

**CITY OF WOBURN
WOBURN CITY COUNCIL
SPECIAL PERMITS COMMITTEE
WOBURN CITY HALL
COMMITTEE ROOM
MONDAY, OCTOBER 7, 2024 – 6:03 p.m.**

Voting members present: Chairman Darlene Mercer-Bruen, Councilor Lou DiMambro, Councilor Charles Viola, and Councilor Joseph Demers. 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 September 23, 2024: Motion made by Councilor Demers 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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STA Properties at 56 Dragon LLC for a special permit under Section 7.3 and Section 5.1(57b), of the WZO, to allow for: 1. The extension or alteration of pre-existing, non-conforming use at the premises; and 2. Accessory overnight parking, at 56 Dragon Court: Representing the petitioner were Attorney Keri M. Armstrong, Johnson & Borenstein LLC, 12 Chestnut Street, Andover, MA; and Shawn Armstrong, STA Properties at 56 Dragon LLC. President Dillon recused himself and left the Committee Room. Motion made by Councilor Viola and seconded by Councilor Demers to receive and make part of the permanent record the following documents: Email correspondence from Chair Mercer-Bruen to City Clerk Lindsay Higgins with the subject line “Fwd: 56 Dragon Court,” dated Thursday, September 26, 2024, at 8:50 p.m.; email correspondence from Chair Bruen to City Clerk Higgins with the subject line “56 Dragon draft conditions,” dated Monday, September 30, 2024, at 10:55 p.m.; email correspondence from Attorney Armstrong to City Clerk Higgins with the subject line “Request to Continue: Petition of STA Properties at 56 Dragon Court,” dated Tuesday, October 1, 2024, at 2:11 p.m.; email correspondence from Chair Bruen to City Clerk Higgins with the subject line “56 Dragon Ct Additional proposed conditions as referenced 10/2 council,” dated Wednesday, October 2, 2024, at 7:13 p.m.; a document entitled “56 Dragon Court Creative AV Proposed Conditions;” email correspondence from Chair Mercer-Bruen to City Clerk Higgins with the subject line “56 Dragon Court opinion regarding expanding number of vehicles;” dated Friday, October 4, 2024, at 1:35 p.m.; and email correspondence from Attorney Armstrong to Chair

Mercer-Bruen, et al, with the subject line "Armstrong – Purchase – Commercial matter," dated Monday, October 7, 2024, at 3:04 p.m.; all in favor, 4-0-1. Chair Mercer-Bruen said there was a committee meeting held a couple of weeks ago that involved the discussion of potential conditions. She said she, the applicant, his attorney, Councilor DiMambro walked the site. She said the petitioner discussed the proposed conditions including hours of operation. She said they looked at parking. She said between 3-4 p.m. today Attorney Armstrong sent an email to her with some proposed revisions to the conditions. She said legally the council has to make a finding the petition is the same or has less impact than the previous use. She said this situation is very similar to Salem Street, Draper Street and Nashua Street. Attorney Armstrong said they have not done a parking survey. Mr. Armstrong said he has operated this business since 2005 in Malden. He said there have been no incidents with neighbors over the past 20 years. He said there have been no complaints. He said they have been respectful of the neighbors and the community. Councilor Mercer-Bruen said the council issues very few special permits that do not reference hours of operation. She said not including hours of operation is a non-starter. She said the council is required by law to know if it not more impactful. She said if she thought that, the council wouldn't even be having this discussion. She said if there is a situation where access if through a neighborhood, there have to be conditions. She said the second condition on the list of proposed conditions is about hours of operation. She asked the applicant if he is comfortable with those hours. Attorney Armstrong said she wants to look at the hours of operation in a larger context. She said the council can set the hours of operation, but the applicant's business is not the type that closes at a certain time. She said there are days when the business will be open early and close late. She said her client does not want to be locked into certain hours he can't keep all the time. She said that is the reality of the business operation. She said the applicant has concerns about not being able to accommodate certain clients. She said the applicant can't promise every single day every single vehicle is going to be parked at 6 p.m. She said zero Sunday hours is not reasonable. Chair Mercer-Bruen said the applicant can go into the building anytime he wants. Attorney Armstrong said that's not what the proposed hours of operation imply. Councilor Demers said he thinks it's reasonable to get to some compromise to balance the needs of the small businesses on the street with the needs of the residents. He said he thinks if the council works on it, everyone can come to an agreement. Mr. Armstrong said he is spending \$1.4 million out of his own pocket. He said having a list of restrictions gets frustrating. He said they are not going to be running a showroom. He said his employees will come back between 6-8 p.m. He said as far as inside the building is concerned, it's one person. He said he is not going to be 20-25 people in the office. He said he does not have a huge company. Councilor Demers said his primary concerns are trucks coming and going and customers coming and going. He said he is not as concerned about office staff. He said he thinks there's a middle they can get to. Councilor DiMambro said he went to the site. He said 17 parking spaces will be tight. He said one of his concerns is the loading dock. He said he understands why there have to be hours of operation. He said he lives near an industrial park and he understands the problems from the neighbors' perspective. He said he is opposed to Sunday operations because the residents need a break. He said residents need a break on Saturday nights. He asked if there's a job where one of Mr. Armstrong's drivers needs to be on Martha's Vineyard, can the employee take the company vehicle home and park it there. Mr. Armstrong said he is 100 percent agreeable to that. Councilor DiMambro he thinks that is a fair compromise. Mr. Armstrong said his employees take home company vehicles all the time. Councilor DiMambro said other than that, he is in agreement with most of what's in the conditions. Councilor Mercer-Bruen said if the employees can take the

vans home, that would negate any issues with hours of operation. Councilor Viola said he agrees with Councilors Demers and DiMambro. He said he thinks there is room for agreement. He said there has got to be some kind of compromise on the hours of operation. Mr. Armstrong said employees can take vehicles home 2-3 days a week, as long as he can come and go whenever he needs. Chair Mercer-Bruen said the special permit is for the vans. Mr. Armstrong said all the vehicles will be registered with the city of Woburn. He said he can come up with a parking pass. He said realistically he would only have 1-2 guys who would take home vans. Chair Mercer-Bruen she thinks this solves the hours of operation issue. She said she thinks the sides are getting closer. She said the City Council held a meeting with a very brief public hearing and then a Special Permits Committee meeting, where the committee heard a little more. She said the draft list of conditions was based on information as it was received. Motion made by Councilor Demers and seconded by Councilor DiMambro to suspend the council's rules to allow any member of the council not on the committee to address the petition; approved, 4-0-1. Councilor Toro said it is well-established that the council will want to establish hours of operation. He asked the petitioner if the proposed hours are amenable. He said the council may be open to a little bit of flexibility. Mr. Armstrong said in most instances his employees will start about 7 a.m. and be done between 4-6:30 p.m., 7 p.m. at the latest. He said clients typically will come to the showroom between 4-8 p.m. He asked if there can be some sort of parameter so customers can be in the facility between 7-8 p.m. Chair Mercer-Bruen asked if hours of operation on Saturday will be between 8 a.m. – 4 p.m. Mr. Armstrong said it will be just him on Saturday. He said he is not open to the public, but he wants to make sure he will be able to access the facility on his own. Councilor Toro asked if Mr. Armstrong is requesting hours of operation until 8 p.m. Mr. Armstrong answered affirmatively. Councilor Demers asked if Mr. Armstrong would be willing to abide by general hours of operation and showroom hours. He asked if 7 a.m. to 7 p.m. for general hours and 4-8 p.m. for showroom hours is acceptable. Mr. Armstrong said he would like general hours from 6 a.m. to 7 p.m. Chair Mercer-Bruen cautioned the committee has a responsibility to find the use is less detrimental to the previous use, hours of operation of which were 5:30 a.m. to 3:30 p.m., Monday-Thursday. She said if the applicant is seeking two different sets of hours of operation, the petition may have to be readvertised. Mr. Armstrong said his team won't be coming in at 5:30 a.m.; it will be more like 6 or 6:30. He said when he drove down there, other businesses in the area still had vehicles there at 8-9 p.m. He said their building is surrounded by industrial buildings. Chair Mercer-Bruen said those businesses do not have overnight parking. She said there is a business that has a special permit in that vicinity but it is not near Dragon Court. She said she understands residents won't be able to see the applicant's business, but that is not what this is about. She said Mr. Owen lives there. She said he grew up there. She said the Owens' concerns are the council's concerns. She said she understands the applicant is saying he wants to be a good neighbor. Mr. Armstrong asked why the city allowed an industrial park next to a residential area. Chair Mercer-Bruen said she has no idea. She said it has been that way since she was in high school. Attorney Armstrong said her client has appreciation for the neighbors. She said she knows they have roots. She said her client is trying to establish roots in Woburn. She said the seller is also a constituent. She said the seller also has significant roots. She said she feels like their side isn't being considered. She said they already have one foot out the door. She said her client is having second thoughts. She asked the council who will come after them if they leave. She said the council is going to be hard-pressed to find a less intense user. She said this is a use that can fit. Councilor Demers said it seems like the applicant eliminated any reference to hours of operation instead of offering a counterproposal. He said the

council is willing to work with the applicant. Mr. Armstrong said he needs 6 a.m. to 7 p.m. Councilor Demers asked if the showroom will be open from 4-8 p.m. Mr. Armstrong said he wants to be able to invite clients starting at 2 p.m. Attorney Armstrong said her client does not want to wait until 4 p.m. to open the showroom. She said she feels like a restriction would be a bit of an overreach. Councilor Ferullo said the applicant has represented that clients will be coming to the showroom 7-8 times a year. He said this isn't Best Buy. Attorney Armstrong said these customers are currently coming to her home. She said the showroom will be an occasional use. She said it will happen 3-4 times a year. Councilor Ferullo said he expects when people show up there will be two or three of them in the car. Mr. Armstrong said he does not expect this to be a daily thing. He said they might accommodate 2-3 people a week. He said he wants to avoid complaints. Councilor Demers said this seems like a very limited use, but he understands where Chair Mercer-Bruen is coming from. Councilor Viola said he would not feel comfortable supporting this petition without hours of operation. Mr. Armstrong said he would like hours of operation to be from 6 a.m. – 7 p.m. on weekdays and 8 a.m. – 4 p.m. on Saturdays. Chair Mercer-Bruen said she is fine with that. Mr. Armstrong asked if he could extend the showroom hours to 8 p.m. Motion made by Councilor Viola and seconded by Councilor DiMambro to set the hours of operation from 6 a.m. to 7 p.m. on weekdays and 8 a.m. to 4 p.m. on Saturdays; approved, 4-0-1. Mr. Armstrong asked if the committee is okay with language that the company vans can be swapped out for employees' vehicles. Councilor Demers suggested added the following sentence to proposed condition #6: "An exception may occur that will allow for employees to leave a personal vehicle in place of a company vehicle if the company vehicle is left overnight." Mr. Armstrong referred to condition #5 and said most of the company vehicles are lettered, but a couple are not. Chair Mercer-Bruen asked if the vehicles that are parked overnight are labeled. Mr. Armstrong answered affirmatively. Mr. Armstrong said he is okay with condition #6 as amended. Attorney Armstrong suggested adding the phrase "up to" to condition #7. Motion made by Councilor Viola and seconded by Councilor DiMambro to approve condition #7, as amended; approved, 4-0-1. Attorney Armstrong asked if the reference to the number 17 could be removed from condition #9. She said they do not have a loading dock. Motion made by Councilor Viola and seconded by Councilor DiMambro to remove the reference to the number 17 in condition #9, approved, 4-0-1. Attorney Armstrong asked if the applicant has to qualify condition #11 with a number. Councilor DiMambro said he is not sure a tractor-trailer can access that site. He asked if the condition is necessary. He suggested most of the deliveries will be via box truck. Mr. Armstrong said most of his deliveries will be by FedEx or Duie Pyle. Chair Mercer-Bruen said she feels the language covers it. She said her only concern is if something is ordered she is not sure how it's going to be delivered. Councilor Demers said the language does not restrict the applicant to four tractor-trailer deliveries. He said the second sentence refers to delivery hours. Chair Mercer-Bruen said she would like to see a number there. Attorney Armstrong said she does not want other restrictions put in. Councilor Viola asked if the dumpster references in condition #15 will be enclosed. Chair Mercer-Bruen said it is a concern. She said the dumpster is on wheels and that is the reason why it is not enclosed. She said she would prefer for it to be locked so it is not emptied too early. She said if she gets complaints, the committee will have the applicant back in and she will request the dumpster to be enclosed. Councilor Demers said he would agree to a compromise that the dumpster must be locked. Councilor DiMambro said most dumpsters have a lock bar. Chair Mercer-Bruen referred to condition #17 and asked when the grand opening will be held. Mr. Armstrong said he has no clue. Chair Mercer-Bruen said if the company has a grand opening event within the hours of

operation, it does not need to come to the council. Chair Mercer-Bruen referred to condition #11 and said the applicant is entitled to four tractor-trailer deliveries per month. She said that is beyond what Mr. Armstrong described to her. Councilor DiMambro asked what is coming in on a tractor-trailer. Mr. Armstrong said one or two pallets. Chair Mercer-Bruen said if there are 17 parking spaces, the Commission on Disability may require the applicant to have one handicapped parking space. Motion made by Councilor Viola and seconded by Councilor DiMambro to approve the list of conditions #1-15; approved, 4-0-1. Motion made by Councilor Demers and seconded by Councilor Viola that the special permit “ought to pass;” with 15 conditions; approved, 4-0-1. Chair Mercer-Bruen said the hearing will resume at the City Council’s meeting next Tuesday and the public will be allowed to speak.

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Bond Brothers, Inc. for a special permit under Section 5.1(57a), Section 5.1(57b), and Section 7.3, of the WZO, to allow for: 1. administrative offices and training center; 2. accessory storage of construction equipment and materials; 3. accessory repair of vehicles and equipment; 4. storage of ten (10) storage containers for tools; 5. storage of six (6) storage containers of pipes and fittings; 6. overnight storage of commercial vehicles; 7. continued use of nonconforming structures and parking; and 8. continued use of nonconforming property for parking of commercial vehicles and equipment, at 22 North Maple Street A and 22 North Maple Street R: President Dillon returned to the Committee Room. Representing the applicant were Attorney Joseph R. Tarby III, Rubin Rudman, 500 Unicorn Park, Woburn, MA; Timothy Williams, Allen & Major Associates, 100 Commerce Way, Woburn, MA; and Michael Moore, Bond Brothers, Inc., 22 North Maple St. A/R, Woburn, MA. Attorney Tarby said Councilor DiMambro had a number of questions at the public hearing that the applicant tried to address with a list of proposed conditions. Councilor DiMambro said he would like to go through the list of proposed conditions. Attorney Tarby said condition #1 is the standard condition that references the plan of record. He said condition #2 references rodent control. He said condition #3 references snow storage. He said condition #4 references dumpsters. He said condition #5 contains a detail list of the commercial vehicles that will be parked overnight on the premises. He said condition #6 was discussed at the public hearing. He said the condition references “job site boxes” in lieu of storage containers. He said the proposal involves eight job site boxes. He said the job site boxes will be filled with tools and other construction materials and they would go to job sites. He said the job site boxes would be used on-site, sent back and then used on another job. Councilor Demers said knowing how the job site boxes are used that much differently from the Conex boxes is enlightening. Mr. Moore said in a perfect world, the boxes would go from job to job. Chair Mercer-Bruen said she concurs with Councilor Demers. She said the applicant is not leaving anything outside. She said the only suggestion she has would be to make a finding that it is not precedent setting. Attorney Tarby said condition #7 prohibits trucks to and from the site on Merrimac Street. He said condition #8 requires the applicant to install signs instructing truck drivers to use the curb cut on New Boston Street rather than Merrimac Street. He said condition #9 requires the curb cut on New Boston Street to be installed with granite curbing. He said condition #10 requires all outside storage to be enclosed by a chain link fence with privacy strips not less than eight feet in height, with the exception of entrances and exits. He said this was requested by Councilor DiMambro. He said condition #11 requires the applicant to replace the existing Woodco sign with a Bond sign. He said condition #12 requires the applicant to install a stone tracking pad at the New Boston Street

gate. He said this was requested by Councilor DiMambro. He said condition #13 requires the applicant to remove the temporary power line and box located at the New Boston Street gate. He said condition #14 references hours of operation between 5 a.m. – 6 p.m. on weekdays and 7 a.m. - 4 p.m. on Saturdays. Chair Mercer-Bruen said she does not take exception to the hours but if this business was located on Draper Street or Dragon Court, it would not be approved. She said this is completely different. Attorney Tarby said condition #15 prohibits any storage outside the fenced area any kind of trucks, cars or machinery, especially along the New Boston Street corridor and under Eversource's high tension wires. He said condition #16 limits stockpile bays to four, each not to exceed 24-feet by 24-feet for aggregate materials. He said each bay shall not contain more than 50 tons of material per day. He said this condition was suggested by Councilor DiMambro. Attorney Tarby said condition #17 prohibits the storage of excess fill, old curbing debris, tailings, berm on demo from other jobsites. Mr. Moore said tailings are stone or asphalt chunks that cannot be re-used. Attorney Tarby said condition #18 states that any additional fixed temporary or permanent structures must be approved by the Building Commissioner and City Council as major or minor modifications. He said condition #19 prohibits the storage or stockpiling of old or used tires, fluids, batteries or parts. He said condition #20 prohibits the storage of junk equipment, trucks or machinery. He said condition #21 requires all used refuse, scrap, waste and junk to be recycled properly in a timely manner. He said condition #22 the Woburn Fire Dept. and Woburn Police Dept. will be provided access to the site for emergencies only. Mr. Moore said a lock box may work. He said they could use a lock box with a combination that is given to public safety. Councilor DiMambro said if you use a keypad, Bond should designate a code for the fire department and the police department so they know who is exiting and entering the property. Mr. Moore said they can do that. Attorney Tarby said condition #23 requires adequate, dark sky compliant lighting shall be installed on the building. He said condition #24 requires all other conditions from the C.N. Wood special permit from 2011 to remain in full force and effect. He said the special permit was issued for a 5,000-square-foot addition. He said that he would also ask the City Council to make a finding that the proposed use by the petitioner is consistent with the past use of the site and is not substantially more detrimental than the existing use. He said Bond is a 100-year-old company. He said Mr. Moore will be in charge of the facility. Councilor Demers said he wants to commend Councilor DiMambro for his work on this petition. He said Ward 6 has significant issues with commercial entities. Attorney Tarby said Councilor DiMambro spent a lot of time crafting the conditions. Councilor DiMambro thanked Bond Brothers for their cooperation. He said he appreciates all their work. Chair Mercer-Bruen said she knows how much work Councilor DiMambro put into this petition. Motion made by Councilor Demers and seconded by Councilor DiMambro that the special permit "ought to pass" with the finding and 24 conditions proposed by the petitioner; approved, 4-0-1. Chair Mercer-Bruen said she strongly suggests adding another finding that mentions the job site boxes are not precedent setting.

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Campbell & Main Street LLC for a special permit under Section 5.1.5, Section 8.3.3, and Section 12.2, of the WZO, to allow for: 1. six residential dwelling units above the first story in a commercial structure; and 2. parking within the municipal parking lot, at 477 Main Street: Representing the applicant were Attorney Joseph R. Tarby III, Rubin Rudman, 500 Unicorn Park, Woburn, MA; and Paul Connolly, Principal, Campbell & Main LLC, 477 Main St., Woburn, MA. Attorney Tarby said he wishes to submit a list of proposed conditions, a letter

from the architect and a letter from the architect that the mezzanine meets the building code along with a set of revised plans. Motion made by Councilor Demers and seconded by Councilor DiMambro to receive the aforementioned documents from the applicant and make them part of the permanent record; approved, 4-0-1. Attorney Tarby said the initial public hearing was held on August 20 and the proposal was well-received except for the color scheme. He said Mr. Connolly discussed a new color scheme with Councilor Demers. Mr. Connolly said his thought was that there would be more benefit to the city if there were only nine parking spaces for compact cars. He said he does not think it's a hardship. Attorney Tarby said the zoning code allows for a parking ratio of 30 percent for compact cars. Mr. Connolly said the building footprint is the same but the façade is completely different. He said he tried to come back with something the council could get more excited about. He said they primarily did red brick façade to make it look like an older building. He said a pier was added at the corner of Campbell and Main streets to make the aesthetics better. He said the building no longer has a floating look to it. He said the third floor would have the mezzanine and private access to the roof deck. Councilor Demers said he appreciates the applicant's efforts to address the design concerns. He said one of his concerns was the line of sight. He asked if the applicant has conferred with Building Commissioner Quinn if the line of sight is appropriate. Attorney Tarby said he and Commissioner Quinn are going to talk about that later this week. Councilor Demers asked if the applicant is paring down the commercial square footage. Mr. Connolly said the commercial space is remaining the same. He said he took away the lobby from the residential portion of the project. Councilor Demers said non-residential spaces are allowed to use municipal parking lot without a fee. He said that part has to be made clear. He said the total on-site parking spaces are seven, and the applicant needs five more at a total cost of \$22,500. Mr. Connolly said he is okay with that. Councilor Demers asked if Mr. Connolly intends to sell or rent the residential units. Mr. Connolly said he intends to sell the units. Councilor Demers asked if the city's Water Dept. has reviewed the plan. Mr. Connolly said he does not think he has gotten feedback from the Water Dept. He said he knows the Water Dept. wants to do flow tests. Councilor Demers said hearing from the relevant department heads would go a long way. He asked if the applicant has spoken to DPW Supt. John Duran about sewer service and drainage. Mr. Connolly said he has spoken to both Supt. Duran and City Engineer John Corey. He said the drainage system will be under the parking lot. Attorney Tarby said they are working to get something from Supt. Duran before next Tuesday. Councilor Demers said he is concerned about traffic on the Salem Street side, with cars entering and exiting. He asked if a "Do Not Block the Box" restriction would be helpful. Mr. Connolly said he would be open to a right turn only restriction onto Salem Street. Councilor Demers said he thinks there have been problems with exiting and entering the liquor store across the street. He said he intends to add that as a condition. Motion made by Councilor Demers and seconded by Councilor DiMambro to suspend the council's rules to allow any member of the council not on the committee to address the petition; approved, 4-0-1. Chair Mercer-Bruen congratulated the applicant. She said the new version of the plan is amazing. She said she thinks this will fit in much better with the downtown motif. Councilor DiMambro said this version is beautiful. He said this will cost a lot of money to do. He said he does have concerns about the infiltration system. President Dillon thanked Councilor Demers for all his hard work on this petition. He said Councilor Demers heard what the public had to say. He said he is glad to hear the applicant is going to be selling these units rather than renting them. He said he hopes an influx of residents will make the downtown area more inviting at 9:30 or 10:30 p.m. He said there was a time in '70s and '80s when you wouldn't walk downtown on a dark night.

He said this parcel has been stagnant for some time and it takes a little bit of thought. He said he understands the sentiment for the Dome. He said sometimes you have to look beyond that. He said he appreciates the new design. He said he has concerns about parking. He said there is an effort underway to look at parking in the downtown area. He said the city is constantly changing. He said when moved into his home on Sheridan Street 33 years ago it was the largest house on the street. He said that's not true anymore. He said the Dome has been sitting there for too many years. He said it's a blight. Councilor Viola said he likes this rendering of the project much better. He estimated there are 180-240 parking spots in downtown Woburn. He said an additional 30-40 spaces were added off Manns Court. He said there is about \$117,000 in the downtown parking fund. Councilor Demers said he thinks the council is going to be surprised by how much parking it is going to have. He said \$22,500 is a significant add to that fund. He said there are still a few things about the petition that need to be fleshed out. He said he would like to hear from the DPW and Commissioner Quinn. He said he was in Lexington and Belmont where there are vibrant downtowns due to the shops on the first floor below residential units. He said he understands the historical complexities of things, but the council can't get nostalgia get in the way of progress. He said a lot of residents have been asking what's going on. He said there was a similar situation with the Dairy Dome in Stoneham that was converted and it looks great. He said he thinks this is a step in the right direction. He said he is comfortable sending this matter back for action. Motion made by Councilor Demers and seconded by Councilor DiMambro to send the petition "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 8:10 p.m.

A TRUE RECORD ATTEST

Gordon Vincent
Clerk of Committees

