

**CITY OF WOBURN
WOBURN CITY COUNCIL
SPECIAL PERMITS COMMITTEE
WOBURN CITY HALL
COMMITTEE ROOM
TUESDAY, OCTOBER 14, 2025 – 5:57 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 Robert Ferullo, Councilor William Pappalardo, Councilor Robert Toro, and President Jeffrey Dillon

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Reading and approval of meeting minutes of September 9, 2025: Motion made by Councilor Demers and seconded by Councilor DiMambro to waive the reading of and approve the minutes of the previous meeting, all in favor, 5-0.

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Milton Real Properties of Massachusetts d/b/a Milton Rents for a special permit under WZO Section 5.1(45) for the rental of compact construction equipment, including accessory repair and storage facilities, at 210 New Boston Street: Representing the applicant were Attorney Malcolm Houck, 7 Winn Street, Woburn, MA, and Brad Farren and Ethan Flinkstrom, Milton Rents, 210 New Boston St., Woburn, MA. Attorney Houck said Mr. Farren would like to present a handout to the committee. Motion made by Councilor Demers and seconded by Councilor DiMambro to accept from the petitioner a document from Mr. Farren entitled “Milton Rents: The Right Equipment When You Need It;” all in favor, 5-0. Attorney Houck said he has also prepared a list of proposed conditions. He said he has some comments and his client has some comments. He said he realizes New Boston Street and Merrimac Street where the site is located has been problematic. He said they are dealing with some potentially heavy vehicles. He said volume will not be an issue but the size of the vehicles may potentially be problematic. He said one of the concerns is the transit down Merrimac Street and the transit from New Boston Street. He said condition #4 states “Heavy tractor trailer, Landoll, low-bed, deliveries and pickups must use Industrial Parkway and New Boston Street only via 93 and 95.” He said he wants to propose there would be an amendment to it that exit from the site via Merrimac Street be posted “No left turn” No transit Merrimac Street to Main Street so large vehicles turn right and exit back out Motion made by Councilor Demers and seconded by Councilor DiMambro to receive from Attorney Houck entitled “Milton CAT 210 New Boston St., Conditions” as a working document; approved, 5-0. Attorney Houck said proposed condition #4 references the trucking route to the premises as follows: “Heavy tractor-trailer, Landoll, low-bed, deliveries and pickups must use Industrial Parkway & New Boston St only via 93/95.” He said this will prevent drivers from existing the site onto Merrimac Street. Councilor DiMambro said this issue has been discussed and he has no problem with the condition. He said the reason he specifically

referenced the Landolls and the low-beds is because there is a crosswalk light on Main Street and School Street right on the corner. He said when drivers take a right from Main Street onto School Street they wipe that thing out probably once a year. He said it's a task to get that replaced. Attorney Houck said he has been dealing with clients up there for years if not decades and he understands the very nature of the problem with the width of the street and the traffic. He said for this client and this operation their vehicles will pull out onto Merrimac Street and make right turns only. He said it is a distance only equal to the frontage of the property on Merrimac Street. Councilor DiMambro said he hopes the repaired New Boston Street bridge that will be opening in the spring will assist with mitigating the traffic and bringing it over to Commerce Way and Presidential Way, so he has no problem with that condition. Attorney Houck said condition #6 references a fence that will be 48 inches rather than 6 feet. Councilor DiMambro said the reason he went with 6 feet is for visual purposes. He said the neighbor across the street also has a 6-foot fence. He said Bond Brothers also has an 8-foot fence. He said the reason he wants to require a 6-foot fence is because the applicant has very expensive items in the yard. He said he is not asking for a state-of-the-art penitentiary fence but he would like some sort of a barrier around the facility. Mr. Farren said he has talked to Building Commissioner Quinn and he is under the impression there is a 48-inch high restriction on fences on New Boston Street. He said they are open to either height. He said they do not want to penetrate the cap of the EPA site with a fence. He said they plan to put in Jersey barriers and put the fence on top of those. He said he is fine with whatever height the City Council wants. Councilor DiMambro said he will speak with Commissioner Quinn before the public hearing resumes next Tuesday. Chair Mercer-Bruen asked if the fencing will include something that blocks the sight lines. Councilor DiMambro said he wasn't going that way because he wants to keep the appearance of the area somewhat uniform. Chair Mercer-Bruen said she thought the purpose of the fence is to hide the applicant's equipment so people aren't tempted to hop the fence, but so be it. Councilor Demers said Woburn Police would prefer a non-slatted fence so they can see any nefarious behavior that's going on on-site. Attorney Houck said condition #9 references the snow removal procedures. He said the plan has been revised to show areas where snow will be stockpiled. He said he has a question about proposed condition #12. He said there is a fairly substantial groundswell to use anti-coagulant rodenticide. He asked if the phrase "best accepted practices" would be appropriate. Councilor Viola said the condition regarding rodent control in the McDonald's petition at the Four Corners referenced first generation rodenticide, which he said the legislature is probably going to be pushing forward. Councilor Demers said he has had preliminary discussions with Mr. Joyce from the Conservation Commission to move forward with an ordinance that would require a standard format for rodent control. He said that might make it a moot point to include rodent control as a condition of this special permit but he would leave it in. He said this is something that is going to be expected across the city. Councilor DiMambro said he agrees and that's why he put it in there. He said he appreciates Councilor Viola's advice about first generation rodenticide. He said the city is heading that way. He said James Joyce is very well-informed about this and Mr. Joyce has given him a boatload of documentation on it. He said it does have an effect on raptors, hawks and other sorts of wildlife, including domesticated animals. He said with Waste Management directly across the street any little thing that can be done there to help is what he is requesting. Motion made by Councilor Viola and seconded by Councilor DiMambro to amend condition #12 to add the term "first generation;" approved, 5-0. Attorney Houck said proposed condition #15 prohibits on-site storage or stockpiling of junk trucks, machinery or equipment. He said those items will have a timely export from the site.

Chair Mercer-Bruen asked if anyone on the committee wants to define timely. She said one person's timely could be a week and another person's timely could be 12 months. Attorney Houck said the equipment will be removed as soon as possible. Chair Mercer-Bruen said as soon as possible could mean yesterday or today or as soon as I get around to it. Councilor DiMambro said within 30 days is reasonable. Attorney Houck said 30 days is fine. Motion made by Councilor DiMambro and seconded by Councilor Viola to amend proposed condition #15 to read "within 30 days;" approved, 5-0. Attorney Houck said he thinks the committee has covered all the questions that were proffered by Planning Director Cashell and Building Commissioner Quinn. Councilor Demers asked if an updated plan has been filed with the City Clerk to show the snow storage areas. Mr. Farren said the snow storage areas are shown on the original plan. He said the plan of record dated Sept. 8, 2025, shows the snow storage area. Councilor Viola said proposed condition #14 also refers to "in a timely manner" and asked if Councilor DiMambro wants to tighten that up. Councilor Demers said it should be the same provision. Councilor Demers said the applicant is going to have to have agencies come to the premises, especially with hazardous materials. He said he is sure they are going to have that on-site and he is sure they will have contractors who will pick up fluids. Motion made by Councilor Viola and seconded by Councilor DiMambro to add the phrase "within 30 days" to proposed condition #14; approved, 5-0. Councilor DiMambro said he also questioned the attorney about the tank and the stackable blocks. He asked if that has been resolved. Mr. Farren said the existing diesel fuel tanks will stay. He said it has been permitted and inspected and they are working with the fire chief through that piece. He said the blocks and the canopy pieces are being removed but it is a slow process. Councilor DiMambro asked if the storm drain situation has been resolved. Mr. Flinkstrom said they are working to clear the catch basins and storm drains. Mr. Farren said he appreciates the Special Permits Committee getting their petition on the agenda tonight. He said they have demolition permit. He said they hope to have the power disconnected and move forward with the demolition on Friday. He said things are moving forward. He said they are waiting for comments from the EPA. He said things are getting there and they are moving forward. Chair Mercer-Bruen asked Councilor DiMambro if it is his intent to wait for comments from the EPA or any other parties. Councilor DiMambro said it seems like the EPA has already weighed in. Mr. Farren said the EPA has approved a demolition portion. He said they have submitted a work plan for the rest of it and they are supposed to respond in 60 days. He said they have been talking with EPA Administrator Joseph LeMay. Chair Mercer-Bruen said she would make a recommendation from the chair to send this matter back for action. She said the applicant is still waiting for cleanup on some items. Councilor DiMambro said he would probably recommend back for action just because there are some loose ends. He said he wants to make sure the applicant has some things pending with the EPA about the build. Mr. Farren said that is the piece they are waiting for. Councilor DiMambro said that's the piece he is worried about. He said that is the reason they are not doing any penetrations within the cap. He said they are not doing extensive work within the cap. He said it is pretty straightforward. He said they are just waiting for those comments. Councilor DiMambro said he thinks he is going to move it ahead and he will say why. He said the EPA is on everything down there and there's no way anything is going to slip by them. He said the EPA is still going to have eyes on this project. Mr. Farren said Commissioner Quinn has made it clear they are not going to get a building permit without approval by the EPA. Councilor Demers said it is important to point out the procedural aspect of back for action versus ought to pass. He said ought to pass is an endorsement from committee and back for action is sending it back to the City Council because there may be loose ends and

something that needs to be tied up before the final vote next Tuesday. He said procedurally he thinks it's just kind of keeping the door open to making some alterations. He said he does not think it's looking at this project and not giving it an affirmative response. He said he wanted that noted in case anybody didn't understand where the committee is going with this. Chair Mercer-Bruen said the committee made a lot of changes to the special permit and the conditions that the council should see the final version of. She said she can't vote for it tonight without seeing the final version of the conditions. 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; in favor, 5-0. Councilor Toro said if the EPA comes back with an unfavorable report can the council send the application back to committee. Motion made by Councilor DiMambro and seconded by Councilor Demers to send the petition "ought to pass" at the October 21 meeting and if the council does not have the recommendations it is looking for it can hold off. Chair Mercer-Bruen said she will not vote in favor tonight without hearing from the EPA. She said as much confidence as she has in Mr. LeMay who she has known for 25 years she does not have as much confidence in the federal government as it resides today and how short-handed it is. She said she is going to err on the side of caution and wait and see what is said next week. She said the application will have her full support once the city receives a favorable report from the EPA. Motion approved, 4-1, with Chair Mercer-Bruen opposed.

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MHP Realty, LLC for a special permit under WZO Section 5.1(69), Section 7.3, and Section 9.5 to construct a 7,200 sq. ft. single story building addition within the flood plain, at 10 Commerce Way: Representing the applicant was Michael Aveni, Principal Architect, 200 West Cummings Park, Woburn, MA. Chair Mercer-Bruen said the property referenced in this petition is located in Ward 5 and she will be yielding the chair to Councilor Campbell. Mr. Aveni said What has happened since the public hearing last week is that he got the order of conditions from the Conservation Commission, which he said he hopes everyone has a copy of. He said if any councilor does not have a copy he has one copy, which he would be happy to share with the committee. He said there are 102 conditions as part of this order of conditions. He said there is a comment letter from the Planning Dept. on this project. He said the Building Dept. and the City Engineer did not make any comments on this project at all. He said most the Planning Dept.'s comments are referenced in the order of conditions. He said he did put together some draft conditions. Motion made by Councilor Demers and seconded by Councilor Viola to accept a list of proposed conditions from Mr. Aveni as a working draft; approved, 5-0. Mr. Aveni said he tried to take the comments from the Planning Dept. and meld them with the order of conditions, eliminating some of the duplicates. He said the order of conditions covers the environmental part of it. He said Conservation Commission is pretty thorough with that. He said it has also been vetted by Mass DEP. He said some of the things like the snow removal plan resulted in additional conditions. He said he can have his engineer submit comments about the stormwater management plan and confirmation that the flood plain wasn't damaged. He said the City Engineer has the package and didn't comment on it. He said when he submits this to the Building Dept. electronically the City Engineer is going to comment on it. He said when he was in front of the City Council last Tuesday he showed some light fixtures that included some LED wall packs. He said he hopes the lighting fixtures he has shown on the plan will be fine as long as they don't cast into the neighbors' property. He said most of the conditions are redundant. He said the

Building Commissioner will not issue a building permit until the as-built plans for the foundation are reviewed. Chair Mercer-Bruen said there are still some items in the order of conditions that she would like to see included in the special permit conditions. She said she is going to go through everything Conservation Administrator Theresa Murphy sent over before the City Council meeting on Tuesday. She said she is not going to make a recommendation that the committee do anything but send it back for action. Councilor Viola said he would like to amend proposed condition #5 to prohibit any second-generation anti-coagulants from being used in rodent control. Chair Mercer-Bruen said the committee can take care of that right now. Motion made by Councilor Viola and seconded by Councilor DiMambro to amend proposed condition #5 to read: "Adequate rodent control using first generation anti-coagulant rodenticide (Tera3, Selontra, Cadet3) shall be in place pre- and post-construction;" approved. Motion made by Councilor Demers and seconded by Chair Mercer-Bruen to send the petition "back for action;" approved, 5-0. Mr. Aveni asked what back for action means. Councilor Mercer-Bruen said she will be in touch with Mr. Aveni about the rest of the conditions. Councilor Demers said the back for action vote keeps the process moving without the need for another committee meeting. He said if everything is ironed out by next Tuesday, the petition will be ready for a vote.

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Adriana Rodriguez for a special permit under WZO Section 5.1(57a) for the accessory storage or parking of two storage containers, at 494 Main Street: Representing the applicant were Adriana Rodriguez and Julianna Caldeira, both of 494 Main St. Councilor Viola left the Committee Room. Motion made by Councilor Demers and seconded by Councilor Campbell to receive and make part of the permanent record an email from City Clerk Lindsay Higgins dated Friday, October 10, 2025, at 11:12 a.m. and entitled "Fire Dept. Comments – Adriana Rodriguez;" approved, 4-0-1. Chair Mercer-Bruen asked the applicant if she has seen the email from Clerk Higgins. Ms. Caldeira said they have just seen it now. Councilor Demers asked if there was any feedback from the Building Commissioner. Clerk responded an email has been sent to Commissioner Quinn, who is on vacation, and he will address the petition when he returns to the office on October 20. Ms. Caldeira said the report indicates one of the storage units has a door. She said it is actually not a door. Ms. Rodriguez said the door used to be the rear entrance to the jewelry store but once she took over that space it was transformed into a wall. Chair Mercer-Bruen asked if it opens and closes. Ms. Rodriguez said it is a concrete wall with a metal door that was just left there. Councilor Demers said what the applicant is saying is there is no longer a point of egress there. Ms. Rodriguez answered affirmatively. Councilor Demers asked if Ms. Rodriguez and Ms. Caldeira happened to see the City Council's last meeting on October 7. He said there was a brief discussion about this matter. He said the council heard testimony from the public. He said one of the items the council received and made part of the permanent record was the easement that Mr. Palmer is entitled to in the rear of the property that the applicant rents. He said it was filed with the Registry of Deeds. He asked if that document went into the folder. Ms. Rodriguez said she was able to get Mr. Palmer's deed and it does not reference an easement. Motion made by Councilor Campbell and seconded by Councilor Demers to accept from the applicant a quitclaim deed for Mr. Palmer's property filed with the Registry of Deeds on February 14, 2005; approved, 4-0-1. Councilor Demers said at its last full meeting, the City Council requested that the Building Commissioner comment on any of the easement language provided to the council by Mr. Palmer. He said the committee does not have those

comments yet. He said the committee won't be getting those until next week. He said one of the things the committee wanted to find out is if that is an existing legal easement. He said the council's concern is if there would be any building restrictions if that easement was there. He said the committee has already received a report from the fire department that even though the door is no longer a door it is still a concern because the apparatus may not be able to access the back of the building with ease. He said he does not know how his fellow councilors feel about this issue but he has stated on the record there are significant concerns about it. He said there are possible easement concerns and that is a legal issue. He said when there is a legal issue on the council's end they kind of have to pump the brakes. He said his concerns is with the use itself. He said he would love to help the applicant's business, but he is worried approving the special permit might set a bad precedent in downtown Woburn and this would be something every restaurant can apply for and get. Councilor Toro and Councilor Ferullo left the Committee Room. Councilor Demers said he is going to maintain concerns about the safety issue or the fact it is a bad precedent to set in Woburn Center. He said the committee is also dealing with the easement piece. He said whenever the council approves a special permit it has to determine whether the result will be significantly more detrimental than what is existing. He said he cannot say that right now about the applicant's request to put two storage units there. He said approval of the petition may be a violation of city ordinance, if there is a legal easement there. He said he does not know yet from the Building Commissioner if there is a restriction of how many feet away you can put a storage container. He said he would not be able to vote on any type of approval of a special permit tonight for those reasons. He said the committee is still waiting for Commissioner Quinn's information but right now he would find it hard to support the special permit. Councilor Campbell said she agrees completely with Councilor Demers. She said she just does not think she can vote in favor of another storage unit, especially now that she has received the memo from the fire department. She said the memo is clear. She quoted the memo "Needless to say it is a little tight behind that building ... (and) an additional unit would limit (fire department) access to the rear of the building." She said she does not know how the council can approve it, unfortunately. She said it is a safety issue. She said she knows there are easement issues. She said she does not think the committee needs to get into that because the primary concern is whether it is going to be safe to put a storage unit there. She said this is why the council had the fire department take a look. She said the committee is being told even with what the petitioner has, it is tight for the fire apparatus to get in, and then to add something else, she said she does not think she can approve this. Ms. Caldeira said at a previous meeting there was a question about whether the applicant can bring in a smaller container and instead of getting two she would get only one. She asked if that would still be an option. She said the fire department's memo indicates an engine could get behind the building now. She said the problem seems to be bringing in a second unit. Councilor Campbell said what the fire department is saying is it is already tight to begin with and that is concerning. Ms. Rodriguez said she has already had to move her dumpster to the side because her neighbor was putting cars in front of it. She said she is very happy the city is creating parking spaces on Magazine Hill behind the building. She said she thinks that is going to be a huge improvement for the city. She said that will create a good alternative for people who are currently using her property. Councilor DiMambro said there are also utility wires that go across the back of the parking lot. He said he noticed they are somewhat in the general area of the dumpsters that are back there. He said the applicant has to understand that when that trash truck comes in with a front feeding unit the container is lifted over the headboard of that truck to dump it in the rear of the vehicle. He said the applicant can't have that

near a utility wire. He said carting services just won't empty the dumpster. He said there is that component as well. He said it is a tight area. He said he knows in North Woburn there is a cooler chest that is attached to where Flip the Bird was. He said that area was 6-feet from the building and 12-feet across. He said this is something that Commissioner Quinn in Inspectional Services would have to weigh in on heavily to see if it's something that could be placed on the back of that building, attached to the building. He said Manns Court is a very narrow road. He said if someone parks there it is going to make navigation difficult for a trash truck. He said the city's fire services and apparatus needs to get in there. He said those are old buildings; those buildings have been around for a very, very, very long time. He said the council has to make sure all access points are available for the Woburn Fire Dept. He said these are all reasons why the committee is extremely hesitant and skeptical with having any type of 8-foot by 10-foot box. He said what he saw in North Woburn was approximately 5.5 or 6 feet by 11.5 feet attached to the building. He said again that would be something Inspector Quinn from Inspectional Services would have to weigh in on. He said as of right now he cannot vote in favor of any type of containers that would consolidate that area any further. Councilor Demers said the applicant at the very least would have to come to the council with an amended permit request. He said the only thing the committee can comment on right now is what the council has before it, which is Ms. Rodriguez asking for two containers. He said if Ms. Rodriguez wants to change the purpose for it and wants the council to look at something smaller, you can ask the council to amend the special permit. He said right now Ms. Rodriguez has heard what the committee has had to say about two full size containers. He said it's too much. Motion made by Councilor Demers 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 application; approved, 4-0-1. President Dillon said Mr. Palmer did send him some documentation about the easement, which he forwarded to City Solicitor Salvati for his opinion. He said Attorney Salvati told him to be careful with the easement because that could be a civil matter between the two parties. He said he has not had a chance to speak to Commissioner Quinn at length about this. He said this property is in Ward 3. He said he would ask the committee to send the petition back for action. President Dillon left the Committee Room. Councilor Pappalardo said he thinks everyone on the council has been open and honest about where they stand with this petition. He said the council wants to support businesses but these containers are going to make for a tight fit. He said hopefully Ms. Rodriguez's business keeps growing. He said the special permit for these containers is for one year. He said at the end of the year Ms. Rodriguez is going to have the same problem or worse. He said that is something to think about as she figures out her long-term strategy. Ms. Caldeira said they are doing this as a temporary fix. She said at the end of the day they still have to come up with a solution. Councilor DiMambro said he said during the holidays he would advise the applicant to look at bulk storage off-site and bring the materials via van or some other method. Motion made by Councilor Demers and seconded by Councilor DiMambro to send a copy of the quit claim deed presented by Ms. Rodriguez tonight to the City Solicitor; approved, 4-0-1. Chair Mercer-Bruen asked if the storage container blocking the door referenced in the Woburn Fire Dept. memo is owned by Ms. Rodriguez. Ms. Rodriguez answered affirmatively. She said it is a rental. Chair Mercer-Bruen said the committee should let the fire department know the container is not blocking any kind of egress on-site. Motion made by Councilor DiMambro and seconded by Councilor Demers to send a memo to the Woburn Fire Dept. advising the on-site container is not blocking egress; approved, 4-0-1. Chair Mercer-Bruen asked if there are any other containers on-site, even if they belong to other tenants or property owners. Ms. Rodriguez said there are no other containers on-

site. She said she has a dumpster on-site. Chair Mercer-Bruen said it sounds like President Dillon wants to keep this matter in committee. She said hopefully Ms. Rodriguez can work something out with him. She advised Ms. Rodriguez to reach out to the City Clerk to ask if she needs to re-file a different petition. She said the committee will not be meeting next week. She said this matter will be on the agenda for the City Council's meeting next Tuesday. Councilor Campbell asked if Ms. Rodriguez was told by Commissioner Quinn that she needs a special permit for the second storage unit. Ms. Rodriguez said she looked at the zoning code to determine if there is a way to extend her storage space. She said she thought she could do it. She said it is a matter of interpretation. She said she was later told to file a special permit. Councilor Campbell said even though one storage unit is allowed, two would be setting a bad precedent. Chair Mercer-Bruen suggested reaching out to President Dillon and perhaps inquiring about an extension. Motion made by Councilor Demers and seconded by Councilor DiMambro to send the matter back for action; approved, 4-0-1.

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Motion made by Councilor Demers and seconded by Councilor DiMambro to adjourn, all in favor, 5-0. Chair Mercer-Bruen adjourned the meeting at 6:58 p.m.

A TRUE RECORD ATTEST:

Gordon Vincent
Clerk of Committees