

**COMMITTEE ON SPECIAL PERMITS
TUESDAY, MAY 30, 2023, at 6 p.m.
WOBURN CITY HALL
COMMITTEE ROOM**

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

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Motion made by Councilor Viola and seconded by Councilor DiMambro to take the Special Permits Committee meeting out of order from the posted agenda; in favor, 4-0.

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Valentino J. Tocci, Jr. for special permit under WZO section 5.5.1 to bring in additional fill to infill a low area that is subject to flooding at 2 Lowell Street: Chair pro tem Mercer-Bruen said the City Council at its last public hearing reviewed a long list of issues raised by the Planning Dept. She said the committee will go through the Planning Dept. document bullet point by bullet point. Mr. Tocci said he has a document for distribution that enumerates his responses to the Planning Dept. memo. Motion made by Councilor Viola and seconded by Councilor Campbell to receive and place on file a memo from Mr. Tocci dated May 30, 2023, and entitled “Formal Response to City of Woburn Planning Board Letter, dated May 5 (received on May 10);” approved, 4-0. Mr. Tocci said he highlighted relevant sections of the Planning Board letter and came up with nine items to which he has provided a response. To item #1, “Petitioner does not know how much fill will be brought in on to the site,” Mr. Tocci responded that he would like to keep the quantity of fill under 3,500 cubic yards, with 4,100 cubic yards as the maximum. Chair pro tem Mercer-Bruen asked if there was any feedback from Planning Director Tina Cassidy to Mr. Tocci’s responses. Mr. Tocci said he has included in his handout email responses from Director Cassidy. Councilor DiMambro said 4,100 cubic yards of fill will be approximately a couple hundred truck loads. Mr. Tocci said there will be approximately 40 cubic yards of fill per truck. Councilor DiMambro said that will result in quite a bit of traffic. Councilor DiMambro asked if there will be any gravel brought onto the site. Mr. Tocci said there will be gravel topped by a layer with natural grass seed. Councilor DiMambro asked if there will be any accountability for settlement. Mr. Tocci said there will be natural settlement. Councilor DiMambro asked if there will be compacting. Mr. Tocci said there will be no compacting so the rainfall will filter naturally into the crevasses. Councilor Dillon said if the plan is to let nature take its course, maybe he won’t need all the fill he is requesting. Mr. Tocci said the maximum amount of fill he will be using is 4,100 cubic yards. Councilor Viola asked if there will be any queuing of vehicles. Mr. Tocci said there will be two trucks working sequentially. He said truck trips will be taken very gradually. Councilor Viola said he would have an issue with trucks queuing on Lowell Street. Mr. Tocci said there is no intent to have trucks queue on Lowell Street. In response to items #2 and #3 on the Planning Dept. memo, “The area or areas of property that are planned to be filled are not shown clearly on the plan,” and

“The final depth of the fill is not provided,” Mr. Tocci said the document he submitted did show an aerial view of the original and projected grades. He said Director Cassidy is comfortable with it now. He said the final depth will be five feet in a worst-case scenario. He said the site plan has an area marked in yellow that shows a depth of fill of 5-7 feet. To item #4, “... nor are the distances between the edges of the proposed areas and neighboring properties,” Mr. Tocci said the aerial photo show what his intent is with the proposed and existing grades. He said Director Cassidy acknowledges this in an email response. To item #5, “A document that details the proposed elevations ...” Mr. Tocci said the aerial photo depicts the orange lines as proposed elevation and the green lines as existing grade. To item #6, “A depiction or explanation of the proposed means of storm water drainage ...” Mr. Tocci said water will run off and get trapped in the crevasses of the 6-inch stone, which he said is commonly referred to as a “trap rock” system. To item #7, which reads “sight line distances on the existing public and/or private way(s) nearest the property ...” Mr. Tocci said he thinks the sight line distances are visible in the documents he has attached. He said he has also provided a cut and fill document that shows the proximity to neighbors and public property. To item #8, “Inspectional Services Dept. will require the petitioner to provide professional certification of the origin of the fill material has been tested and found to be free of contamination,” Mr. Tocci said his expectation would be to provide certification that the fill being brought in is clean and free of contamination. Chair pro tem Mercer-Bruen asked if that would happen on location. Mr. Tocci said this will occur when he acquires the product. Councilor DiMambro asked if there will be a soil engineer on-site. Mr. Tocci said there will be an independent soil engineer on-site. Motion made by Councilor DiMambro and seconded by Councilor Viola to open the discussion to members of the audience; approved, 4-0. Jon Etheridge, 14 Hart Street, said he currently does not have a problem with water on Hart Street, but he is concerned about the future development plan to put in a structure. Mr. Tocci said it would be premature to speculate about any future development. He said this is only an aesthetic issue. He said there is no intent to develop the property. He said this is an attempt to improve an ugly site. John Curran, 2 Wyman St., asked if the engineering plan was stamped by a certified engineer. Mr. Tocci said the plan is not stamped. Mr. Curran asked why a certified plan has not been submitted. Chair pro tem Mercer-Bruen said there are calculations on the plan that was submitted. Mr. Curran asked if the plan is stamped and certified. Chair pro tem Mercer-Bruen said it is not. Mr. Curran said it is standard for plans to stamped and signed and reviewed by either a peer or the City Engineer. He said that should happen here. Chair pro tem Mercer-Bruen said the committee will discuss this. Mr. Curran asked if there is any plan to build. Mr. Tocci said there has been no involvement with any other development strategies. Motion made by Councilor DiMambro and seconded by Councilor Viola to return to the regular order of business; approved, 4-0. Chair pro tem Mercer-Bruen said the plan should be stamped and certified. She said this does not seem to be a big ask. Mr. Tocci said he has reached out to Richard Cutts, who is a certified engineer. He said Mr. Cutts has other constituents, but he may be able to get a certified plan to the committee by the end of next month. Chair pro tem Mercer-Bruen said there are no time constraints on the council’s end. She said the council can hold the matter in committee until Mr. Tocci gets everything done. Mr. Tocci said he thinks he can pull it off in two weeks. Chair pro tem Mercer-Bruen asked if the committee is interested in requiring a peer review. She said this is a relatively small project. Motion made by Councilor DiMambro and seconded by Councilor Viola to suspend the rules to accept comments from any member of the council not on the committee. Councilor DiMambro said he respects what Mr. Curran has said. Councilor DiMambro said there should be an updated plan that is certified or has specifications in writing. Mr. Tocci said his strategy is to get a narrative in

writing. Councilor DiMambro said he would like to see the applicant submit a set of plans to the City Engineer to review. He said he would want blessings from the DPW, the Building Commissioner and the City Engineer. Mr. Tocci said he is not planning to bring in more than 4,100 cubic yards of fill. He said he if he gets to 3,200 cubic yards and that proves to be sufficient, he will stop. Councilor Viola said he would also like to see a stamped and certified plan. He said he has mixed feelings about water runoff in this area. Councilor Campbell said he agrees with Councilor Viola and Councilor DiMambro. She said if the plan is certified by an engineer, she will be okay with it. She said she does not think peer review is necessary. She said she would be comfortable with a certified plan. Councilor Dillon said if the plan is stamped and certified, it can be reviewed in-house, and that can be the peer review. Chair pro tem Mercer-Bruen said if there are any red flags with the in-house review, then the petition can be sent out for peer review. She said once you change the direction of water, it is very difficult to undo. President Concannon said the memo from Director Cassidy indicates the City Engineer should be given a chance to review the petition and comment on it. Chair pro tem Mercer-Bruen said the petitioner should send the stamped and certified plans to the clerk and he can forward them to the City Engineer.

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Reading and approval of meeting minutes of May 8, 2023: Motion made by Councilor Viola and seconded by Councilor DiMambro to approve the minutes of the previous meeting; in favor, 4-0.

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Motion made by Councilor DiMambro and seconded by Councilor Viola to adjourn; in favor, 5-0. Chairman Gately adjourned the meeting at 6:29 p.m.

A TRUE RECORD ATTEST

Gordon Vincent
Clerk of Committees