

**Meeting Minutes**  
**April 11, 2017 Planning Board Meeting**  
**7:00 P.M.**  
**City Council Chambers, Woburn City Hall**

A blue ink stamp with a checkmark in a box followed by the word "APPROVED" in a bold, sans-serif font, tilted slightly upwards to the right.

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

Chair Carolyn Turner stated that the appropriate certifications have been filed by all members who were absent during the public hearings held at the Board's March 28, 2017 meeting and, as a result, those members may participate in all matters to be heard this evening.

**1. PUBLIC HEARING: 6 COMMON STREET SIGN APPEAL (W.T. Phelan Insurance)**

Mr. Dave Edmonds recused himself from this matter.

Planning Director Cassidy provided an overview of this matter and an update as to the current status. The Building Inspector has determined that the wall sign is "grandfathered" and as such does not need a special permit. As a result, Mr. Ramsey has withdrawn that part of his application from consideration

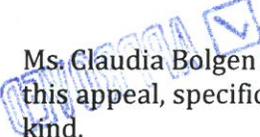
Mr. Ramsey stated that he has spoken with Chief Ferullo regarding lighting in this area and Chief Ferullo spoke affirmatively in terms of the free-standing sign being lit. Planning Director Cassidy confirmed that this is true.

Mr. Ramsey stated that he has spoken with Mr. Tom Dunn of Metro Sign regarding the Board's concern about the lighting intensity. The application requests permission for the entire sign to be illuminated but an alternative would be to backlight only the letters on the sign face rather than the background. However, a lighting experiment prior to approval would be cost-prohibitive.

Mr. Kevin Donovan inquired about the color of the logo. Mr. Ramsey confirmed that it is a White background with Blue on the graphics.

Mr. Ramsey provided a depiction of the graphic of the proposed free-standing, illuminated sign to the Board.

Ms. Claudia Bolgen inquired about the staff report comment stating that the proposed sign, if approved, would provide a precedent in the downtown district and whether the Board have to hear other cases of other sign appeal petitions for internally illuminated signs. Planning Director Cassidy responded that she asked the Building Inspector if there were any other free-standing, internally-illuminated signs in the downtown that still exist and which might become the subject of a similar application in the future. Building Inspector Quinn could not offer any further examples.

 Ms. Claudia Bolgen state that this explanation is helpful and she personally does not oppose granting this appeal, specifically due to the age of the sign and the fact that it is very likely the only one of its kind.

Chair Carolyn Turner asked for clarification that a new application for a free-standing, internally illuminated sign would be immediately turned down because it does not meet zoning. Planning Director Cassidy stated that this is true.

Chair Carolyn Turner stated that the location of this sign is important to note, in the same vein of the comments of the Police Chief, in that the sign would provide additional illumination in an area that could use it given the amount of pedestrian traffic in this vicinity.

Ms. Claudia Bolgen asked whether Chair Carolyn Turner would be more inclined for full or partial illumination given the reasoning of Chief Ferullo in terms of enhanced public safety and visibility. Chair Turner stated that she would prefer full illumination under the reasoning of public safety and visibility.

Ms. Kevin Donovan stated that he does not believe it is the applicant's intent to make the area safer. He would prefer to not increase brightness at this particular location downtown to the extent possible.

Mr. Ramsey stated that he does not have any examples to provide to the board in terms of the two different illumination options for the sign.

Chair Carolyn Turner opened this matter for public comment and asked any members of the audience who would like to step forward to address the Board to please do so at this time.

No members of the audience stepped forward.

Motion to close the public hearing made by Ms. Claudia Bolgen;  
Seconded by Mr. Bob Doherty;  
Motion carried, 5-0-0.

Planning Director Cassidy provided her recommendation to the Board to grant the appeal to allow the free-standing, internally-illuminated sign to be re-illuminated.

Motion to adopt the Planning Director's recommendation made by Mr. Bob Doherty;

Ms. Claudia Bolgen inquired as to whether this motion would allow the Petitioner to move forward with full or partial illumination. Planning Director Cassidy stated that her recommendation to the Board is to grant the appeal so that the entire sign can be illuminated, without restriction. She added that the motion could be amended by a member to restrict the extent of illumination.

Motion seconded by Ms. Claudia Bolgen;  
Motion carried, 5-0-0.

## **2. PUBLIC HEARING: 425 WASHINGTON STREET SIGN APPEAL (Partners Urgent Care)**

Ms. Chris Ciminello, of Kimco Realty, approached the Board on behalf of the Petitioner.

Mr. Ciminello stated that Attorney Joseph Tarby could not attend this evening's hearing due to a personal matter so he will be making a brief presentation instead.

Mr. Ciminello provided an overview of the Petition to the Board and the specifics of the signs to be erected as primary and secondary signs.

Mr. Ciminello provided an overview of the elevation renderings of the proposed signage, as well as similar signage in the area for comparative purposes, via PowerPoint presentation.

Mr. Ciminello stated that the signage is consistent with the existing character of the area and other signage on the site and respectfully requests that the Board grants the appeal.

Mr. Bob Doherty stated that the City Council granted the required special permit was granted on the condition that signage would have to comply with local zoning requirements, and asked what has changed since discussion with the Council.

Mr. Ciminello stated that the location of the building had shifted slightly since the time the Special Permit was sought. Mr. Bob Doherty asked if the plan was changed after the Special Permit was granted. Mr. Ciminello stated no.

Ms. Claudia Bolgen stated that the current issue with this particular application is that this signage abuts a residential neighborhood.

Mr. Ciminello stated that Attorney Tarby, as a local land-use attorney, would be more appropriate to answer questions as it relates to this issue.

Ms. Claudia Bolgen stated that it may be more appropriate for the City Council to address this particular petition as it pertains to the modification of a set of conditions. She stated she would not be comfortable voting on something that may be in conflict with something the City Council has discussed in detail.

Planning Director Cassidy stated that she posed the issue of the City Council's condition with the Building Inspector this morning but could not reasonably ask him for an immediate ruling.

Ms. Claudia Bolgen stated that her understanding may be that because the Petitioners have gone through the process in terms of Special Permitting, it has already been vetted in terms of zoning, and the inclusion of the condition in question in the Special Permit decision may have led to unintended conflict with the City's unique sign appeals process in this particular case.

Mr. Bob Doherty asked whether, if that "zoning conformance" condition is allowed to be changed, the Special Permit would become null and void in totality. Planning Director Cassidy stated it might, unless perhaps the City Council modifies its approval or unless the Building Inspector determines no modification is necessary.

Mr. Bob Doherty inquired as to how the other examples provided were allowed to erect their signage, particularly in the case of Business Neighborhood district signage.

Planning Director Cassidy stated that she can only recall applications that sought to modify existing non-conforming signage.

Ms. Claudia Bolgen stated that the norm in the shopping center appears to be signs that do not conform to zoning. She does not necessarily know how to approach this issue given that there may be inconsistency in denying the signage. Planning Director Cassidy explained that many of the signs shown in the PowerPoint presentation were of buildings in zoning districts other than Business Neighborhood.

Mr. Jim Callahan stated that his concern is that secondary boards are seeing the appeals whereas this issue should be addressed by City Council or the Board of Appeals. He is not apt to change what has been decided upon by the Council in terms of zoning conformance of signage.

Planning Director Cassidy stated that applicants are not required to provide a full signage package as part of their Special Permit applications, and that may be at the heart of the condition. She suggested that the Planning Board consider whether to recommend to the Council that it require full signage packages "up front", so they can be considered during the special permit review process.

Mr. Jim Callahan stated that there still appears to be an issue of how applicants go through the process.

Ms. Claudia Bolgen stated that it may be a good approach to the Council to ask what their reasoning was in incorporating the condition that all signs conform to zoning. It would be helpful to know the original intent of the Council.

Mr. Ciminello stated that if he could respectfully request a continuance of the public hearing until the next meeting he would appreciate the opportunity to present this matter to the Board at that point.

Chair Carolyn Turner opened this matter for public comment and asked any members of the audience who would like to step forward to address the Board to please do so at this time.

No members of the audience stepped forward.

Motion to continue the public hearing to the Board's April 25<sup>th</sup> meeting and to draft correspondence to the City Council asking for its rationale in granting the special permit and incorporating the condition relative to zoning conformance made by Mr. Jim Callahan;  
Seconded by Ms. Claudia Bolgen;  
Motion carried, 6-0-0.

**3. PUBLIC HEARING: ZONING TEXT AMENDMENT TO SECTION 8.3 (PARKING FUND)  
(Aldermen Higgins, Anderson, Haggerty, Gately, Tedesco, and Campbell)**

Planning Director Cassidy provided an overview of this proposed order and the intended purpose as envisioned by the City Council sponsors.

Planning Director Cassidy further stated that, as directed, she requested a legal opinion from the City Solicitor regarding retroactive application of the fund to existing residential units. Solicitor Callahan Doucette has opined that the parking fund could not be applied retroactively to existing units.

Mr. Dave Edmonds inquired about any clarification as to the applicability of this fee to properties in which there is a transfer of building ownership. Planning Director Cassidy stated that the parking fund would not apply in that scenario, either, as it still pertains to existing units.

Chair Carolyn Turner stated that her understanding is that the intent of this particular proposal is to affect properties specifically undergoing redevelopment or new development, as opposed to existing units for which are already accounted.

Ms. Claudia Bolgen provided an overview of the opinion of Solicitor Callahan Doucette to the Board for their information.

Mr. Jim Callahan asked, with regard to the number of parking spaces required for each unit, at what point is the downtown parking supply saturated and there is a lack of availability?

Planning Director Cassidy stated that every time an application is heard regarding residential development downtown, the City Council takes the availability of parking into consideration. In addition, there are several initiatives in progress to better manage parking and increase supply within and directly adjacent to the Woburn Business District.

Mr. Jim Callahan stated that his concern is that there are a finite amount of tracts of land downtown that would accommodate new development in terms of the amount of required parking.

Mr. Bob Doherty stated that he does not understand what the proposal accomplishes. It essentially attaches a fee to each unit that is developed.

Planning Director Cassidy stated that the accrued revenue from the parking fund will over time be dedicated to increasing capacity of downtown parking generally.

Mr. Bob Doherty stated that this proposal does not address the current parking capacity downtown. It does not address the existing conditions.

Mr. Dave Edmonds inquired about the current parking conditions at the Library. Planning Director Cassidy responded that Library revamp is intended to directly benefit the users of the facility.

Chair Carolyn Turner opened this matter for public comment and asked any members of the audience who would like to step forward to address the Board to please do so at this time.

No members of the audience stepped forward.

Motion to close the public hearing made by Mr. Dave Edmonds;  
Seconded by Mr. Bob Doherty;  
Motion carried, 6-0-0.

Chair Turner asked Planning Director Cassidy for her recommendation. Planning Director Cassidy stated that she strongly supports this proposed zoning amendment and recommends that the Board approve it.

Motion to accept the Planning Director's recommendation made by Ms. Claudia Bolgen;  
Seconded by Mr. Kevin Donovan;  
Motion carried, 5-1-0, with Mr. Bob Doherty opposed.

#### **4. PUBLIC HEARING: CROSSMAN ROAD DEFINITIVE SUBDIVISION (Mr. Stephen Tonks)**

Attorney Mark Salvati, 10 Cedar Street, approached the Board to provide a brief description of the proposed subdivision.

Mr. Mark Sleger, project engineer, presented an overview of the definitive subdivision plan in terms of the lot layout plan, the specifications of the roadway, the placement of the utilities, as well as the onsite drainage.

Mr. Mark Sleger stated that he will address the comments from the Engineering Department regarding drainage relative to the subdivision.

Mr. Jim Callahan inquired about the existing house on the roadway. Mr. Mark Sleger responded with a clarification of the current onsite conditions.

Mr. Jim Callahan inquired about the waiver of the sidewalk on one side of the roadway proposal; Attorney Mark Sleger stated that the current right-of-way is 40' in width, which precludes the inclusion of sidewalks or grass strips on both sides of the street. There is room for one but not two.

Attorney Mark Salvati stated that the proposed sidewalk would tie-in with the existing infrastructure.

Mr. Jim Callahan inquired about why the roadway layout could not include sidewalks on both sides of the street. Mr. Sleger provided a visual explanation as to why the current roadway layout, which must incorporate the alignment of the existing pavement, could not incorporate sidewalks on both sides of the street.

Attorney Salvati stated that the Engineering Department and DPW were both of the opinion that the inclusion of only one sidewalk on the proposed roadway extension would allow for a safer transition given the boundaries of the existing right-of-way.

Motion for a five-minute recess to allow the Planning Director to collect the Board's copies of Department head comments on the Crossman Road subdivision made by Ms. Claudia Bolgen;  
Seconded by Mr. Bob Doherty;  
Motion carried, 6-0-0.

Planning Director Cassidy provided an overview of the comments received thus far and distributed copies to members.

Attorney Salvati stated that the homeowners' association would be responsible for the drainage on the property.

Attorney Salvati further stated the intent would be for the City to adopt the extension of the roadway as an accepted City street.

Planning Director Cassidy stated that we have received comments from DPW, Engineering, Police and the Fire Department.

Ms. Claudia Bolgen inquired about whether the Planning Director has any issues or concerns other than the outstanding comments. Planning Director Cassidy stated that she had none.

Chair Carolyn Turner inquired about provision of an "Exhibit A" (Operations & Maintenance Plan) referenced in the proposed homeowner's association bylaws document. Attorney Salvati stated that the Operations & Maintenance Plan is forthcoming.

Chair Carolyn Turner 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.

No members of the audience stepped forward.

Motion to continue the public hearing to the Board's April 25, 2017 meeting made by Ms. Claudia Bolgen;

Seconded by Mr. Bob Doherty;

Motion carried, 6-0-0.

Chair Carolyn Turner recused herself for the following two subdivision matters and Mr. Jim Callahan assumed the role of Chair Pro Tem.

#### **5. CARL FORESTER WAY SUBDIVISION**

Planning Director Cassidy provided an overview of the status of this subdivision and the requests that were made by the developer to accept utility and right-of-way easements, approve the as-built and street acceptance plans, release the remaining surety to guarantee subdivision completion, and to execute a Certificate of Completion for this subdivision.

Chair Turner asked Planning Director Cassidy for her recommendation. Planning Director Cassidy recommended that the Board **(a)** accept the as-built and acceptance plans, **(b)** recommend acceptance of the acceptance plans by the City Council and acceptance of the roadway as a public way, **(c)** accept the utility and conveyance documents, **(d)** release the remaining surety, and **(e)** to execute a Certificate of Completion for the Carl Forester Way subdivision.

Motion to adopt the Planning Director's recommendation made by Mr. Bob Doherty;

Seconded by Ms. Claudia Bolgen;

Motion carried, 5-0-1, with Chair Carolyn Turner recusing.

#### **6. DRAGON COURT SUBDIVISION**

Planning Director Cassidy provided an update and overview as to the request made by the developer relative to this subdivision, which was to accept a Tri-Partite Agreement in the amount of \$106,012 based on correspondence from the Engineering Department and City Solicitor Callahan Doucette.

Motion to accept to accept the Tri-Partite Agreement as a replacement for the Covenant to secure completion of the Dragon Court subdivision and to release all lots from the language of the Covenant, including for building and sale purposes, made by Mr. Dave Edmonds;

Seconded by Ms. Claudia Bolgen;

Motion carried, 5-0-0, with Chair Carolyn Turner recusing.

#### **7. APPROVAL OF MINUTES: February 28, 2017 and March 28, 2017 meetings**

Chair Carolyn re-assumed the role of Chair.

Motion to accept the February 28, 2017 meeting minutes, as drafted, made by Mr. Dave Edmonds;  
Seconded by Mr. Jim Callahan;  
Motion carried, 6-0-0, with, with Ms. Claudia Bolgen abstaining due to absence *at the February 28<sup>th</sup> meeting.*

Motion to accept the March 28, 2017 meeting minutes, as drafted, made by Mr. Dave Edmonds;  
Seconded by Mr. Jim Callahan;  
Motion carried, 3-0-0, with Chair Carolyn Turner, Mr. Bob Doherty, and Ms. Claudia Bolgen abstaining due to absences at the March 28, 2017 meeting.

## **8. OTHER BUSINESS**

Planning Director Cassidy reminded the Board of the opportunity to comment on the Fisheries and Wildlife map update.

Planning Director further requested that the Board sign several documents related to subdivision matters discussed this evening and at the last meeting.

Mr. Dave Edmonds asked if there is any inventory that the City has taken regarding native species. Planning Director Cassidy stated that she is not entirely sure, although it likely comes up in the Conservation Commission's review of each project.

## **9. ADJOURNMENT**

Chair Turner asked if there was any other business for the Board to conduct this evening. There was none.

Seeing no further business, Ms. Claudia Bolgen moved to adjourn at 8:51 p.m.;  
Seconded by Mr. Bob Doherty;  
Motion carried, 6-0-0.

Meeting adjourned at 8:51 p.m.

**Table of Documents & Materials Used at Meeting**

<ul style="list-style-type: none"><li>• Staff Report with Attachments</li></ul>
<ul style="list-style-type: none"><li>• Board handout: Rendering of free-standing, internally-illuminated sign proposed to be erected at 6 Common Street</li></ul>
<ul style="list-style-type: none"><li>• Petitioner’s PowerPoint Presentation relative to 425 Washington Street sign appeal</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 and March 28, 2017)</li></ul>

Respectfully submitted,



Dan Orr  
City Planner/Grant Writer

