

**COMMITTEE ON SPECIAL PERMITS
MONDAY, JUNE 26, 2023, at 6:53 p.m.
WOBURN CITY HALL
CITY COUNCIL CHAMBER**

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

Non-voting members present: President Michael Concannon, Councilor Jeffrey Dillon, Councilor Robert Ferullo, and Councilor Joseph Demers

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Reading and approval of meeting minutes of May 30, 2023: Motion made by Councilor Viola and seconded by Councilor DiMambro to approve the minutes of the previous meeting; in favor, 5-0.

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Accutemp Engineering Inc., for a special permit to allow overnight parking of two vehicles at 271 Salem Street: Representing the applicant was Thomas Arena, 100 Maple Street, Building B, Stoneham, MA. Also present was the property owner, Leonard Mirra, Mirra Realty LLC, P.O. Box 756, West Newbury, MA. Councilor Mercer-Bruen said she has compiled a proposed list of conditions, as follows: 1. The Special Permit is issued to Accutemp and it is not transferrable. 2.) The Special Permit is limited to two (2) trucks for overnight parking. All vehicles must be registered in the city of Woburn and a copy of the registration for each vehicle must be provided to the City Clerk. 3. The dumpster utilized by Accutemp shall be enclosed by a screen and said enclosure shall be locked between 4 p.m. – 7 a.m. 4. Hours of operation are 7 a.m. – 4 p.m. No unloading or loading of trucks shall be permitted outside of the hours of operation. 5. Petitioner agrees no old heavy equipment from customers to be brought back to 271 Salem St. 6. The petitioner agrees that five (5) parking spots are required and a sign indicating which spots are assigned to Accutemp shall be affixed to the building. Councilor Dillon returned to the City Council Chamber. Councilor Mercer-Bruen said the council has discussed striping the parking lot and adding cameras but it is not appropriate to include those requirements as part of this special permit. She said Mr. Mirra has installed cameras and the parking lot has been striped. She said Building Commissioner Thomas Quinn visited the site today and sent an email with his observations to the committee. Motion made by Councilor Mercer-Bruen and seconded by Councilor Campbell to receive and place on file an email from Commissioner Quinn with the subject line “RE: 271 Salem” dated June 26, 2023; approved, 5-0. Mr. Arena said he would like some clarification on proposed condition #5. He said some of his technicians bring back equipment, but it is removed within a day by scrap removal personnel. He said the equipment that comes back is scrap from a demolition job, like condensers that are 3’ x 3’ and fit in a pickup truck. Chairman Gately said that’s not heavy equipment. Councilor Mercer-Bruen said the point she is trying to make is that throwing things into a dumpster makes a lot of noise. She said Mr. Arena has indicated not a lot of things are coming back to the site. She said the goal is to avoid noise before and after hours of operation. She said she supposed a condition that requires the dumpster to be locked satisfies that concern. She said Mr. Arena is going to have to

open and close the dumpster on a daily basis. Mr. Arena said he already locks the dumpster. Chairman Gately asked who is responsible for maintaining the entrance road to the property. Mr. Mirra said he landscapes the entrance parcels but the property on either side of the entrance road is owned by other entities. He said there is an abandoned house to the right of the access road that is not on his property. Chairman Gately asked who cleans the rubbish and the swamp. Chairman Gately said he has seen quite a bit of rubbish that should be cleaned up regularly. He said when a building looks shabby, it becomes an attractive nuisance. Councilor DiMambro asks if Accutemp uses freon. Mr. Arena answered affirmatively. Councilor DiMambro asked if Accutemp uses holding tanks. Mr. Arena said they purchase holding tanks but any transfers usually happen in the field. Councilor DiMambro asked if Accutemp uses 1-gallon bottles. Mr. Arena answered affirmatively. Councilor DiMambro asked if the company uses diesel trucks. Mr. Arena said they do not use diesel trucks. Councilor Mercer-Bruen said there have been complaints about a few things that may not necessarily involve Accutemp. She said she is going to work with her constituents and the City Council to determine who is responsible for the complaints. Motion made by Councilor Mercer-Bruen and seconded by Councilor Campbell to suspend the rules to allow any member of the council not on the committee to address the petition; approved, 5-0. Councilor Demers said Councilor Mercer-Bruen has done a great job trying to address this situation and she should be commended. Councilor Dillon said Mr. Arena is representing most of the items that are returning to the site are air conditioning units. He said in his experience most of these air conditioning units are about 3' by 3' and about the size of a small refrigerator. He said these items don't typically go into dumpsters. He said Accutemp appears to be a low impact use. Motion made by Councilor Mercer-Bruen and seconded by Councilor Campbell to return to the regular order to business; approved, 5-0. Motion made by Councilor Mercer-Bruen and seconded by Councilor DiMambro that the petition "ought to pass," with proposed conditions #1-4 and #6. Mr. Arena said he does not object to condition #5. Councilor Mercer-Bruen said condition #5 is covered by the other conditions. Motion approved, 5-0. Councilor Mercer-Bruen said Mr. Mirra has made a lot of progress and thanked him for his help.

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Pressed Ventures Woburn LLC for a special permit under Section 5.1(29) to allow for a fast food restaurant, and for an amended site plan for previously issued special permit, at 369 Washington Street: Representing the petitioner were Attorney Joseph R. Tarby III, Rubin Rudman, 500 Unicorn Park Drive, Woburn, MA; Timothy Williams, Allen & Major Associates, 100 Commerce Way, Woburn, MA; and Robert Parsons, manager and principal owner of Pressed Ventures Woburn LLC, 6 Mountain Laurels Avenue, Nashua, NH. Attorney Tarby said the issue of amending the Woburn Zoning Ordinance to allow outdoor dining is separate. Attorney Tarby said he has a list of proposed conditions for distribution. Motion made by Councilor Campbell and seconded by Councilor Mercer-Bruen to accept a document from Attorney Tarby entitled "Proposed Conditions Special Permit Decision of Pressd (sic) Ventures Woburn LLC, 369 Washington Street Woburn, MA June 26, 2023;" approved, 5-0. He said the number of seats is actually higher than 86, because outdoor seating is proposed. He said his client is seeking to modify a special permit granted in 2015 to allow for a Pressed Café in a space that was last occupied by Red Robin. Mr. Williams said there are two outdoor seating areas proposed, one of 1,000-square-feet and the other of 563-square-feet. He said there are no site changes proposed other than to the outdoor seating area. He said the building is 5,820-square-

feet, which requires 70 parking spots. He said there are 500 parking spots required and 517 provided. Mr. Parsons said the building will convert quite nicely to a Pressed Café. He said they are trying to be respectful of the existing terrain. He said this Pressed Café is going to look a little different than the one in Burlington. Mr. Williams said he exchanged email with Woburn Fire Capt. Joseph Foley and Building Commissioner Thomas Quinn. He said Commissioner Quinn raised some concerns with the partition of the outdoor dining area. He said the applicant is working with the architect to address the outdoor seating area. He said the applicant intends to keep the larger trees on site but some of the bushes will be relocated. He said everything else will remain as it was with Red Robin. He said it really is just a plug and play. Councilor Mercer-Bruen said the premises looks stunning. She asked if people on the patio will be able to get liquor service. Mr. Parsons said liquor service will be confined to the bar area. Councilor Mercer-Bruen said the bar is close to the entry area. She asked if anyone can order a drink. She said she is concerned about how alcohol service is going to work. Mr. Parsons said the bar is separated from the rest of the restaurant. Attorney Tarby said one of the licenses the applicant will be seeking from the License Commission is a standup drinking license. He said the application will show the areas where customers will stand. Mr. Parsons said there are high top tables that are fixed and will serve as a divider between the area where alcohol will be consumed and where it will not be consumed. Councilor Mercer-Bruen said she has always been impressed with Pressed Café in general. She said she asked the applicant to take a look at how Chick-fil-A accommodates traffic and safety. Mr. Parsons said bollards are a good idea. He said they will do their best to address safety concerns. Chairman Gately asked if the applicant has included a picture of the portion of the wall that failed. Attorney Tarby said the wall is not damaged and everything works fine. Councilor DiMambro said the renderings are beautiful. He said he hopes the landscaping is aesthetically pleasing and safe. He asked if there will be any modifications to the floor. Mr. Parsons said the dishwasher is not being moved. He said the hood is not being moved. He said those would be the two biggest areas of impact. He said they are removing a cooler. He said they do not have a freezer. He said this is next generation fast food. He said they don't even like the term fast food. Motion made by Councilor Mercer-Bruen and seconded by Councilor Campbell to suspend the rules to allow anyone from the council not on the committee to address the petition; approved, 5-0. Councilor Viola said the restaurant looks unbelievable compared to Red Robin. He said he likes the idea of bollards. Councilor Demers said he has been a City Councilor for a few years. He said this is probably one of the better proposals that has been submitted during that time. Motion made by Councilor Mercer-Bruen and seconded by Councilor Campbell to return to the regular order of business; approved, 5-0. Councilor Mercer-Bruen said she has questions about the proposed conditions. She said she has questions about proposed question #10. She said the condition calls for the petitioner to pay \$9,000 toward a traffic signal improvement study for the intersections of Salem Street and Cedar Street with Washington Street. She said she is hoping the committee sends the matter back for action so it can learn more detail about condition #10. She said she would like to send a communication to City Engineer John Corey with a copy to Mayor Scott Galvin asking them to provide the committee with a copy of the study. She said she would like to know the total cost of the study. She said she would like a detailed breakdown of why Pressed Café is being asked to contribute \$9,000 and where that number comes from. She said she would like to make that in the form of a motion that was seconded by Councilor Campbell and approved, 5-0. Councilor Mercer-Bruen said she urges the council make sure this study is something the city needs to move forward with. She said she wants to know where the rest of the money for the study is coming from. She said

this is the first she's heard about a study of Cedar Street. She said she would prefer the matter stay in committee until the committee gets more detail. Councilor DiMambro said he supports what Councilor Mercer-Bruen just said and he thinks it's right for the petitioner to know where this money is going. Attorney Tarby asked if there are any issues with the other proposed conditions. Chairman Gately said all the other conditions except for #10 seem to be amenable. Councilor Mercer-Bruen said she takes no exception to the other conditions, but the only way she will support this is if she gets an answer about the mitigation. She said the petition can be sent back for action or it can remain in committee until the public hearing resumes on July 11. She said some of the other conditions may change. Chairman Gately said he heard about the \$9,000 mitigation contribution a year and a half or two years ago. Councilor Mercer-Bruen this is not the Cedar Street slip ramp onto I-93. Councilor Campbell said the council should probably have the conditions in order for a vote on the floor. Chairman Gately asked what the will of the committee is. Motion made by Councilor Mercer-Bruen and seconded by Councilor DiMambro to send the matter back for action; approved, 5-0.

Motion made by Councilor Campbell and seconded by Councilor Viola to adjourn; in favor, 5-0. Chair Gately adjourned the meeting at 7:38 p.m.

A TRUE RECORD ATTEST

Gordon Vincent
Clerk of Committees