

**CITY OF WOBURN
WOBURN CITY COUNCIL
SPECIAL PERMITS COMMITTEE
WOBURN CITY HALL
COMMITTEE ROOM
WEDNESDAY, JULY 9, 2025 – 6:19 p.m.**

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

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

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Reading and approval of meeting minutes of June 4, 2025: 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, 5-0.

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Anand Patel for a special permit under WZO Section 5.1(29) and Section 8.2.5, and modification of previously issued special permits, to allow for (1) the replacement of Bob's Discount Furniture with a Supermarket; (2) the use of approximately 980 sq. ft. for dining and "grab and go" area with kitchen; (3) the reduction of required parking from 302 to 296; and (4) an amended Site Plan of Record, at 112 Commerce Way: Representing the applicant were Attorney Joseph Tarby, Rubin Rudman, 500 Unicorn Park, Woburn, MA; Anand Patel and Ashok Patel, both of 112 Commerce Way, Woburn, MA; Nicholas Dellacava, Allen & Major Associates, Inc., 101 Commerce Way, Woburn, MA; and Scott Thornton, Vanasse & Associates, Inc., 35 New England Business Center Drive, Suite 140, Andover, MA. Attorney Tarby said his clients are present. He said he has provided a copy of a floor plan that Councilor Mercer-Bruen requested at the public hearing. Motion made by Councilor Campbell and seconded by Councilor Demers to receive and make part of the permanent record a document entitled "Patidar Supermarket Woburn MA dated September 2024;" approved, 5-0. Attorney Tarby said the last revision on the floor plan is dated November 21, 2024. He said there is a grab and go area consisting of 904-square-feet, which consists of a dining area with 32 seats and a rotisserie area. He said there is a kitchen area where food will be prepared. He said he also has a revised site plan with a parking plan he would like to submit. Motion made by Councilor Campbell and seconded by Councilor Demers to receive and make part of the permanent record a document entitled "Site Plan Special Permit 114 Commerce Way Woburn, MA;" approved, 5-0. He said at the conclusion of the public hearing there were some requests made. He said the first request was whether the cart corral was included in the parking space count. He said it is not. He said the second request is how many additional handicapped accessible spaces will be required to make the parking lot ADA compliant. He said three additional spaces will be required. He said there was a question about the condition of the parking lot and whether it needs to be re-paved or re-striped. He said Mr. Dellacava will go over the parking plan. Mr. Dellacava said there are no

physical changes to the site plan. He said the zoning code requires 298 parking spaces and they have proposed 296. He said seven ADA parking spaces are required and 11 exist. Councilor DiMambro said he was there the other day and he noticed no parking signs for 120 Commerce Way. He said there were still approximately 15-20 cars scattered in that area. He said that concerns him. Mr. Dellacava said he can't say why there are no parking signs there. Anand Patel said he thinks the landlord put the no parking signs there. Councilor Mercer-Bruen said that's a bit of a concern. Ashok Patel said the cars are likely from the apartments next door. He said they will be monitoring it. Mr. Dellacava said the pavement is in good condition. He said the lot has been crack-sealed and he thinks that's a good thing that the landlord is doing regular maintenance. He said the striping is aged but visible. He said he is of the opinion there are no major maintenance items that need to be done. Councilor Demers said it might be a good idea to look at the underlying special permit to see if there are any existing conditions about maintenance. Councilor Mercer-Bruen said she thinks the parking lot looks terrible. She said it could use a layer of sealcoat. Attorney Tarby said the parking lot at 112 Commerce Way doesn't look that much different from other parking lots in the area. Councilor Mercer-Bruen said she is only concerned with this lot. She said this is what is in front of the council.. Mr. Thornton said Councilor Viola asked for a survey of trip generations that includes the Chipotle restaurant located on the site. He said they did counts of the driveway, so he estimated the number of trips for a supermarket using the ITE generator. He said the Sunday traffic is noticeable. He said it is pretty close to the Saturday traffic. He said the traffic flow on Sundays is typically less, though he couldn't find any counts along Commerce Way. He said trip generation data is typically focused on Saturday midday. Councilor Demers asked how often ITE recommendations are updated. Mr. Thornton replied ITE recommendations are updated every five years, and the last update was four years ago. Attorney Tarby said he would like to submit a list of proposed conditions. Motion made by Councilor Demers and seconded by Councilor DiMambro to receive from Attorney Tarby a document entitled "Proposed Conditions to Special Permit Anand Patel 120 Commerce Way Woburn, Massachusetts July 9, 2025" as a working draft; approved, 5-0. Attorney Tarby said the proposed supermarket is just under 22,000 square feet. He said a typical Market Basket is 75,000 square feet. He said the grab and go area is approximately 1,695 square feet. He said the list of working conditions includes the following: Attorney Tarby said the first proposed condition is the standard condition referencing the site plan. He said proposed condition #2 stipulates hours of operation for the grab and go area will be 9 a.m. – 9 p.m. Monday through Sunday. He said proposed condition #3 requires the grease trap to be maintained and inspected as part of the state plumbing code. He said proposed condition #4 limits the grab and go area to approximately 1,695 square feet. He said proposed condition #5 limits the grab and go area to 32 seats. He said no outside seating shall be allowed. He said proposed condition #6 requires adequate rodent control to be in place prior to the commencement of any work on the premises and maintained throughout the construction phase. He said the petitioner shall provide monthly rodent control reports to the Board of Health and Inspectional Services. He said proposed condition #7 requires all handicapped accessible parking spaces as shown on the plan to meet all local, state and federal access requirements. He said proposed condition #8 requires parking lot maintenance to be done four times per day to ensure the lot is kept clean of plastic bags and trash. He said proposed condition #9 requires a snow removal plan to be filed with the Building Dept. He said proposed condition #10 requires all dumpsters to be enclosed by a fence, wall or landscaping. He said dumpsters cannot be emptied before 7 a.m. or after 7 p.m. Monday through Friday. He said proposed condition #11 references mitigation for

the site. He said mitigation on the City Engineer's memo has four bullet points on the second page and the proposed total is \$54,000. He said the applicant added a fifth mitigation item – a "Do Not Enter" sign to be installed at the Chipotle driveway. He said the applicant had a call with the City Engineer to discuss mitigation. He said City Engineer Rozycki's memo indicates a recommendation for the applicant to install a new "No Traffic" video detection system with an estimated cost of \$28,000. Attorney Tarby said he does not think that should be part of the mitigation package. He said the existence of the supermarket will lower the level of service of the intersection only from a B to a C on Saturday. He said they supplied Engineer Rozycki's with traffic data and he said it would be up to the City Council to decide. Mr. Thornton said the impact of this project is 2.7 seconds of delay. He said level of service C is pretty good. He said on Sunday midday the increase in the delay is 1.2 seconds. He said it seems like doing some mitigation is fair, but he does not know about all of it. He said the applicant is proposing \$26,000 worth of mitigation. Councilor Mercer-Bruen said there is not going to be the same level of traffic on July 9 as there will be once school is in session. She said there is not going to be the same level of traffic over the next three weeks as there will be in the fall. She said it's one thing to say to the City Council that the level of service will go from a B to a C isn't terrible, but it doesn't take long for the level of service to go from a B to an F. Councilor DiMambro said on Monday what concerned him was cars exiting from the Chipotle exit. He said it was bear to get out from the parking lot to Commerce Way. He said if the traffic light at that intersection is green, it's hard to judge. He said Bob's Discount Furniture had minimal traffic and to go to 2,944 trips is substantial. He said the traffic at the intersection almost resembled NASCAR. He said during the week, that's going to be an issue. He said there's a lot of traffic when it is robust down there. He said that right turn at Chipotle is a concern, especially exiting onto Commerce Way. He said the lights need to communicate. He said he does not know what the answer is. Councilor Demers asked if the City Engineer prioritized the other three mitigation items over the video detection system. Mr. Thornton said the City Engineer was providing information to the City Council. Councilor Demers said it would be interesting to know which mitigation items would give the city the best bang for its buck; if the video detection system would be the top priority. Chair Mercer-Bruen said she would try to meet with Engineer Rozycki. Mr. Thornton said his understanding is the "No Traffic" controller system would require upgrades to the peak traffic controller. Motion made by Councilor Demers and seconded by Councilor Campbell to suspend the City Council's rules to allow any non-voting member of the council to address the special permit petition; approved, 5-0. Councilor Toro said Mr. Thornton referenced that traffic would be delayed 2.7 seconds and asked him to elaborate on that statistic. Mr. Thornton said the delay would be 2.7 seconds during the peak hour on Saturday and 1.2 seconds during the peak hour on Sunday. Councilor Toro said he does not see how traffic would only be delayed by two or one seconds with such a large increase in volume. He said Chipotle exists on a tiny area. He said he does not see the level of service being reduced only from a B to a C with such a large volume of cars. He said he would be interested to hear from City Engineer Rozycki. Councilor DiMambro said he envisions a lot of people will go to the supermarket during work to buy prepared meals for lunch. He agreed the traffic counts in July will be different than they are doing the school year. Mr. Thornton said the traffic counts were taken in March. He said he understands it is summer and there are not as many people around. He said this signal operates on a 90-second cycle. He said if there are 220 trips there are 5-6 cars per cycle. He said if it is 1-2 cars, it doesn't have a large effect on the delay. He said this is a high-capacity intersection. Councilor Toro asked what the peak hours are. Mr. Thornton said the peak hours are 1-2 p.m. in the afternoon and 5-6

p.m. in the evening. President Dillon asked what would be allowed on the site by right. Attorney Tarby said by right uses would be an office, a medical facility and anything similar under 15,000 square feet. Chair Mercer-Bruen said that is a great segue. She said a supermarket is the mother lode of traffic. She said this is not just a mom and pop grocery store. She said this matter will be left in committee. She said she is going to reach out to the City Engineer. Motion made by Councilor Demers and seconded by Councilor DiMambro to return to the regular order of business; approved, 5-0. Motion made by Councilor Demers and seconded by Councilor DiMambro to table the matter; approved, 5-0. Chair Mercer-Bruen said the next committee meeting will be in August.

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Commonwealth Investment Properties LLC for a special permit under WZO Section 5.1(69) and Section 7.3, to allow for the demolition and reconstruction of a new three (3) family dwelling and the extension and alteration of a nonconforming structure, at 1

Richmond Park: Representing the applicant were Attorney Joseph Tarby, Rubin Rudman, 500 Unicorn Park, Woburn, MA; Nick Moscarito, Commonwealth Investment Properties, Inc., 12 Chandler Road, Burlington, MA. Attorney Tarby said he would like to submit for the record a revised site plan. He said the applicant is waiting to hear from DPW Supt. John Duran regarding the site plan. He said the revised plan was sent to Supt. Duran this afternoon. Motion made by Councilor Demers and seconded by Councilor DiMambro to accept and make part of the permanent record a plot plan entitled "Proposed Dwelling 1 Richmond Park Woburn, Mass." dated June 24, 2025; and building plans for the proposed structure; approved, 5-0. Attorney Tarby said issues raised at the public hearing were with parking, a tree along a property line at 47 Warren Avenue and the impact of construction on 3 Richmond Park. He said the proposed dwelling will contain three units with six parking spaces, three in a garage. He said his client is requesting a special permit for a non-conforming structure and for the third residential unit. He said there will be an increase in the rear yard setback, side setback and landscaped open space. He said they did a site visit with Councilor Campbell and they went over a couple of other items his client has agreed to. He said at 47 Warren Avenue there is a large tree on the property line. He said his client has agreed to take down that tree and replace it with a new one in the right corner of the property. He said Councilor Campbell wanted more greenery, so his client has agreed to plant three new arborvitaes. He said Supt. Duran has determined there will be enough construction on the street to warrant curb-to-curb repavement of 100 feet. Motion made by Councilor Demers and seconded by Councilor DiMambro to accept as a working document from Attorney Tarby entitled "Proposed Conditions Special Permit Petition Commonwealth Investment Properties LLC 1 Richmond Park Woburn, MA July 9, 2025;" approved, 5-0. Attorney Tarby said the conditions address the concerns of the abutters. Councilor Campbell said she met with Attorney Tarby, the applicant and neighbors named Colleen from 3 Richmond Park and Joe from 47 Warren Avenue. Councilor Campbell said a big concern of the neighbor from 3 Richmond Park was the presence of an orange stake three feet into her yard. She said she indicated the stake needs to be removed. She said the applicant has indicated he would move the fence over. She said Attorney Tarby said the stake is now gone. Mr. Moscarito said he did not touch the stake. He said his surveyor did not stake the property. Councilor Campbell said she does want to speak to the neighbor at 3 Richmond Park. She said she wants to determine where

the fence will go. Mr. Moscarito said his surveyor will put stakes where the fence will go. Councilor Campbell said the house at 3 Richmond Park is extremely close to the applicant's property. She said the properties almost share a driveway. She said she is extremely concerned about that. She said she does not want the neighbor at 3 Richmond Park to lose half her driveway. Attorney Tarby said that will be addressed when his client applies for a foundation permit with the Building Commissioner. Councilor Demers said if the survey indicates the neighbor is parking in the applicant's driveway, that will have to be addressed. He said the arbiter will be the City Council. Councilor Campbell said it feels like that needs to be resolved. Attorney Tarby said that is an issue between property owners. He said the surveyor did not stake anything. He said the stake could have been there from before. Councilor Campbell said the stake was there as of Monday. Attorney Tarby said the plan that has been submitted is based on an actual instrument survey. He said if someone puts in random orange stake, it does not impact the survey. He said his client agreed to meet with both direct abutters. Councilor Campbell said she is still concerned the proposed dwelling may not fit. Motion made by Councilor Demers and seconded by Councilor Campbell to suspend the City Council's rules to allow any non-voting member to address the petition; approved, 5-0. Councilor Toro said he thinks this dispute is out of the council's jurisdiction. He said there has been a plot plan submitted to the council. He said if there is a dispute over a stake then that is between the neighboring property owners. Councilor Campbell said she feels she needs to think about the resident who lives next door. She said it is tight there. Councilor Toro said that is not the City Council's jurisdiction. She said if the neighbor is using the applicant's property that's not on the council. He said the council cannot get involved in that. He said the professionals should handle that. President Dillon said he agrees with Councilor Toro that this is a dispute between a neighbor and the developer. Councilor Campbell said she does not want to see the neighbor at 3 Richmond Park lose half her driveway. She said there is a situation that needs to be resolved before the council votes on the special permit. She said she wants to know where the property lines are. Attorney Tarby said the applicant has submitted a certified plot plan. Councilor Campbell said the applicant has agreed to put in a fence. Mr. Moscarito said the fence will be the width of the neighbor's backyard. Councilor Campbell said the neighbor was also concerned about the installation of granite pavers. She said that may make it difficult to distinguish between the two properties. Chair Mercer-Bruen said she can recall an instance like that on Washington Street near the Winchester line. Councilor Campbell said other issues involve the presence of lead and asbestos. Mr. Moscarito said he has obtained lead and asbestos certifications. He said that was one of the first things he did. Councilor Campbell asked how long construction will take. Mr. Moscarito said he does not know for certain. He said he has a gut feeling construction will last 9-12 months. Councilor Campbell said the applicant is asking for construction hours of 8 a.m. – 5 p.m. on Saturdays. Mr. Moscarito said those hours abide by city rules. Councilor Campbell asked if the applicant can limit construction hours on Saturdays to 8 a.m. – 3 p.m. Chair Mercer-Bruen said if the construction hours are reduced the project will take longer to build. Councilor Campbell said she wants a small tree at 47 Warren Avenue. She said the resident there does not want a big tree. She suggested planting an ornamental pear tree. Councilor Ferullo said if there is a dispute about property lines it is a land court dispute, not a City Council dispute. President Dillon said there is a difference between a home being lead compliant and lead-free. He said there is nothing that requires lead to be removed from a home. Councilor DiMambro said typically with demolition, there is water sprayed to keep the dust down. He said he looked at an old rendering of the garage and asked if the configuration of the garage has changed. Mr. Moscarito said the depth of the

house was larger but has been decreased. He said the drawing was updated to show the accommodation of three vehicles. Councilor Campbell said the council will have to determine whether the proposed structure will not be substantially more detrimental than what is there now. She said it will definitely clean up the area. She asked if the fencing in the back will be all new. She said the building in the back is singed and asked if that has been resolved with the property owners. Mr. Moscarito said his understanding is the abutters in the back reached out to their insurance company and their claim was denied for some reason. He said he does not know why and he was not given any further information. He said there will be a new fence that will go all the way across the property line. Councilor Campbell asked if the owners in back have contacted Mr. Moscarito. He said they have not. Councilor Campbell asked how the issue of the property line will be resolved so she can feel comfortable. Attorney Tarby suggested the committee send the matter back for action so his client can meet with the neighbor at 3 Richmond Park. Chair Mercer-Bruen said there is a certified plot plan and she is really not comfortable talking about lot lines. She said if the neighbor next door has concerns, she should survey her own property. Councilor Campbell said she will talk to the neighbor tomorrow. Motion made by Councilor Campbell and seconded by Councilor Demers to send the matter "back for action;" approved, 5-0.

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Motion made by Councilor Demers and seconded by Councilor DiMambro to adjourn; in favor, 5-0. Chair Mercer-Bruen adjourned the meeting at 7:30 p.m.

A TRUE RECORD ATTEST:

Gordon Vincent
Clerk of Committees