

**MEETING OF THE
CITY OF WOBURN
BOARD OF APPEALS
MAY 25, 2016 – 7:00 P.M.
COUNCIL CHAMBER
WOBURN CITY HALL**

Attending: Chair Margaret Pinkham, Member Daniel Parrish, Member John Ray, Member John Ryan, Member Edward Robertson and Alternate Member Sheila McElhiney

Petition of Mill Street Property Group, LLC, 57 Mill Street, Woburn, MA 01801, applicant, and James T. Lichoulas, Jr., 57 Mill Street, Woburn, MA 01801, landowner relative to an application for Comprehensive Permit (pursuant to M.G.L. Chapter 40B) for purposes of a public hearing pertaining to the property located at Mill Street. Chair Pinkham stated that the plan is to review traffic; that there have been revisions requested by the Petitioner; and that the Petitioner will review the requested revisions. Representing the Petitioner, Ted Regnante, Esquire, stated that since the last meeting, they have reviewed the comments, met with the neighbors and talked with Mr. Algiers attorney; that there have been two significant revisions, namely: that the 25' emergency access has been deleted due to Mr. Hart; and that there is no activity with Mr. Algiers attorney; that they will review and turn over to the architect and engineer; that they have reduced from 113 units to 88 units and reviewed the Summary handout; that there will be no construction work in the 25' 'no disturb' zone; that the parking will be increased from 1.37 to 1.60 which is over the State standard; that a major concern was parking spaces on Mill Street which have been completely eliminated; that they have now designed a loop road; reviewed the building footprint; that the nearest to wetland now is 22'; and that they have made substantial changes after listening to the Board and neighbors. Chair Pinkham asked of when they plan to submit the landscape plan, to which Chris Sparages stated that they will submit an updated color plan.

Architect David O'Sullivan reviewed the initial plan versus the proposed plan; showed slides of the apartments across the street; stated that the owner has spent a substantial amount of money to clean up the apartments over the last two years; that everything is out of the easement area; that there are more parking spaces; that Building 1 will have 51 units on four floors and Building 2 will be shorter with an integrated apartment management office; that they have retained the bike room, the utility room, on-site office; that it will have 37 units; and reviewed the conceptual renderings; that they have integrated the playground within the center site; and that Building 1 is out of view of 45 and 43 Mill Street. Chris Sparages stated that the site has been reduced; that they have eliminated one building and looped the driveway; that they have run templates to prove the access; reviewed the new parking; that there will be 1.6 spaces per unit; that since the last meeting, they have reviewed with the City Engineer and met with the Fire Department officials for layout; that as a result, they have added a second and third hydrants on Mill Street; that they also had a discussion with Jay (Duran) of DPW who had asked for a little more time to review the new plan; that the Assistant City Engineer has been reviewing for water distribution system; that it had been indicated that it dead-ended but found that the water continues onto

Salem with a 6" water main which has a portion of 4"; that it is most appropriate to work with the City's consultant, Weston and Sampson on the water distribution system and work together with the Engineer; referring to the revised plan, the downhill side of the site is wetland; that this plan is able to maintain a 25' 'no disturb' zone consistent with the policy of the Conservation Commission; that the Stormwater Management design approach doesn't change in that they are still controlling the peak flow. Responding to the Board, Mr. Sparages stated that the Stormwater Management is submitted as previous; that they have a formal lighting design; that they have several areas for snow storage and when it's filled up, they will take off site; and reviewed the landscaped area on plans; and at Chair Pinkham's request, he will provide the calculations on plan and where the snow will be on landscaped areas. In response to Member Parrish, Mr. O'Sullivan stated that there is presently no plan for sidewalk or crosswalk; that they will be moving the corporate office and maintenance to an off-site location; and that there will one or two staff parking on site. In response to Member Robertson, Mr. Sparages explained that calculation the original 113 units start with Conservation (BVM) and prove the line for upland area. Attorney Regnante stated that economic comes in if the Board rejects or reduces (the project); and that the project was reduced on comments and concerns; and that the site specific analysis determined the number of units. 40B Specialist Ed Marchant stated that economics is always raised; that comments/concerns have led to the reduction; that they don't think it can be reduced further; that the applicant took quick action to modify to move this project along; that they did an analysis; that one requirement is that they had to submit a Pro Forma for the Project Eligibility Letter; that they would prefer 113 units but the developer feels viable at 88 units. Mr. Marchant explained 40B, stating the if the Board has prepared a draft Decision which is shared with the developer and if the developer feels it is 'uneconomic', then the applicant could say 'uneconomic' and the Board could then say that they want to retain a financial advisor; then the Board could rely on issues of safety; that the financial peer review is at the end of the 40B. Attorney Regnante added that an analysis has to be site specific, namely: safety/health/environmental; that until we get to the point of reduce or deny, that's when economic analysis comes into play; and that they have to respond to health/safety/environmental. Responding to the Board, Mr. Sparages confirmed that they have the final stormwater runoff; that the City Engineer had questions and they will submit a written response; that Mr. Duran (DPW) wants more time and they will provide a written response; that they want to make sure they stay out of the 'no disturb' zone; and that the final design for the retaining wall will have a parapet; and that there will be 22 (out of the 88) affordable units. Mr. O'Sullivan explained that the 'cut in' near the wetlands is for maneuvering of vehicles.

TRAFFIC: David Giangrande of Design Consultants explained that traffic is governed by guidelines (Green Book versus Census data); that they have downsized the site; that they used the existing conditions as a baseline; reviewed the Study Intersection (see presentation on file); that they then discussed with City Officials; that they studied nine intersections; that they looked at the signalized intersections, took an inventory of all streets and signal equipment, looked at the geometrics; that they hired independent data collection; that they collected crash data from the MassDOT website; that they will coordinate with the widening of Montvale Avenue; that looking at Salem Avenue there was a deficiency of sight adequacy; and that they would propose some improvement. Mr. Giangrande reviewed the Trip Generation of the presentation (on file); that they have strong statistics; that they want to get to capacity analysis; that they looked several components, namely: 1) existing; 2) no build conditions; 3) build conditions; 4) build with

mitigation; that out of 108 movements, only five showed change; and reviewed the Level of Service Summary (on file). Responding to the Board, Mr. Giangrande referred to Appendix E as to feasibility to change on heavily travelled Washington Street; that Appendix C was not attached and can supply; that it doesn't impact Salem at Washington Streets and is not a noticeable difference; that by retiming the intersection, it will improve a grade; and explained how they define 'turning movements'; that they do weekdays studies; that traffic demand management means providing tenants with bike, bus schedule and ride-shares; that they researched collected data in accordance with industry standards and MassDOT; that there will be peer review and can make improvements to intersection; that the overall impact is negligible (explained some details of intersections); that they have an independent company do the estimates; that the dumpsters were removed; that they added signage for 'private property'; that they look at other sites to project 'build plus 5 years'; that they did to 7 years. Tom Bertullis (sp?) of Design Consultants spoke to the peak hour value and that it's the highest fifteen minutes divided by the hour; and that MassDOT dictates the use of .92 adjustment factor; that they use the average weekday, avoiding seasonal; that the use two hours in the morning and two hours in the afternoon; explains movements (i.e. 9 intersections = 108 potential movements); that MassDOT wants average month; and responded to Member Ryan's question of Conservative Background growth, he stated that he went to PCI and asked to forecast. Further responding to the Board, Mr. Giangrande stated that they used local development adjustments from Woburn Foreign Motors and Woburn Landing; that they didn't look at the impact of Benchmark but can look into. Mr. Bertullis further stated that they did the measurement at the stop line and took it back 45' (Mill Street at Washington); that the Census Tract data was within the study and the project data was within nine intersections; that they didn't provide any backup data for the existing apartments or a survey of the existing apartments; that they sent someone verbally out and in person and asked. Mr. Giangrande stated that they would be happy to provide information and discuss with the peer consultant; that they put the tubes out (see Page 15) and the volume is 52. Mr. Bertullis appreciated Chair Pinkham's question of traffic count data (and reserves her right to follow up) to estimate the apartment complex; that the method they use is common accepted analogy; that one-bedroom has one parking space/2-bedroom has two parking spaces; that it depends on occupants for additional charge. Mr. Marchant adds that there's a fee for garage spaces. Kristel Mejias of Mill Street Property Group added that it depends on the rental occupants. Member Ryan reiterated his concern of the development on Cedar Street; and that he would be interested in see the impact, two which Mr. Giangrande stated that it's different land and use code. Member Ray referred to Transportation Land Management and asked if he can produce a plan now to show safety, to which Mr. Giangrande stated that they can do a quick inventory.

PUBLIC: Stacy Marino of 1 Mill Street stated that she is pleased to hear that the applicant revised the plan; that she was unable to attend the Conservation Commission; that she is the first house on Mill Street facing north; that she has no draperies and a clear view of Washington Street; that she shudders at the thought of what we've seen; that there are accidents and near-misses; that they have reckless drivers speeding and texting; that there are countless times where see has seen reckless drivers blow by the school buses; that they don't need a study to know where the cars live; that the point is, is that they already compromise quality because of the apartments; that as for the proposed, there is no parking for visitors, no sidewalks; that it is effecting their lives and they safety; that moving the dumpsters will exacerbate the traffic; that

they will cut through; that there is no sign to prevent that; and that they respectfully request your (Board's) consideration for the height of the property and serious impact on safety. Ward 5 Alderman Darlene Mercer-Bruen stated that she has listened to countless traffic experts; that at some point you stop listening; that "it's garbage"; that if all traffic studies were true, we'd have no traffic; that when the pictures were taken, there were no vehicles; that she appreciates the smaller project; that with 88 units, their only mitigation is tweaking some signals; that MassDOT's primary goal is to get as much taxes as we can; that she goes up Washington Street twelve times per day; that it took 50 minutes to get from Salem Street to Richard Circle; that peer review is paid by the petitioner; that the Board should consider pedestrian crosswalk(s) and sidewalk(s) and to reduce the size. Tim Swain of 29 Dragon Court stated that he disagrees with a lot of traffic studies; that there is traffic Mill Street to Salem Street into Stoneham; that he has friends in that area and he sees the cars fly by. Matthew Marino of 1 Mill Street stated that he heard the traffic graded A to F; that the main point to enter is Mill Street from Washington Street; that those intersections were graded low; asked when they did the studies; and that there are problems with the studies, namely: one-hour vs. two-hours, as well as weather impact; that he heard improvement; that there are still 18 spaces being used on City land; asked how they can be in good standing; asked where are those people using those spaces going to go; and that the percentage of affordable housing is not enough gain; and that they should look at the benefit to the City. Chair Pinkham questioned the impact of weather on the traffic study. Jamie Martorana of 175 Washington Street stated that she has safety concerns; that she has four children; that their bus stops have moved twice because of safety concerns; that the bus stop is now in her driveway; that during the evening hours, they park on both sides of Mill Street; that she can't think of 88 more units; that the Mill Street apartments get the bus at her house; that it is unsafe in general with no sidewalks; and that Mill Street is a speedway. Richard Dodge of 29 Mill Street stated within 75' there are six driveways and Washington Terrace; that there is a school bus stop; that Mill Street is a racetrack; that it is too tight to turn into the apartment complex; that there are 350 vehicles at the apartment; and that Mill Street is a parking lot; that moving vans have to back down; that it is so congested with cars; that they all converge within 75; and to add another 150 cars to the 350....; that there is a lot of garbage on our front lawns; that it's a catastrophe/a mess; and that it would be good to see the proposed parking on Mill Street gone. Steve Downey of 33 Mill Street believes that his house is on the narrowest part at 18' which goes down to 16' in winter; that the comments on the speeding and trash are true; that the traffic is getting worse; and that he doesn't think 140 spaces are enough. Nancy Jordan of 25 Mill Street stated that at the last meeting there were comments that the lot is not used, it is; that from Washington Terrace to the dumpster there are cars parked; that it is filled up every night; and that they will lose spaces from the existing building. Anthony Caridio of 2 Frank Street stated that he felt compelled to come because his son plays with kids at Mill Street; that the neighborhood is not fit for kids to play; and that it's a tough area and to add more Responding to Member Robertson's question of trips for 140 spaces, Mr. Giangrande stated that 472 daily. There was a further discussion of data collection, to which Member Ray questioned why the numbers would be the same. Mary Hart of 43 Mill Street stated that she was very happy the easement wouldn't be used and less buildings; that there is a 92 year old woman who had to ask the City to put in a big boulder in front of her house; and that there is also a neighbor on Washington Terrace who put in boulders; that there is constant pollution; questioned snow storage; and that there is a drain that they clean out. In response to Member Ray's request for backup data, Mr. Giangrande stated the number was combined for trucks and cars; and that there was no number for trucks

meant that no trucks pulled in. Heather Carlson of 230 Washington Street stated that she lives directly across from the proposed; that asked that the new hotel and restaurant is factored, as well as safety impact and that there are no sidewalks. Alderman-at-Large Michael Concannon stated that this is not the place to debate the merits of Chapter 40B; that he has serious concerns of that law; that there is one way a local community can defend is public safety concerns; that there are existing and overwhelming concerns and this will exacerbate the issue and give no mitigation; and asks that the Board consider the serious public safety concerns and the density of the neighborhood drivers. Paul Muise of 227 Washington Street stated that his driveway is on Washington Terrace; that it's miserable; that if there's a bus, he pulls back in; that the traffic in East Woburn is tough; that he asks that they keep in mind traffic and safety. Tim Swain added that a couple of neighbors were unable to get here to express their opposition and he noticed that three others couldn't wait. Chair Pinkham stated that anyone is more than welcome to send letters or e-mails.

Chair Pinkham reminded Attorney Regnante that she wants to know how far Mill Street onto Washington Street backs up and Mill Street to Mill Terrace. Attorney Renante asked for a summary for the next meeting; and heard that she's like to address the existing traffic. Chair Pinkham further stated that she would like the number of parking spaces for the entire Country Club Garden Apartments as she is concerned that parking (on the proposed site) does serve the apartments and suggested that there is already a need for parking; and that she would expect in going forward, that the City property is used for the intended turnaround. Member Ryan asked that they include the information for Benchmark. Chair Pinkham added that they would like the traffic generation for the existing conditions. Member Parrish wants the estimate of cars coming through as well as cut through traffic. Attorney Regnante expects more once there's peer review. Chair Pinkham suggested to Mr. Sparages that he address the water supply on the loop, to which he stated that they looked at the GIS and it is not as complete as the Engineer's records. Member Ray asked for the map of sidewalks; and that they check with the Fire Department for the radius and impose turn radius. Chair Pinkham wants them to insure that all snow is going to fit and be marked on plan. Attorney Regnante asked of peer review, to which Chair Pinkham stated that they will be in touch next week. Motion was made and seconded to continue the meeting to June 22, 2016 at 7:00 pm. The Vote was all in favor, 5-0.

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Discussion of necessity of Site Visit to 3 Breed Avenue relative to Petition of Anchor Realty Trust, 3 Breed Avenue, Woburn, MA 01801, Petitioner and Landowner, seeking the following Variances: 1) from 20 feet to 5 feet for the front setback; 2) from 20 feet to 5 feet for the rear setback; and 3) to allow for parking within the front setback and allow for the construction of a new building at 3 Breed Avenue. Chair Pinkham apprised the Board that the Clerk had received a communication from the Petitioner's Attorney, Mark Salvati which stated that they have a new plan to present to the Board and that a site visit at this time is not necessary. The Board agreed that they would wait and see the new plans. Motion was made and seconded to temporarily postpone the site visit pending review of the new plan. The Vote was all in favor, 5-0.

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Reading of Minutes of Meeting. Motion was made and seconded to accept the minutes of meeting, as revised. The Vote was all in favor, 5-0.

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The next meeting on the Petition of Mill Street Property Group LLC was scheduled for Wednesday, June 22, 2016 at 7:00 pm in the Council Chamber.

The next regular meeting of the Board of Appeals will be held on June 15, 2016.

Motion made and 2nd to ADJOURN, all in favor, 5-0.

Meeting adjourned at 10:21 p.m.

Patricia Bergeron-George
Clerk of Committees