

## APPROVED MINUTES

Tuesday, February 11, 2020 Meeting | 7:00 p.m.

City Council Chamber, Woburn City Hall, 10 Common Street, Woburn, MA

Chair Kevin Donovan called the meeting to order at 7:00 pm and asked City Planner/Grant Writer Dan Orr to call the roll.

Mr. Dave Edmonds, Mr. Bob Doherty, Ms. Claudia Bolgen, Mr. Jim Callahan, Mr. Michael Ventresca, Ms. Carolyn Turner, and Chair Kevin Donovan were present.

Planning Director Tina Cassidy and City Planner/Grant Writer Dan Orr were also present.

### **PUBLIC HEARING: MODIFICATION REQUEST FOR 12 BUCKMAN COURT DEFINITIVE SUBDIVISION (Nardone Property Group LLC)**

Attorney Joseph Tarby, Murtha Cullina, 600 Unicorn Park Drive, approached the Board on behalf of the Petitioner to provide an overview of the purpose of the proposed modifications and to reiterate the roadway as it was approved by the Board in May 2018 and designed to serve a new two (2)-family dwelling in place of a current single-family dwelling. He proceeded to review the conditions of approval.

Tarby continued by reviewing the comments submitted by DPW Superintendent Jay Duran on the modification filing noting that no exception is taken to the proposed installation of the one-inch water services to each dwelling, so long as the water lines are clearly specified as being privately maintained. He added that a comment issued by the Fire Department, dated May 8, 2018, prior to subdivision approval indicated sufficiency with the existing water main to service the new dwellings.

Mr. Fred Russell, project engineer, approached the Board on behalf of the Petitioner to provide a review of the water lines servicing the surrounding neighborhood via projected GIS mapping depicting existing water lines and hydrant locations.

Mr. Russell continued to review the maintenance requirements of the water line, as adopted, specifically referencing the need to carefully monitor the chlorination level within an 8" water line when it is a dead-end main.

Ventresca asked for clarification of the length of the proposed water lines from the position of the existing main. Russell confirmed that the length is approximately 120 feet and that the current home is similarly serviced by a one 1" line.

Cassidy asked about the presence of an infiltration chamber within the roadway. Russell confirmed that the project entails replacement of the existing drywell in front of #16 Buckman Court [CT1][OD2].

Callahan asked for clarification of the applicant's rationale for requesting an amendment to the condition of Planning Board approval requiring installation of an 8" water line. Tarby responded that the most practical reason for the modification request is that the requirement for the 8" water line did not align with the Petitioner's budgeting expectations.

Callahan stated that the Petitioner should have been aware of the cost installing an 8" water line at the time of filing with the understanding that the two 1" lines would have required the Board to grant a waiver of the Subdivision Rules and Regulations. Tarby and Russell responded that the Planning

Board did not appear to take issue with the proposed 1" lines over the course of several iterations of the plan submitted during the public hearing process.

Turner asked for clarification from the project engineer whether, in his professional opinion, the 1" water lines will be more beneficial for water quality. Russell responded affirmatively, principally due to the flushing requirements for an 8" line and the fact there is no hydrant proposed for the end of the line.

Bolgen stated that two issues appear to be factors in this scenario: The developer's lack of awareness of the 8" diameter water line cost, as well as the fact that the Board likely should have required the installation of a fire hydrant given the "dead end" arrangement of the proposed water line.

Edmonds asked for clarification of the process by which the water line will be flushed and whether it could be done without the presence of a fire hydrant. Russell responded that a "dead end" water line could not be flushed without a hydrant.

Ventresca asked for clarification of the sufficiency of the 1" lines. Russell responded that such size is considered sufficient and that three-quarter (¾)-inch water services are in fact most common in Woburn.

Donovan stated that this is a public hearing and asked if any members of the audience wished to speak on the petition.

#### PUBLIC HEARING

Mr. Dan Lionetta, 16 Buckman Court, approached the Board and stated that he is not supportive of installation of an 8" water line due to concerns about flooding in the event of a broken water main and over-chlorination of the line.

Donovan asked if there were any other members of the public who wished to speak on this matter. There were none.

Seeing none, motion to close the public hearing, made by Edmonds;  
Seconded by Bolgen;  
Motion carried, 7-0-0.

Donovan asked Cassidy if she had a recommendation for the Board's consideration. Cassidy stated she recommends that the Board conditionally approve the Petitioner's requested modifications. Specifically, she recommended the Board conditionally grant a waiver of Section III.E.1. of its Land Subdivision Rules and Regulations to permit the installation of two individual 1" water services in lieu of an 8" main and to revise Conditions #1 and #3 of the Board's May 23, 2018 decision on this project to read as follows:

- "1. This subdivision is being approved with the condition that this portion of Buckman Court (including all of the frontages of #16 and #12 Buckman Court) shall remain a private way, the maintenance and snow plowing of which is the responsibility of the owners of the property currently numbered 12 Buckman Court which is shown on Woburn Assessors Map #68, Block #04, Lot #03. Maintenance of this portion of Buckman Court will not be the responsibility of the City of Woburn. The applicant shall be responsible for snow plowing the portion of Buckman Court as shown on the plan. The City of Woburn shall have no obligation to plow said portion of Buckman Court, which responsibility shall be the obligation of the land

owner(s). Prior to endorsement and recordation of the subdivision plan with the Registry of Deeds, the developer must provide copies of acceptable utility easement documents as well as homeowners association (HOA) documents, condominium documents, or deed restriction(s) making the land owner(s) responsible for the maintenance and repair of the portion of Buckman Court shown on this plan, in addition to all drainage and infiltration system components to be located on the property currently known and numbered as 12 Buckman Court. The developer shall also submit, prior to endorsement and recordation of the plan with the Registry of Deeds, an Operation and Maintenance Plan to the Planning Board for review and approval, which Plan meets the requirements of the City's Engineering Department relative to the drainage/infiltration systems, with the Plan to require periodic maintenance and annual inspections/documentation by the HOA, condominium association or land owner(s);" and

- "3. That the plan be revised as needed to reflect the Board's decision not to require a turnaround in this project and revised to reflect the waivers that were not granted by the Board (i.e. 6" vertical granite curbing not bituminous concrete, location(s) and installation of all required monument(s), locations and installation of two (2) street trees, and the location and installation of one street light);"

She further recommended the vote to grant a waiver of the 8" water main installation requirement be conditioned on the following additional stipulation:

- That two (2) separate individual water lines may be installed in lieu of an 8" water main, but the size of the individual water services shall be calculated by the developer's engineer and, prior to commencement of any work on site, the final design of the individual water services and their connections to the existing main shall be submitted to the Superintendent of Public Works and Fire Chief for review and a determination of its acceptability.

Motion approve the Planning Director's recommendation, as submitted, made by Bolgen;

Seconded by Doherty;

Motion carried, 4-3-0, with Bolgen, Doherty, Edmonds and Turner in favor and Callahan, Donovan and Ventresca opposed.

**PRELIMINARY SUBDIVISION PLAN FOR PROPERTY OFF NEW BOSTON STREET (LOTS 4-7-11, 5-1-1, 5-1-3, 5-1-11, 9-2-2, 10-1-2, 10-1-9, 10-1-11 AND 10-1-17 ON CITY OF WOBURN ASSESSORS MAPS) (Industriplex Woburn LLC)**

Attorney Tarby approached the Board on behalf of the Petitioner to provide an overview of the two (2)-lot preliminary subdivision plan.

Attorney Tarby continued by providing a summary of all departmental comments received to date, including the Building, Fire and Police Departments, all of which take no issue with the plan as proposed. Comments received from the Conservation Commission indicate that a waiver would be required for any work undertaken within 25 feet of the Commission's "no disturb" zone and that the applicant will need to obtain an Order of Conditions. Also, the Board of Health indicated that an environmental study and assessment should be required in recognition of necessary EPA approvals and the Engineering Department identified deficiencies in required data on sewerage, water consumption, and drainage, among other aspects.

Mr. Tim Williams, project engineer, Allen & Major, 100 Commerce Way, approached the Board on behalf of the Petitioner to review the preliminary subdivision lotting and roadway layout plans and

subsequently reviewed the affected parcels as impacted by environmental contamination and pending infrastructural improvements.

Williams further stated that they plan to continue to work with pertinent City Departments on the integration of the New Boston Street bridge alignment into an eventual definitive plan, plan to obtain the required environmentally-related approvals from the EPA and Conservation Commission, and file a separate application for review from the committee overseeing Commerce Way Corridor Overlay District development.

Williams further stated that the items identified as missing by the Planning Board will be forthcoming in the form of a definitive subdivision application and reiterated that the final roadway layout will be dictated by the specific alignment of the New Boston Street roadway or potential access via build-out of an MBTA roadway easement.

Edmonds asked for clarification of the subdivision lotting plan and noted that the Petitioner's potential use of the MBTA's access roadway would potentially open up adjacent land (now occupied by a parking lot) for additional residential development. Williams responded that the proposed two (2) lots are being derived from an existing nine (9) lots and identified each lot specifically affected.

Ventresca asked for clarification of the preliminary subdivision plan in the context of EPA jurisdiction. Williams responded that the EPA would be closely involved with soil disturbance and water infiltration issues, which will ultimately determine the limits of developable land.

Cassidy stated that her recommendation to the Board is to consider continuing discussion on this filing to the Board's February 25<sup>th</sup> meeting to allow more time for Engineering, Public Works, and Planning departmental review, since revised plan sheets were submitted last week and have yet to be scrutinized by those departments.

Motion to accept the Planning Director's recommendation, as submitted, made by Doherty;  
Seconded by Bolgen;  
Motion carried, 7-0-0.

#### **BAKER WAY DEFINITIVE SUBDIVISION (David Baker)**

Cassidy provided an overview of the requested extension of the subdivision's construction completion date, which would be granted to allow the developer sufficient time to finish final paving (bearing in mind the timing of the opening of the asphalt plants) and to finalize and submit an As-built plan currently in progress.

Motion to extend the construction completion date for the Baker Way subdivision to May 22, 2020, made by Doherty;  
Seconded by Turner;  
Motion carried, 7-0-0.

#### **APPROVAL OF MINUTES: January 28, 2020 regular meeting minutes**

Motion to accept the draft January 28, 2020 meeting minutes as submitted, made by Doherty;  
Seconded by Ventresca;  
Motion carried, 5-0-0, with Bolgen and Edmonds abstaining due to their absence at the January 28, 2020 meeting.

## **PLANNING BOARD DIRECTOR UPDATE**

Cassidy reviewed the matters that will appear on the Board's February 28, 2020 agenda, including the Village Street definitive subdivision public hearing and continuance, further discussion of the New Boston Street preliminary plan, and a written update on the litigation status of the Highview Definitive Subdivision.

Cassidy added that the next Board meeting may be held in the Engineering Conference Room to accommodate early voting which will be taking place in the Council Chamber. Staff will make sure members are aware prior to the meeting.

Donovan asked if there was any other business for the Board to conduct.

## **ADJOURNMENT**

Seeing no further business, Bolgen made a motion made to adjourn the meeting at 7:51 pm.  
Seconded by Doherty;  
Motion carried, 7-0-0.

The meeting adjourned at 7:51 pm.

### ***Table of Documents Used and/or Referenced at Meeting***

Planning Board Staff Report
Staff Report Attachment (12 Buckman Court [modification]): (1) Planning Board Decision letter; (2) Developer's request letter; (3) Proposed modification plan
Staff Report Attachment (Preliminary 9-Lot Subdivision [off New Boston Street]): (1) Proposed subdivision plan and application materials; (2) Departmental comments received to date
Staff Report Attachment (Baker Way Definitive Subdivision): (1) Developer's request letter; (2) Engineering comment letter relative to proposed completion date extension request
Draft Planning Board Meeting Minutes: (1) Draft January 28, 2020 minutes

Respectfully submitted,

*Dan Orr*

Dan Orr  
City Planner/Grant Writer