

APPROVED MINUTES

Tuesday, January 14, 2020 Meeting | 7:00 p.m.
City Council Chamber, Woburn City Hall, 10 Common Street, Woburn, MA

Chair Dave Edmonds called the meeting to order at 7:00 pm and asked Planner Karen Smith to call the roll.

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

Planning Director Tina Cassidy and Planner Karen Smith were also present and introduced themselves.

Chair Edmonds asked audience to silence all cell phones and also noted the meeting is being recorded.

Chair Edmonds asked Cassidy if there were any ANRs and she stated there were none.

Cassidy noted the Council Chamber has a new sound system to provide better projection in the meeting room and to cable television viewers.

PUBLIC HEARING: To amend Sections 2 (Definitions) and 23 (Commerce Way Corridor Overlay District) of the 1985 Woburn Zoning Ordinances (WZO) by (a) revising the definition of Mixed Use Residential; (b) revising provisions relative to maximum lot coverage, minimum required open space, height, maximum permitted residential density and minimum percentage of required affordable housing; (c) adding and deleting provisions as necessary to prohibit free-standing residential buildings; and (d) deleting the last two sentences in the first paragraph of Section 23.7.7

Cassidy stated that Alderman Anderson has sponsored a series of modifications to the Commerce Way Corridor Overlay District zoning text, and the modifications were proposed by Mayor Galvin, who was unable to attend this evening's meeting due to a conflicting meeting at the library. The proposed amendments are designed to limit and discourage, for the time being, the future development of dense and purely residential projects within the overlay district. Cassidy went on to say that recently-approved projects in the area, such as the Woburn Mall, 200 Presidential Way and 120 Commerce Way will add more than 800 residential units to this particular neighborhood. Cassidy stated there is growing concern about the area's ability to absorb the traffic and other impacts from these already-permitted developments while considering the impact of additional development in the same area that would be similar in character and scope. The City is aware that preliminary planning is underway for two additional projects in this same area as a preliminary subdivision plan was filed for one of them this week in order to "freeze" the current CWCOD zoning provisions for use with a special permit application expected shortly. Cassidy added that two potential new projects, if permitted under the current CWCOD provisions, would add another 800+ units of housing and possibly more than that under the present zoning.

Cassidy stated under the current zoning density is based on 20 units per acre to as much as 40 units per acre for certain mixed-use projects. This proposal would drop the maximum density to ten units per acre in addition to prohibiting a freestanding residential building, and allowing the residential units but only if they are above a first floor retail or some sort of commercial establishment. There are other amendments also included in the Order, including ones that would lower the maximum permitted building height, increase the percentage of required affordable housing and delete an exemption from compliance with density and dimensional requirements currently authorized for certain lots.

Cassidy summarized that the amendments are designed not to prohibit future residential development but to put a significant limit on the number of residential units in this District in the future and to allow the City to catch its breath and allow the three projects that are permitted to get developed, occupied, and in place and in practice and see if in fact residential development at a greater rate may be appropriate for the future. Cassidy added that the concern right now is that it might not be.

Edmonds stated there is a potential 5-6% increase in population if another 1,600 units were built and feels that if there was only one person in each one of them, it would result in a 4% increase in population for the whole City.

Cassidy discussed the fact that when you are planning, you must consider the impact of children on the school system while adding that it should never be a factor in approving a project or not.

Ventresca inquired if this proposal was written prior to the knowledge of the two proposals in the works.

Cassidy stated she was aware of the projects prior to the ordinance being drafted. Alderman Anderson sponsored the previous ordinance to put in some controls, but Mayor Galvin was not comfortable with 40 units per acre.

Edmonds inquired how this ordinance may impact the two proposals that are considering submitting an application in the near future and if they would be grandfathered.

Cassidy explained the process to the Board in regards to the state laws and subsequent steps with respect to filing a preliminary subdivision application and following up with a definitive plan, specifically the zoning that would be in effect would be the zoning that was in place at the time the preliminary plan was filed. Cassidy continued to explain MGL and state definitions regarding CH40B projects and the public benefits of having at least 25% of units affordable in the developments.

Edmonds inquired about the residential units currently being constructed at the Woburn Mall.

Cassidy stated the 40R regulations for the Woburn Mall project did not require 25% of the units to be affordable (only 20% was required). Cassidy noted that the City negotiated with the developer to provide an additional 5% affordable units, for a total of 25% affordable, which will result in a positive impact on the City's 40B calculation.

Edmonds inquired about the City's 40B status.

Cassidy noted the City is currently under 10% but the Woburn Mall units will help the 40B count significantly. The City is working very hard to have at least 10% of its housing stock meets the State's

definition of “affordable”. If it can, a denial of a 40B project by the Zoning Board of Appeals would likely stand.

Edmonds inquired if this proposed ordinance is beneficial to the City and Cassidy stated it will be very beneficial in her opinion.

Callahan said the Board receives some very vague preliminary subdivision plans filed for the purpose of freezing the zoning before a zoning change is implemented. Callahan inquired if the applicant makes any major changes to the preliminary, where does the Board stand to rebut it.

Cassidy stated approving a preliminary does not give the developer the right to build and it only gives him direction and feedback to use to refine that preliminary plan into a definitive subdivision plan. Cassidy further stated if they do follow the preliminary filing with a definitive, it would be because the City Council has adopted the amendments that are before you tonight. The developer would seek a special permit under the zoning provisions that are currently on the books today if the definitive plan was ultimately approved.

Edmonds opened the public hearing and asked any audience members who would like to speak for or against this matter to address the Board.

PUBLIC HEARING

No members of the audience stepped forward.

Bolgen made a motion to close the public hearing.
Seconded by Doherty;
Motion carried, 7-0-0.

Cassidy stated her recommendation to the Board is that the Planning Board issue a report to the City Council recommending that the amendments be adopted as proposed.

Doherty motioned to accept the Planning Directors recommendation on the proposed zoning amendment as publicized;
Seconded by Bolgen;
Motion carried, 7-0-0.

PUBLIC HEARING: To amend the 1985 Woburn Zoning Ordinances by proposing to insert a new Section 11.12 (“Modification of Special Permits”) for the purposes of (a) defining the terms “minor modification” and “major modification”; and (b) establishing procedures and requirements for review and consideration of modifications and design adjustments.

Cassidy stated this amendment has been needed for quite some time and it is designed to provide a process for considering certain special permit modifications more efficiently. The proposal would create a process for determining whether a proposed change to an approved special permit plan or decision was a “minor” or “major” modification and, if deemed to be minor, there would be a process for the Special Permit Granting Authority to authorize the modifications without need for a public hearing and subsequent appeal period.

The City Council typically includes a condition in its special permit decisions that allows the Building Commissioner to authorize very minor changes. Cassidy stated this ordinance would facilitate and make it easier for all Special Permit Granting Authorities to process minor modification requests when they come in and consider them on a case by case.

Edmonds opened the public hearing and asked any audience members who would like to speak for or against this matter to address the Board.

PUBLIC HEARING

No members of the audience stepped forward.

Bolgen made a motion to close the public hearing.
Seconded by Doherty;
Motion carried, 7-0-0.

Cassidy stated her recommendation to the Board is that the Planning Board issue a report to the City Council recommending adoption of the proposed amendment as written.

Doherty motioned to accept the Planning Director's recommendation on the proposed zoning amendment as publicized;
Seconded by Bolgen;
Motion carried, 7-0-0.

24 FLAGG STREET SUBDIVISION: Request for acceptance of HOA Declaration and Bylaws/Certificate of Manager, Emergency Access and Drainage and Access Easements and establishment of bond amount

Cassidy thanked developer George Gately for attending the meeting and noted that staff has received final, executed drafts of the HOA Declaration and Bylaws and easement documents and all are in acceptable format. Cassidy stated Mr. Gately hopes to post a Tri-Partite Agreement as surety rather than a covenant and Assistant City Engineer Greg Rheaume recommends the surety be set at \$44,400. Mr. Gately will likely submit surety for consideration at the January 28, 2020 meeting and if he does staff will recommend the Board release the lots from the language of the Restrictive Covenant which precludes him from getting a building permit or selling the lots.

Gately provided an update on the project and stated although he hopes to finish the project by the end of the current year, he has requested an extension to June 15, 2021 to avoid having to come back to the Board to request another extension. He also stated, per a condition of approval, that he had NStar relocate the utility pole that was formerly in the right of way. Gately asked the Board if the pole was in a satisfactory location from their perspective and would like input and the Board's opinion. Gately reminded the Board that the original pole location was a concern to member Callahan during the public hearing portion of the subdivision approval.

Callahan stated to Cassidy that he would defer that decision to DPW Superintendent Duran or the City's Engineering Department and asked her to request their opinion as to whether the location is satisfactory.

Gately stated its location is consistent with other poles on the street.

Bolgen discussed the submitted construction timeline and completion date extension request with Gately and it was agreed that the Board would revisit the extension date request at the January 28, 2020 meeting, at the time surety is posted.

Motion by Bolgen to accept the emergency access easement, the drainage and access easement and the HOA Declaration and Bylaws and to set the bond amount required to complete the 24 Flagg Street subdivision at \$44,400;
Seconded by Doherty;
Motion carried 7-0-0.

BORSELLI DRIVE II SUBDIVISION: Request to establish bond amount and extend the subdivision construction completion date / George W. Gately

Cassidy stated developer Gately has submitted a request to establish a bond amount so that he can post a Tri-Partite Agreement to replace the existing Covenant which prohibits the sale of or building on the lots. Assistant City Engineer Greg Rheaume has reviewed the bond request and recommends the surety be set at \$112,300. Gately would also like to extend the construction completion date for this project from June 2020 to November 29, 2021.

Gately stated that the gas main has been installed, the binder is in place and he will be building four duplex units. He stated he is not sure if he will complete all houses and the road this year as the topography is a little rough so he would like to request an extension to November 29, 2021 even though he hopes to have the as-built and acceptance plans completed in August of 2021.

Ventresca and Gately discussed the double cul-de-sac, topography, and the number of houses being built. Gately also stated the retaining walls and drainage system are in.

Cassidy recommended the bond amount for Borselli Drive II to be set at \$112,300 and that the construction completion date for the Borselli Drive II subdivision be extended from June 14, 2020 to August 15, 2021.

Motion to accept the Planning Director's recommendation made by Ventresca;
Seconded by Turner;
Motion carried, 7-0-0.

APPROVAL OF MINUTES - DECEMBER 10, 2019 MEETING

Ventresca noted while reading the minutes he recalled Bolgen withdrew her vote on the 0 Walnut Street ANR. However, as he further read through the minutes, he noted the reconsideration of her vote occurred toward the end of the meeting and wonders if the minutes should be revised to include a note to this effect for the benefit of future minute readers.

Bolgen stated she would like to see a revision of the minutes to properly reflect the reconsideration of her vote on the 0 Walnut Street ANR at the beginning of the meeting.

Cassidy stated she will revise the meeting minutes accordingly and will submit a revised draft of the December 10, 2019 minutes for consideration at the next meeting on January 28, 2020.

ANNUAL ELECTION OF PLANNING BOARD CHAIR AND VICE-CHAIR

Chair Edmonds thanked members for their trust in him over the past two years and stated he fondly remembers the advice his father once gave him that "Service is the utmost responsibility of citizenship."

Edmonds stepped down from Chair as the Planning Board applauded.

Cassidy stated the need to elect a new chair and vice chair and asked for nominations for chair of the Planning Board for the coming year.

Doherty nominated Donovan as chair;
Seconded by Callahan;

Cassidy asked if there were any other nominations for chair of the Planning Board for the next year and there were none.

Motion by Doherty to close the nominations;
Seconded by Turner,
Motion carried, 7-0-0.

Cassidy stated the nominations for chair are closed and motioned for the vote to elect Kevin Donovan as chair of the Planning Board for the coming year.

All members were in favor;
None were opposed;
Cassidy stated that Kevin Donovan was unanimously elected as chair of the Planning Board for 2020.

Cassidy opened nominations for vice-chair of the Planning Board for the coming year.

Doherty nominated Bolgen for vice-chair;
Seconded by Callahan;

Cassidy inquired if there were any other nominations for vice-chair of the Planning Board for the coming year and there were none.

Motion by Doherty to close nominations for vice chair;
Seconded by Turner;
Motion carried, 7-0-0.

Cassidy stated the nominations for vice chair were closed and motioned for the vote to elect Claudia Bolgen as vice-chair of the Planning Board for the coming year.

All members were in favor;
None were opposed;
Cassidy stated Claudia Bolgen was unanimously elected as vice-chair of the Planning Board for 2020.

Kevin Donovan then assumed chairmanship of the Board and asked if there was a motion to adjourn.

Motion to adjourn the meeting at 7:45 p.m. made by Bolgen;
Seconded by Doherty;
Motion carried 7-0-0.

The meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Karen Smith

Karen Smith

Table of Documents Used / Referenced at Meeting

January 14, 2020 Planning Board Staff Report
Zoning Text Amendment Order – Sec 23 Commerce Way Corridor Overlay District
Zoning Text Amendment CWCOD – Red-Line format of proposed amendments to Section 23
Zoning Text Amendment Order – Section 11.12 Modification of Special Permits including a copy of proposed amendments in Red-Line format
24 Flagg Street Subdivision – Developers Letter to request extension of time and Timeline for construction completion; Engineering Department comment on construction completion estimate; HOA documents; Emergency Access Easement documents; Drainage and Access Easement Agreement; photos of progress to date on subdivision
Borselli Drive II – Detailed timeline for roadway completion; Engineering comment letter regarding estimate roadway completion cost
Planning Department Special Permit comment letters
Draft Meeting Minutes of December 10, 2019 meeting