

**FINAL Meeting Minutes  
March 28, 2017 Planning Board Meeting  
7:00 P.M.  
City Council Chambers, Woburn City Hall**

**APPROVED**

Chair Pro Tem Michael Ventresca called the meeting to order at 7:00 p.m. and asked City Planner/Grant Writer Dan Orr to call the roll.

**ROLL CALL OF MEMBERS**

Mr. Kevin Donovan, Mr. Jim Callahan, Mr. Michael Ventresca, and Mr. Dave Edmonds were present; Ms. Claudia Bolgen, Mr. Bob Doherty, and Chair Carolyn Turner were absent. Also present were Planning Director Tina Cassidy and City Planner/Grant Writer Dan Orr.

**455-471 MAIN STREET ANR / Edward Hovsepian**

Planning Director provided an overview of the plan and recommended approval of the plan as one not requiring approval under the Subdivision Control Law.

Motion approve the ANR plan as submitted made by Mr. Dave Edmonds;  
Seconded by Mr. Jim Callahan;  
Motion carried, 4-0-0.

**134 ARLINGTON ROAD ANR / Ferriera Renato**

Planning Director Cassidy provided an overview of the plan and recommended approval of the plan as one not requiring approval under the Subdivision Control Law.

Motion approve the ANR plan as submitted made by Mr. Dave Edmonds;  
Seconded by Mr. Jim Callahan;  
Motion carried, 4-0-0.

**1&3 TUFTS ROAD ANR / Robert Marquis (owner) and George Gately Jr. (developer)**

Planning Director Cassidy provided an overview of the plan and recommended approval of the plan as one not requiring approval under the Subdivision Control Law.

Motion approve the ANR plan as submitted made by Mr. Dave Edmonds;

Seconded by Mr. Jim Callahan, for discussion. He inquired as to why the two engineering firms differed in their surveying of the subject parcels. Mr. George Gately responded that he knew of one surveyor, Mr. Spinucci, who surveyed the property and knew that there was a gap involved. However, the deeds for each property specify the measures of the lot although, the different surveys were not necessarily consistent.

Mr. Jim Callahan stated that he is concerned that two engineering firms would be so far apart on their surveys.

Motion carried, 4-0-0.

**PUBLIC HEARING: 6 COMMON STREET SIGN APPEAL / WT PHELAN INSURANCE**

Chair Ventresca opened the hearing. Planning Director Cassidy stated that this matter is scheduled for a public hearing this evening, but even though there is a quorum, Mr. Dave Edmonds is not able to participate on this matter. As a result, a continuance is recommended until more members are present at the next Planning Board meeting on April 11<sup>th</sup>.

Motion to continue the public hearing to the Board's April 11<sup>th</sup> meeting made by Mr. Kevin Donovan;  
Seconded by Mr. Jim Callahan;  
Motion carried 3-0 with Mr. Dave Edmonds recusing/abstaining from the vote.

**425 WASHINGTON STREET SIGN APPEAL / PARTNERS URGENT CARE**

Attorney Joseph Tarby, Murtha Cullina, 600 Unicorn Park Drive, approached the Board representing the Petitioner.

Attorney Tarby requested that the Board continue this matter until additional membership is present.

Chair Ventresca opened the hearing and asked if any member of the audience present wanted to address the Board. There were none.

Motion to continue the public hearing until the April 11<sup>th</sup> meeting made by Mr. Dave Edmonds;  
Seconded by Mr. Jim Callahan;  
Motion carried, 4-0-0.

**ZONING TEXT AMENDMENT TO REGULATE PAWNSHOPS AND PAWNBROKERS (SECTIONS 2 & 5.1) / ALDERMAN RICHARD HAGGERTY**

Planning Director Cassidy stated that she has been asked by Aldermen Haggerty and Anderson to represent this proposal on their behalf.

Planning Director Cassidy further stated that this issue has been raised by a recent applicant who is a jeweler and requested a pawn broker's license.

Mr. Dave Edmonds inquired as to whether the City Solicitor believes there is any other limit that may be applicable in terms of excluding a specific retailer within the city.

Planning Director Cassidy stated that she has not spoken to City Solicitor Callahan-Doucette but she believes that the Solicitor would have raised this point had it been an issue.

Mr. Dave Edmonds stated that he is concerned that this proposal may disproportionately target the poor.

Planning Director Cassidy suggested that if the Board would like to formulate a recommendation to the City Council on this matter it could include a suggestion that the Council consult the City Solicitor to confirm there is no concern with the constitutionality relative to adoption of this amendment.

Chair pro tem Ventresca asked Mr. Dave Edmonds if he would be comfortable with the approach the Director recommended.

Motion to recommend adoption with the condition that the City Solicitor examine the proposal's constitutionality made by Mr. Dave Edmonds;

Chair Pro Tem opened this matter for a public hearing and asked any members of the audience who would like to step forward to address the Board to please do so.

#### PUBLIC HEARING

Mr. Tim Swain, 29 Dragon Court, stated that the Game Stop is going out of business.

Mr. Swain stated that it might be helpful for the police to be able to check pawnshops as a resource if something is stolen.

Mr. Swain stated that it may be helpful to give some people a break.

Chair Ventresca asked if any other members of the audience wished to speak. There were none.

Motion to close the public hearing made by Mr. Dave Edmonds;  
Seconded by Mr. Jim Callahan;  
Motion carried, 4-0-0.

Motion previously stated re-introduced by Mr. Dave Edmonds;  
Seconded by Mr. Jim Callahan;  
Motion carried, 4-0-0.

#### **PUBLIC HEARING: ZONING TEXT AMENDMENT TO ESTABLISHMENT OF DOWNTOWN PARKING FUND (SECTION 8.3) / ALDERMEN HIGGINS, ANDERSON, HAGGERTY, GATELY, TEDESCO AND CAMPBELL**

Planning Director Cassidy provided an overview of the proposal which is sponsored by six different Councilors. The purpose is to establish a "downtown parking enhancement fund" that would require developers of residential projects to contribute monies to the fund (non-refundable) in the amount of \$7,500 per space that would be earmarked for downtown parking enhancement.

Mr. Jim Callahan inquired about how the proposal would be applied to a Petitioner requesting a change in building use.

Planning Director Cassidy stated that if an owner wished to add residential units to a site for the first time, the only way that municipal lots could be used to meet the parking requirement of zoning is if the lot is located within 500 ft. of a municipal lot and if the City Council issues a Special Permit.

Mr. Jim Callahan stated he is curious as to whether this proposal would require property owners to pay into the fund for previously-existing units, as well as newly-created units, in the case of a building addition.

Planning Director Cassidy stated that the fee will likely never collect enough revenue from this fee to fully fund a brand new parking garage, but it would help to offset costs of building one.

Planning Director Cassidy stated that the issue of all-day parking downtown is of concern, some of which are out-of-town commuters and some of which are Woburn residents. This is an issue that is being explored over the coming months by the City to determine if there are areas in specific downtown parking lots that should be used for long-term, all-day parking. That all-day parking could be used by commuters and employees of downtown businesses.

Chair Pro Tem Michael Ventresca stated that this amendment is a good starting point for the downtown in order to get a fund going to deal with some of the issues faced by the City.

Chair Pro Tem Michael Ventresca opened this matter for a public hearing and asked any members of the audience who would like to step forward to address the Board to please do so at this time.

#### PUBLIC HEARING

Attorney Mark Salvati, 10 Cedar Street, inquired as to whether a change of uses would require payment only for the new dwelling units or for all of the dwelling units in the development.

Planning Director Cassidy stated she does not believe it was the intent nor letter of the ordinance to "go backwards" in terms of application. She would recommend confirming with the City Solicitor if there is any question in members' minds.

Mr. Chris Owen, 10 Florence Terrace, stated that this proposal is similar to the implementation of charging a condo fee to new condo owners. It does not seem to be equal treatment of the new and select people.

Mr. Tim Swain, Dragon Court, inquired about handicap parking accessibility.

Planning Director Cassidy stated that the number of ADA-accessible spaces is dictated based on the amount of spaces provided (a ratio). She does not know of any effect this would have on the provision of those spaces.

Planning Director Cassidy stated that she will request clarification from the City Solicitor on the proposed ordinance's applicability.

Mr. Dave Edmonds stated that he would like to continue to the public hearing because there needs to be clarification on the issue mentioned previously.

Motion to continue the public hearing made by Mr. Dave Edmonds;  
Seconded by Mr. Jim Callahan,  
Motion carried, 4-0-0.

#### **CROSSMAN ROAD DEFINITIVE SUBDIVISION**

Attorney Salvati stated that he would like to request a continuance of the public hearing from the Board to address comments that were received by the Department of Public Works, as well as to be able to present the proposal to more Board members.

Attorney Salvati provided an overview to the Board of the proposal and the waivers being requested.

Planning Director Cassidy clarified that the Fire Department has requested an additional fire hydrant and that the hydrant will be added to the plans.

Mr. Jim Callahan inquired as to why his client is seeking relief regarding sidewalks on both sides. Attorney Salvati responded that the waiver for sidewalks on both sides is because the terrain is difficult to accommodate them and for financial reasons.

#### PUBLIC HEARING

Chair Ventresca opened the public hearing and asked if any members of the audience wished to speak on the matter. There were none.

Motion by Mr. Dave Edmonds to continue the public hearing;  
Seconded by Mr. Jim Callahan;  
Motion carried, 4-0-0.

#### **RUSSO ESTATES DEFINITIVE SUBDIVISION**

Planning Director Cassidy provided an overview and summary of the current status of this definitive subdivision.

Attorney Salvati stated that a compaction test has been submitted and approved by the Department of Engineering.

Attorney Salvati further stated that the detention basin is scheduled to be cleaned.

Attorney Salvati further stated that a review is being conducted to ensure that the onsite grading that has been done thus far is compliant with the plan.

Attorney Salvati further stated that he is making progress on the energization of the street light; in addition, he is looking for feedback on the timeline submitted from the Department of Engineering.

Mr. Dave Edmonds inquired as to why nothing was done in terms of preventing water flow and erosion. Attorney Salvati responded that he is not sure why there was not any action on that point.

Mr. Dave Edmonds inquired about when he believes the subdivision will be wrapped up. Attorney Salvati responded that going by the submitted timeline, he believes it can be completed by December 2017.

Motion to extend the completion date to December 31, 2017 made by Mr. Dave Edmonds;  
Seconded by Mr. Jim Callahan;

Mr. Michael Ventresca stated that the schedule in terms of a status report on the progress on the subdivision over the next few months would be very helpful to keeping the Board apprised.

Planning Director Cassidy stated that although the schedule has been submitted to the Board and referred to Engineering, she is not sure whether the Engineering Department finds it reasonable. There has been no feedback on this point.

Planning Director Cassidy stated that the infiltration basin has filled in twice already; what is going to make the developer clean that up? Attorney Salvati reiterated that the cleanup for the siltation basin is now scheduled.

Motion to extend the completion date to December 21, 2017 and to require an update at the second meeting in April (April 25<sup>th</sup>) to include infiltration and catch basin cleaning witnessed and reported on by a licensed engineer made by Mr. Dave Edmonds;  
Seconded by Mr. Jim Callahan;  
Motion carried, 4-0-0.

### **DREW PLACE SUBDIVISION**

Planning Director Cassidy stated that the acceptance plans and as-builts have been approved by the Engineering Department, and the Department reported that a box has been placed over the stone bound and found to be acceptable. Based on the recommendations of the Engineering Department she would recommend the as-built and acceptance plans be approved and with their approval, the board vote to execute a Certificate of Completion and release the remaining surety.

Motion to accept the as-built and acceptance plans that were submitted for the Drew Place subdivision and to release the remaining surety posted to guarantee completion, and to execute a Certificate of Completion made by Mr. Dave Edmonds;  
Seconded by Mr. Jim Callahan;  
Motion carried, 4-0-0.

### **CARL FORESTER SUBDIVISION**

Planning Director Cassidy stated that the as-built plan needs to include a street profile for acceptance. As a result, she would recommend continuing discussion of the developer's request to the next meeting. Without an acceptable acceptance plan, none of the other requests can be honored.

Motion to continue this matter until the Board's April 11<sup>th</sup> meeting made by Mr. Dave Edmonds;  
Seconded by Mr. Jim Callahan;  
Motion carried, 4-0-0.

### **APPROVAL OF MINUTES:** February 28, 2017 meeting

Mr. Dave Edmonds suggested holding off on approval of these minutes until more of the Board members are present.

The Board verbally agreed and no vote was taken.

### **PLANNING DIRECTOR UPDATES**

#### **ZORC Update**

Planning Director Cassidy stated that she and Chair Turner spoke with the Council about this matter and there are a number of questions, comments and concerns with the proposal. She or the Chair will provide another update on this matter at the next meeting.

Planning Director Cassidy stated that there is one person who said that ZORC recommendations are only recommendations, but it is hard to say no to a ZORC recommendation.

Mr. Michael Ventresca stated that he finds that ZORC is a positive group and would really be beneficial to the City.

Mr. Michael Ventresca further stated that he would support the Planning Director keep trying to further the cause of trying to re-institute ZORC.

Mr. Michael Ventresca further stated that there are a number of issues that could be tackled proactively in the City including things like billboards and cell towers.

### 3. ADJOURNMENT

Seeing no further business, Mr. Dave Edmonds moved to adjourn at 8:17 p.m.;  
Seconded by Mr. Jim Callahan;  
Motion carried, 4-0-0.

Meeting adjourned at 8:17 p.m. ***Table of Documents Used at Meeting***

<ul style="list-style-type: none"><li>• Staff Report with Attachments</li></ul>
<ul style="list-style-type: none"><li>• Council Order to amend Section 2 (Definitions) and Section 5.1 (Table of Uses) to Regulate Pawnshops and Pawnbrokers</li></ul>
<ul style="list-style-type: none"><li>• Council Order to amend Section 8.3 (Off-street Parking Facilities Required)</li></ul>
<ul style="list-style-type: none"><li>• Draft Planning Board Meeting Minutes (dated February 28, 2017)</li></ul>

Respectfully submitted,



Dan Orr  
City Planner/Grant Writer

