-Bruen. He said he does not think the storage containers should be there. He said he thinks it will set a precedent. He said it will give other people the idea it is a good option. He said he does not think option #1 nor option #2 are worth rehashing. He said then Mr. Bamforth jumps to a higher priced option. He said the ledge did not just appear when Mr. Bamforth bought the property. He said option #1 and option #2 will not get his support. He said Mr. Bamforth needs to come up with a better option or he is going to get stuck with option #3. Attorney Tarby said this is not a clear-cut issue. He said there are storage trailers in the industrial park. He said Mr. Bamforth did not know about the rock issue when he bought the property. Chair Mercer-Bruen said she does not know if cutting down the trees had anything to do with it. She said ignorance is not an excuse. Councilor Viola asked if the containers are still being used for storage. Mr. Bamforth said there is still some equipment that has to be removed. Councilor Viola asked how the trailers are going to be maintained as they age. Mr. Bamforth said he will stay on top of maintenance. Councilor Viola said he can't see himself supporting option #1 or option #2. He said there has not been much progress made since November. Councilor DiMambro said there are storage containers like this all over North Woburn. He said to Chair Mercer-Bruen's point he thinks most people see this as a cheap fix. He said storage trailers are supposed to be used for storage. He said he would support a system that involved double-walled barriers that are filled with gravel and capped. He said if Mr. Bamforth were to take the Jersey barriers and put them 2-3 feet in the ground with a chain link fence that will get him where he needs to be. Councilor Demers said one of the first calls he got when he became a councilor was from a resident who moved to Woburn and converted a pod to a shed and was told to remove it by the Building Dept. He said the city needs to remain consistent with enforcement. He asked if there is any way to create an option #2.5. He said there is a big leap between option #2 and option #3. He said it is difficult to believe there isn't a solution in the middle. He asked how far the rocks are coming onto the parking lot. Mr. Bamforth said the rocks are coming about halfway into the parking lot. President Dillon said no one told the petitioner to build a building under a cliff. He said it seems to get worse every year. He said the trees probably did a good job of holding the hill together. He said he thinks approving one of the options with storage trailers is setting a bad precedent. He said he is going to support Councilor Pappalardo's position until the end. Mr. Bamforth said they are not seeing rocks falling in the area where the trees were removed. Councilor Pappalardo said one of the problems is there has been no forward progress since November. He said Mr. Bamforth has to come up with a solution. He said it is not okay to leave what is there there. Mr. Bamforth said he explored eight

options. He said some were untenable and others were more expensive. Councilor Pappalardo said the council needs to make sure Mr. Bamforth actually comes up with something. Attorney Tarby said it took his client a while to hire a structural engineer. He said structural engineers are in great demand and are not readily available. Councilor Pappalardo said there has been no progress in two months. Attorney Tarby said the structural engineer designed the trailer idea. He said his client has not been sitting around twiddling his thumbs. Councilor Campbell said she is not in favor of using the storage trailers. She said she does think the council should give Mr. Bamforth one more shot at coming up with a solution. She said if Mr. Bamforth can't come up with an acceptable solution, then the council should make him remove the trailers. She said if the trailers are taken away, there will be nothing to stop the rocks. Councilor Viola asked if Mr. Bamforth has looked at any of the solutions that are used in New Hampshire, where he said highways are carved out of the sides of mountains. Mr. Bamforth said his property is an old quarry that was left very rough. Chair Mercer-Bruen said she wants to make it very clear that Mr. Bamforth will not come back to the council with a solution that involves storage trailers. Councilor Pappalardo said he is comfortable with giving Mr. Bamforth three months to come back with a solution. He said Attorney Tarby indicated there will be approvals required from other boards. He said options #1 and #2 should be taken off the table. Attorney Tarby said his client still has to go to the ZBA. Chair Mercer-Bruen urged Mr. Bamforth to pay strong consideration to what Councilor Demers said about exploring other options. She said she thinks Councilor Demers is on to something. Councilor Viola suggested having the applicant provide the committee with an update in a month and a half. Chair Mercer-Bruen said she would like this issue resolved in three months. Motion made by Councilor Viola and seconded by Councilor Campbell to continue the matter for 90 days, and to require the attorney for the applicant to prove the committee with a status update in a month and a half; approved, 5-0.

* * * * *

Motion made by Councilor Viola and seconded by Councilor DiMambro to adjourn; in favor, 5-0. Chair Mercer-Bruen adjourned the meeting at 8:16 p.m.

A TRUE RECORD ATTEST

Gordon Vincent
Clerk of Committees