

**CITY OF WOBURN
WOBURN CITY COUNCIL
SPECIAL PERMITS COMMITTEE
WOBURN CITY HALL
COMMITTEE ROOM
MONDAY, SEPTEMBER 9, 2024 – 8:07 p.m.**

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

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 August 12, 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, 4-0-1.

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335 Washington Street Holdings LLC for a special permit under Section 5.1(69) and Section 7.3, of the WZO, as well as modification of previously issued special permit, to allow for Child Care Center, at 335 Washington Street: Representing the petitioner were Attorney Glenn Wood, Rubin Rudman LLC, 500 Unicorn Park Drive, Woburn, MA; John Paul Martignetti, Martignetti Real Estate, 304 Cambridge Road, Woburn, MA; Scott Thornton, Vanasse & Associates Inc., 35 New England Business Center Drive, Andover, MA; Anita Martignetti Sassi, Executive Director, Launch and Learn Educare Centers, 335 Washington Street, Woburn, MA; and Benjamin Minnix, Eaglebrook Engineering & Survey, 491 Maple St., Danvers, MA. Motion made by Councilor Viola and seconded by Councilor Campbell to accept the following documents and make them part of the permanent record: A memorandum from City Engineer John Corey dated August 27, 2024 and entitled “Subject: 335 Washington St. Daycare – Special Permit;” An email from Benjamin Minnix dated August 28, 2024, with the subject line “335 Washington St. Special Permit – Follow-up submittal;” A site plan dated June 27, 2024, and revised August 20, 2024; An email from Benjamin Minnix dated September 9, 2024, with the subject line “335 Washington St. Special Permit – Follow-up submittal;” approved, 4-0. Motion made by Councilor Viola and seconded by Councilor Campbell to suspend the City Council’s rules to allow any member of the council not on the committee to

address the petition; approved; 4-0-1. Attorney Wood said the use is allowed by right but a special permit is required because the open space requirement for the existing building is non-conforming. He said there were drainage and traffic issues discussed at the public hearing last month. He said the traffic issues have been addressed by special condition #5 on a list of proposed conditions. He said the text in red has been added to address pedestrian safety. Mr. Minnix said proposed improvements to the parking lot will allow better access to the day care facility. He said there will be a playground area of approximately 8,000-square-feet. He said he has submitted an amended plan to DPW Supt. John Duran. He said a manhole and a catch basin with a fence around it were added. Chair Mercer-Bruen said Supt. Duran would like to see things he asked for. She said it is unlikely he would have had time today to review the amended site plan in time to make comments to the committee. Mr. Minnix said he has had one discussion with Supt. Duran and two telephone conversations. President Dillon said he always likes to see someone in front of the council who has a track record. He said the Martignettis have a great track record. Councilor DiMambro asked if it might be more practical to bring the proposed fence back a bit. Mr. Minnix said the goal is to maximize the playground area and provide a storage area for the day care. Councilor DiMambro said that makes a little more sense. Councilor Viola asked if there has been any discussion about making the primary access from Cedar Street. Mr. Martignetti said that would not be an issue. Councilor Viola asked if the applicant is willing to include that as a condition to the special permit. Mr. Martignetti said it certainly won't be an issue to inform parents that primary access will be from Cedar Street. Motion made by Councilor Viola and seconded by Councilor Campbell to add the phrases "and out of" and "or picking up" to proposed condition #6; approved, 4-0-1. Motion made by Councilor Viola and seconded by Councilor Campbell to add proposed condition #7 as follows: "All lighting will be dark sky compliant;" approved, 4-0. Chair Mercer-Bruen asked what style of fence will be used. Mr. Martignetti said the fence will be solid white vinyl. Motion made by Councilor Viola and seconded by Councilor Campbell to add proposed condition #8, as follows: "All day care related playground fencing will be solid panel white vinyl;" approved, 4-0-1. Chair Mercer-Bruen suggested making the occupancy permit conditional upon completion of the mitigation for the project. Motion made by Councilor Viola and seconded by Councilor Campbell to add the phrase "prior to the issuance of an occupancy permit;" approved, 4-0-1. Mr. Martignetti said the last change is concerning. He said it really puts the petitioner in a tight spot. He said they do not anticipate any pedestrian traffic coming to the day care facility. He said to put the project in the hands of MassDOT may result in delays. Chair Mercer-Bruen said she has concerns that if the mitigation is not done prior to the issuance of an occupancy permit, the council may end up in a dispute with MassDOT. She said she would recommend sending the matter "back for action" and she will confer with the petitioner's attorney. Mr. Martignetti said it is the installation for the four pedestrian push buttons at the intersection of Salem and Washington streets that are of concern. Mr. Thornton said it takes about eight weeks to get the signal equipment. He said Cedar Street is under MassDOT jurisdiction. Chair Mercer-Bruen said she is familiar with which roads in that area are under which jurisdiction. Mr. Thornton said it could take four months to get a permit. Mr. Martignetti said he will do anything he can to light a fire under MassDOT. Motion made by Councilor Campbell and seconded by Councilor Viola to send the matter "back for action;" approved, 4-0-1.

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Motion made by Councilor Viola and seconded by Councilor DiMambro to adjourn; in favor, 4-0-1. Chair Mercer-Bruen adjourned the meeting at 8:25 p.m.

A TRUE RECORD ATTEST

Gordon Vincent
Clerk of Committees