

**COMMITTEE ON SPECIAL PERMITS
MONDAY, NOVEMBER 21, 2022, at 6:13 p.m.
WOBURN CITY HALL
CITY COUNCIL CHAMBERS**

Voting members present: Chairman Richard Gately, Councilor Joanne Campbell, Councilor Charles Viola, Councilor Lou DiMambro, and Councilor Darlene Mercer-Bruen
Non-voting members present: President Michael Concannon, Councilor Jeffrey Dillon, Councilor Robert Ferullo, and Councilor Joseph Demers

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Marcelo Goncalves Gonzaga for a special permit pursuant to Section 5.5 of the WZO, to bring in additional fill for a retaining wall, at 708 Main Street: Representing the applicant were Daniela Oliveira, 708 Main St., Woburn, MA; and Roger Wheaton, 17 Woburn Parkway, Woburn, MA. Chairman Gately said the petitioner was before the council last week. He said he has a couple of questions. He asked if anyone else on the committee has questions. There were no respondents. He asked if the fence and the wall are on other people's property. Ms. Oliveira said there is nothing on city property. She said she has handouts for the committee. Motion made by Councilor Mercer-Bruen and seconded by Councilor Viola to accept and make part of the permanent record a document consisting of four pages with photos of Ms. Oliveira's property; approved, 5-0. Mr. Wheaton said he is here at the request of his daughter. He said his grandchildren attend Ms. Oliveira's day care center. He said he is here to assist Ms. Oliveira in case the committee has any questions. He said the wall Ms. Oliveira tried to put in was mostly in her property, but the property line skews at an angle. He said there is a portion of the wall that goes about 20 feet onto the Middlesex Canal property. He said the property was staked and they are proposing to bring the wall into compliance. Chairman Gately asked if the plan of record submitted to the council is the current plan. Ms. Oliveira answered affirmatively. She said they will put the wall where the fence was. She said she did not know the wall was on state property. Mr. Wheaton said the plan of record shows the portion of the wall that is being pulled back. Chairman Gately said the Woburn Zoning Ordinance limits the height of the wall to 6 feet. He said the applicant cannot put a fence on top of the wall. He asked if there will be on-street parking. Mr. Wheaton said parking is in the driveway. Councilor DiMambro said there is a vinyl fence about 2-3 feet to the right of the structure and asked if there will be adequate access for construction vehicles. Mr. Oliveira said she has asked the neighbor to the right if she can use his yard for access. Councilor DiMambro said the construction vehicles may mess up the neighbor's lawn. Ms. Oliveira said the neighbor offered to attend tonight's meeting. Councilor DiMambro suggested getting something in writing from the neighbor that allows her to use the neighbor's yard as egress. He said there is a lot of material that needs to be moved. Mr. Wheaton said the wall consists of 30-inch blocks. He said the blocks can be moved easily. Councilor Mercer-Bruen said she cannot imagine the petitioner could go on someone else's property without permission. She agreed the petitioner should get something in writing. She said the people who are doing the work should be the ones asking permission. Ms. Oliveira said she spoke to the neighbor and they are fine with letting her use their property. She said she will fix any damage to his lawn. Councilor Mercer-Bruen said the council can add a condition to that effect but the petitioner still may want to get something in writing. Councilor DiMambro also advised Ms.

Oliveira to contact Dig Safe to make sure there are no pipes or utilities. Councilor Campbell said she wants to reiterate what councilors Mercer-Bruen and DiMambro said about getting something in writing from the neighbor, to protect her. Chairman Gately asked how much more fill is involved. Mr. Wheaton said the special permit references 360 cubic yards of fill, but that is an overestimate. He said there should be about 250 cubic yards of fill. He said if they pull in the wall, there should be plenty of fill. Motion made by Councilor DiMambro and seconded by Councilor Campbell that the special permit “ought to pass,” 5-0. Chairman Gately said the council will give the applicant a list of conditions. He asked if the applicant has talked to the Conservation Commission. Ms. Oliveira said the Conservation Commission signed off the application. She said she has a document to that effect. Motion made by Councilor Campbell and seconded by Councilor Viola to accept the document from Ms. Oliveira indicating the Conservation Commission approved the permit on October 6, 2022 and make it part of the permanent record; approved, 5-0.

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Resolve that the Committee on Special Permits meet with Lawless, Inc. relative to compliance with conditions of special permit: Chairman Gately said Lawless’ attorney has asked for a continuance. Motion made by Councilor Viola and seconded by Councilor Mercer-Bruen to receive and place on file an email from Attorney Joseph Tarby, Rubin Rudman, 500 Unicorn Park, requesting a continuance; approved, 5-0. Motion made by Councilor Viola and seconded by Councilor Mercer-Bruen to continue the matter until the Special Permits Committee’s meeting on November 28, 2022; approved, 5-0.

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Reading and approval of meeting minutes of October 24, 2022: Motion made by Councilor Mercer-Bruen and seconded by Councilor DiMambro to approve the minutes of the previous meeting; in favor, 5-0.

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Motion made by Councilor Mercer-Bruen and seconded by Councilor Viola to adjourn; in favor, 5-0. Chairman Gately adjourned the meeting at 6:33 p.m.

A TRUE RECORD ATTEST

Gordon Vincent
Clerk of Committees