

Meeting Minutes
January 24, 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 all caps.

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

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

1. BILLBOARDS AS SPECIAL PERMIT USE (CITY COUNCIL) IN THE MISHAWUM STATION TOD OVERLAY DISTRICT (MSTOD)

Planning Director Cassidy provided an overview of the matter thus far and reminded members the Board had asked for a legal opinion from the City Solicitor, Ellen Callahan-Doucette, with respect to (a) whether the City could prevent the State from permitting billboards within City limits and (b) whether the erection of a sign under the Woburn Zoning Ordinance could preclude the issuance of a billboard permit for property within a certain radius of the sign. Director Cassidy stated that an opinion is not yet available but expects to have one prior to the next meeting.

Attorneys James Mawn and Sam Brady for the petitioner, Mawn & Mawn PC, 275 Mishawum Road, approached the Board.

Attorney Mawn reiterated to the Board what he stated at the last meeting. His understanding of the law is that a billboard on the northern side of the highway would preclude the erection of an MBTA-authorized billboard on the southern side of the highway, given State regulations for billboards. If the City elects to revise its zoning to allow billboards, and if NBTC can permit a billboard before others, the City would control the process and visual characteristics of the sign. If one is erected on the south side pursuant to a State permit, the City will have no such control.

Attorney Mawn further stated that regardless of what happens with this proposal, the point stands that there is case law granting the MBTA latitude to supersede local zoning regulations. This was established by the Supreme Judicial Court (SJC) case involving the City of Somerville. The ruling granted the MBTA with the ability to erect any type of billboard it so chooses under the "enabling statute."

Ms. Claudia Bolgen inquired about the name of the SJC case that he referred to. Attorney Mawn responded that it is "MBTA v. City of Somerville, et al." He offered to provide copies of the Decision of the Board.

Motion to accept the handout of a copy of the Decision of the MBTA v. the City of Somerville (451 Mass. 80; 2008) made by Mr. Michael Ventresca;
Seconded by Mr. Dave Edmonds;
Motion carried 6-0-0.

Planning Director Cassidy inquired to Attorney Mawn about when the City Council will be conducting its public hearing on this matter. Attorney Brady stated that the public hearing will be held on February 21st.

Chair Carolyn Turner inquired to the Planning Director regarding when she expects to receive an opinion on this matter from the City Solicitor. Planning Director Cassidy stated that she expects to receive an opinion from the Solicitor within the next 7-10 days, which would be prior to the Board's next meeting.

Mr. Michael Ventresca stated that he happened to pass the sign that was referenced at the last meeting adjacent to the Planet Fitness; he found that there were at least two billboard-type signs that were not in fact covered up and were illuminated.

Mr. Dave Edmonds inquired about the difference between a sign that advertises a business and a sign that advertises an off-premises product or activity. Attorney Mawn responded that the City's regulation on advertising restricts off-site advertising. An existing sign post, for example, could not be utilized to advertise an off-site product or activity under the City's current rules.

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.

Ms. Lori Medeiros, 9 Marietta Street, stated that she hates billboards and she would be able to see it from her property.

Ms. Medeiros further stated that she understands that the City would be able to limit the sign in the MSTOD, but it would also be "opening the floodgates" to other property owners. She is very concerned about that aspect.

Mr. Bob Doherty stated that, as a point of order, the Board closed the public hearing on this matter at the last meeting.

Chair Carolyn Turner stated that no further motion is required.

Dave Edmonds inquired about the posting of an open public hearing in the event that it had been closed at the prior Board meeting. Planning Director Cassidy responded that in order to have authorized public hearing at this point it would have to be re-scheduled and re-advertised.

Planning Director Cassidy stated that she would recommend tabling discussion of this matter to the Board's meeting on February 14th. Although this date is beyond the statutory deadline within which the Board must file its recommendation with the Council, as stated earlier, the Council's hearing is not until the 21st so receipt of a recommendation sometime between February 14th and February 21st should not be a problem.

Motion to accept the Planning Director's recommendation made by Mr. Bob Doherty;
Seconded by Ms. Claudia Bolgen;
Motion carried, 6-0-0.

3. PUBLIC HEARING: ZONING MAP AMENDMENT REQUEST TO REZONE TWO PARCELS ON GARFIELD AVENUE FROM THE R-2 AND I-G ZONING DISTRICTS TO THE R-3 ZONING DISTRICT

Mr. Kevin Donovan recused himself from the meeting by leaving the room.

Planning Director Cassidy stated that the Board has received a request to continue the public hearing scheduled on this matter to the Board's next meeting on February 28th.

Ms. Claudia Bolgen inquired about the process of continuing public hearings and the extent to which matters can be continued from meeting to meeting. Planning Director Cassidy stated that if an applicant wants to postpone ("continue") a public hearing once it has been advertised, the Board must vote to allow that postponement/continuance to occur.

Ms. Claudia Bolgen stated that she is uninclined to continue a hearing once it has been advertised; she wants to ensure that the process of participation is as least burdensome as possible.

Mr. Dave Edmonds stated that he agrees with Ms. Bolgen. In his experience on other Boards, they move forward with holding a public hearing regardless of a request to continue.

Mr. Michael Ventresca stated that there are people who obviously came here tonight for this matter. With a continuance, they will have to come back to another meeting in order to hear the presentation even though a public hearing was scheduled/held this evening.

Ms. Claudia Bolgen stated that the attorney for the applicant can give a brief overview of the request and planned redevelopment in lieu of a complete, formal presentation. The audience can then be given the opportunity to speak this evening, in case they are not able to attend the Board's next meeting, in order to maximize participation.

Attorney Joe Tarby, Murtha Cullina, 600 Unicorn Park Drive, approached the Board on behalf of the petitioner. He stated the request for a continuance of the hearing was due to an unforeseen medical issue experienced by his client.

Attorney Tarby further stated that rezoning the two lots to the townhouse zoning district would enable the property owner to move forward with building approximately twenty four (24) housing units in one two-story building. Parking will be located immediately adjacent to the building. Attorney Tarby stated he and the applicant believe the multi-family building would make a good transition between the existing residential neighborhood and an industrial area.

Attorney Tarby further stated that the applicant intends to send out notices to the abutters and schedule a neighborhood meeting with them to discuss the project details.

Mr. Dave Edmonds inquired about how many two-family homes could be constructed on the property. Attorney Tarby responded that he is not exactly sure of that calculation; the topography is fairly steep.

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.

PUBLIC HEARING

Ms. Theresa DaCosta, 134 Garfield Avenue, approached the Board to state that in the past there was a storm in which there were 5 car accidents within half an hour in the vicinity of her property. She has lived in this property for 43 years; it is "not a normal place" and the addition of a new development would pose a lot of risk to pedestrians.

Ms. DaCosta further stated that she has had personal experiences at this location in which family member have almost been hit by cars.

Ms. Mary Burns, 126 Garfield Avenue, approached the Board. She is in opposition to development in that area in terms of the burden on the school system and the amount of traffic in the area.

Ms. Burns further stated that she has concerns about the structure of the building; she and her neighbors are in opposition to any building whatsoever.

Ms. Diane Yebba, 3 Belmont Street, approached the Board. The neighborhood is surrounded by industrial uses, which has always been respectful of the area. There is nothing in the area that is zoned R-3, and it should remain that way.

Ms. Theresa Buckley, 20 Arlington Street, inquired to the Board about any traffic study being done. The speeding being done in the area is "horrendous." Her neighborhood is used as a cut-through, sometimes by 18-wheelers. Speed limit enforcements are important.

Ms. Laurie Medeiros stated that she owns a home at 23 Arlington Street. As a neighbor, she understands that they have a right to develop the property, but she asks that the Board take into consideration that there should not be an up-zoning that would make conditions more detrimental.

Ms. Lee Kiklis-Capello, 4 Cliffside Terrace, approached the Board. She stated that this piece of property has been a buffer to the existing residential neighborhood for years. She believes it is disrespectful of the people on this Board to request rezoning without having submitted a building plan.

Ms. Kiklis-Capello further stated that the developer is impacting the neighbors. They are asking for a zoning change and it is tantamount to spot-zoning. If the Board opts to require/allow a withdrawal of the request, she asks that the Board do so with prejudice.

Ms. Jean Monahan Doherty, 3 Arlington Street, approached the Board to state that a 24-unit building does not fit into the character of this neighborhood in any manner. She supports not opening up the paper streets of the neighborhood. There is no sidewalk on the street to accommodate the new development.

Ms. Clair Murphy, 124 Garfield Avenue, approached the Board to state that with traffic at the top of the hill, speeding is a very common issue. The police maintain that there is a no-trucking sign; it would be very dangerous for children walking in that neighborhood.

Ms. Maryanne Murphy, 38 Arlington Street, stated that she has had to call the police to tell them that the 18-wheelers have ripped off siding from her house. It seems that it should be a full-time job managing traffic in this area.

Ms. Judith Foley, 129 Garfield Avenue, approached the Board to state that she would like to reiterate everything that everyone has said, particularly in terms of speeding. In addition, there is a sewerage pumping station nearby and she is concerned about the capacity there if a new population is being added.

Ashley Morris, 3 Belmont Street, approached the Board to state that her grandparents and great-grand parents have lived in the neighborhood for decades.

Ms. Morris further stated that this is a neighborhood that still has a lot of community and she would ask the Board take that into consideration and not let this rezoning go through. She is concerned with the ability of other property owners to try to pursue similar developments.

Mr. Thomas Gonsalves, 3 Belmont Street, approached the Board and stated that the parcel has long been used as a buffer zone between industrial and residential properties. By re-zoning the parcel, the buffer would be gone. The petitioner should find another use for the property without re-zoning it.

Chair Turner asked if there was anyone else who wished to address the Board this evening. There were none.

Planning Director Cassidy stated that she recommends the Planning Board consider continuing this public hearing until the Board's meeting on February 28th. She would also recommend underscoring to the applicant the need to ensure there is appropriate representation at the hearing on the 28th.

Mr. Michael Ventresca stated that there should further research into whether this proposal constitutes spot zoning. Planning Director Cassidy stated that she would like to consult with the City Solicitor on this topic, but she would recommend first being able to consult a building plan to better understand the context of what is being proposed for building purposes.

Motion to accept the Planning Director's recommendation made by Mr. Bob Doherty;
Seconded by Mr. Dave Edmonds;
Motion carried, 5-0-1 (Mr. Kevin Donovan not voting).

Mr. Kevin Donovan returns to the meeting.

4. PUBLIC HEARING: ZONING TEXT AMENDMENT TO ALLOW BILLBOARDS AS SPECIAL PERMIT USE (CITY COUNCIL) IN THE OP-93 AND IP-2 ZONING DISTRICTS

Attorney Joseph Tarby, Murtha Cullina, 600 Unicorn Park Drive, approached the Board on behalf of the petitioner.

Attorney Tarby requested that the Board allow him to provide members with two handouts: One was a copy of the Woburn zoning map showing the two areas of OP-93 and IP-2 zoned parcels that would potentially qualify for a billboard special permit and the second was a handout showing information about technology that reduces the extent to which a billboard's face is visible from an angle.

Motion to accepted the handouts made by Mr. Dave Edmonds;
Seconded by Ms. Claudia Bolgen;
Motion carried, 6-0-0.

Attorney Tarby paraphrased the proposed language that was included in the rezoning Petition. He pointed out that there are six (6) lots in the OP-93 District and five (5) lots in the IP-2 District that have frontage on I-93.

Attorney Tarby further stated that the proposed language would require compliance with a series of conditions which are also outlined in this Petition.

Attorney Tarby further stated that the applicant for this Petition owns property in Unicorn Park and at 120 Presidential Way. If the rezoning petition were approved, the applicant would still need to obtain Special Permits for a billboard at either of these properties.

Attorney Tarby further stated that sight line technology can be applied to prevent/restrict billboard viewing from certain angles.

Mr. Dave Edmonds stated that in looking at the second to last page of the handout, he would characterize it as blight. He believes allowing billboards would be a step back for the City.

Chair Carolyn Turner asked Attorney Tarby about the maximum size of sign face and the definition of sign face.

Mr. Drew Hoffman, representative from Total Outdoor, approached the Board on behalf of the petitioner to explain the technical aspects of how the billboard would appear to the viewer at various angles. Dimensionally, the maximum width of the sign would be 48-feet.

Ms. Claudia Bolgen stated that the Board has heard a similar proposal for a billboard earlier this evening, which prompts questions about how many billboards will in fact appear in different places in the City if the City allows them in its zoning ordinance.

Attorney Tarby stated that these are different types of proposals (he and Attorney James Mawn's); Attorney Mawn's is a defensive proposal as opposed to his. His proposal is really on the outskirts of Woburn.

Ms. Claudia Bolgen inquired of Attorney Tarby how to distinguish between this request and similar requests for billboards elsewhere in the City.

Attorney Tarby explained how limited the potential would be to erect a new billboard in terms of the various properties.

Mr. Hoffman stated that at some point in time, the technology will change. He said that his firm's sight line technology is cutting edge, and predicted that all billboards will be equipped with this technology within 7-10 years.

Mr. Dave Edmonds stated that it is positive that the sight-line technology would prevent the visual impact to surrounding areas. Even with the new technology, he considers billboards to be a blight the City doesn't need.

Mr. Michael Ventresca stated that he would like to wait to have the City Solicitor's opinion regarding what constitutes a billboard versus a sign, and its applicability to current zoning before making a recommendation on this proposed ordinance.

Ms. Claudia Bolgen stated that she recalled at the last meeting that there was discussion of some nearby communities that are billboard-free. It would be beneficial to have some more context as to what is permitted in surrounding communities, particularly those that abut 1-95 and I-93. Planning Director Cassidy stated that staff can look up ordinances from communities like Stoneham and Medford.

Ms. Claudia Bolgen inquired as to whether it would be a legally viable option to omit billboards entirely from the zoning code.

Mr. Bob Doherty inquired as to what is the course for becoming a billboard-free town. He does not believe that billboards should be permitted in the City.

Mr. Dave Edmonds stated that he agreed with Mr. Bob Doherty that billboards only serve as a distraction.

Planning Director Cassidy stated that there is a clause in the zoning that does prohibit billboards. Mr. Bob Doherty responded that there is no definition for billboards.

Attorney Tarby stated that he has a list of the 30 or so towns in Massachusetts that permit billboards and would be happy to share it with the Planning Director.

Ms. Claudia Bolgen inquired, with regard to billboards as a defensive measure, whether there is any MBTA-owned property near the two areas shown on Attorney Tarby's map. Attorney Tarby stated that anything MBTA or MassDOT owned is along the railroad tracks and not near the parcels in question.

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.

PUBLIC HEARING

No member of the audience stepped forward.

Motion to continue the public hearing to the February 14th meeting in order to gather further information, made by Ms. Claudia Bolgen;

Seconded by Mr. Bob Doherty;

Motion carried, 6-0-0.

5. PUBLIC HEARING: DEFINITIVE SUBDIVISION PLAN / 0 MARCY STREET

Planning Director Cassidy stated that the applicant has requested a continuance of the public hearing on this matter so that he can meet with various City departments in response to their comment letters.

Ms. Claudia Bolgen asked Planning Director Cassidy for clarification as to what the process is for review of a submitted subdivision plan. Planning Director Cassidy stated with the larger, more complex projects the City often holds a departmental review meeting involving various City departments. This is not necessarily a practice for small-scale projects like this one.

Ms. Claudia Bolgen stated that it should be in the best interest of the Board to try to minimize the process of continuing public hearings. She is beginning to see a trend in terms of continuances after a public hearing has been advertised.

Planning Director Cassidy stated that it may be helpful for Planning staff to recommend that every applicant meet with department heads, individually if not as a group, prior to filing as to avoid having members of the public attend a meeting without being able to see a presentation as advertised.

Mr. Dave Edmonds stated that it would be helpful to re-format the agenda so that public hearings appear consistently on the agenda. Planning Director Cassidy stated that she would take this feedback into consideration.

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.

PUBLIC HEARING

No member of the audience stepped forward.

Motion to continue the public hearing made a motion made by Mr. Bob Doherty;

Seconded by... Mr. Dave Edmonds.

Motion carried, 6-0-0.

6. REQUEST FOR BOND REDUCTION: 855-859 MAIN STREET

Planning Director Cassidy reminded members that the City's Engineering Department provided comments at the previous meeting indicating that the bond could be reduced but that funds should be held to guarantee repair of the trenches in Main Street which are not satisfactory. The Engineering Department did not specify an amount of bond that should be held, so the Board did not in fact reduce the bond at the last meeting. Since that time she has received a communication from the City's Engineering Department recommending the amount of \$10,000 be held to guarantee satisfactory repair of the Main Street utility trenches.

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

Seconded by Ms. Claudia Bolgen.

Motion carried, 6-0-0.

7. BEARHILL ESTATES: REQUEST FOR EXECUTION OF RELEASE OF LOTS FROM LANGUAGE OF COVENANT POSTED AS SURETY TO GUARANTEE PROJECT COMPLETION

Planning Director Cassidy explained that this subdivision was completed long ago but the lots within it were not properly released from the language of the covenant initially posted as surety. She explained that a covenant prohibiting the sale of or building on lots was posted by the developer initially, but that it was subsequently replaced with a Letter of Credit several years later. For unknown reasons, no release of lots from the language of the covenant was apparently executed and/or recorded at that time. There was paperwork in the subdivision file releasing one of the lots from the covenant, but only one. Planning Director Cassidy speculated that the Board may not have signed off on the covenant release in response to problems with the as-built plan. In any event, she has spoken with Engineering Director Jay Corey who indicates the subdivision has been completed and the work is and remains in satisfactory condition.

Ms. Claudia Bolgen asked for clarification that nothing needs to be done. Planning Director Cassidy stated that she has spoken with City Engineer Jay Corey regarding this subdivision, who confirmed that nothing further would be required for completion. Based on that information, Planning Director Cassidy recommended that the Board vote to execute a release of the covenant for the Bearhill Road subdivision.

Motion to accept the Planning Director's recommendation made by Mr. Bob Doherty;
Seconded by Ms. Claudia Bolgen;
Motion carried, 6-0-0.

8. APPROVAL OF JANUARY 10, 2017 BOARD MEETING MINUTES

Ms. Claudia Bolgen stated that given the draft minutes were only provided to members at the beginning of this evening's meeting, it would be helpful to have more time to review the minutes prior to approval.

The Board agreed, and a vote to adopt the draft 1-24-17 minutes will be held instead at the next meeting.

9. ANNUAL ELECTION OF PLANNING BOARD CHAIR AND VICE-CHAIR

Planning Director Cassidy stated her understanding that it is customary for the Board to elect a chair and vice-chair from its membership at a January Board meeting.

Planning Director Cassidy asked the members if there were any nominations for Planning Board Chair.

Motion to nominate Chair Carolyn Turner for a second term as Planning Board Chair made by Mr. Bob Doherty;
Seconded by Mr. Dave Edmonds;

Planning Director Cassidy asked if there were any other nominations for Chair. There were none.

Motion to close nominations for Planning Board Chair made by Bob Doherty;
Seconded by Mr. Dave Edmonds;
Motion carried, 6-0-0.

Vote on the motion to elect Carolyn Turner Planning Board Chair: Motion carried, 6-0-0.

Next, Chair Carolyn Turner asked if there were any nomination for Planning Board Vice-Chair.

Motion to nominate Mike Ventresca as Planning Board Vice-Chair made by Bob Doherty;
Seconded by Mr. Dave Edmonds;

Chair Turner asked if there were any other nominations for Vice-Chair. There were none.

Motion to close nominations for Planning Board Vice-Chair made by Bob Doherty;
Seconded by Mr. Dave Edmonds;
Motion carried, 6-0-0.

Vote on the motion to election Mr. Michael Ventresca Planning Board Vice-Chair: Motion carried, 5-0-1 (Ventresca abstaining).

PLANNING DIRECTOR UPDATES

Upcoming Meeting Agendas

Planning Director Cassidy pointed out that there are two hearings scheduled for the next meeting, in addition to any of this evening's hearings that may have been continued as well. There will be a public hearing on a zoning map amendment for Garfield Avenue and a public hearing on an appeal of a denial of a sign permit for 6 Common Street.

Wording of Agenda

Planning Director Cassidy stated that she met with City Solicitor Callahan-Doucette to review the wording of various meeting agenda items. The Solicitor recommends the Board consider using the following language at the bottom of its agendas (*"The items listed are those reasonably anticipated by the Chair, which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law."*) rather than the wording now used (*"At the Planning Board's discretion, agenda items may be deleted or discussed in a different order than they appear on this agenda."*)

If there are no questions or issues from the members, she will plan to use the recommended language in the future.

ZORC Update

Planning Director Cassidy stated that the City Council is planning to put this matter on its agenda over the next several weeks. She will share any updates at the Board's next meeting regarding the status.

Woburn Loop Bikeway/Greenway

Planning Director Cassidy stated that she recently received an inquiry from the MBTA regarding the City's current interest in constructing a pedestrian and bicycling path along the former railroad right of way running from High Street to Green Street. Ms. Claudia Bolgen inquired as to how the City should proceed and what is its position.

Members discuss their past efforts on this subject and recalled the bikeway was envisioned as a catalyst for better land use/development along the railbed.

Ms. Claudia Bolgen stated that she remembers conducting a site visit in the past and the thinking was that it would help bolster the neighborhood. She feels strongly that this project would be beneficial to the City.

Mr. Michael Ventresca stated that there was a lot of support for the concept of a bikeway/greenway in the past. It was planned to traverse a number of neighborhoods across a mixture of uses. He would hate to see the right of way used for parking instead.

Ms. Claudia Bolgen stated that she would be interested to know the outcome of the Planning Director's discussions with other City officials on this topic. If there is a strong enough support, she personally would be willing to take more action on this project. Planning Director Cassidy stated she will place the matter on the next meeting agenda for update/additional discussion.

10. ADJOURNMENT

Chair Carolyn Turner asked if there was any additional business for the Board to conduct. There was none.

Seeing no further business, Ms. Claudia Bolgen moved to adjourn at 9:18 p.m.;
Mr. Bob Doherty seconded;
Motion carried, 6-0-0.

The meeting adjourned at 9:18 p.m.

Table of Documents Used at Meeting

<ul style="list-style-type: none">• Staff Report
<ul style="list-style-type: none">• Petition to Amend the Zoning Code of Woburn to permit billboards in the Mishawum TOD Overlay District (Sections 2, 13, and 21)
<ul style="list-style-type: none">• Handout: MBTA v. the City of Somerville (451 Mass. 80; 2008)
<ul style="list-style-type: none">• Map of Mishawum Overlay District prepared by Planning staff
<ul style="list-style-type: none">• Petition to Rezone Two Parcels on Garfield Avenue from the R-2 and I-G Zoning Districts to the R-3 Zoning District
<ul style="list-style-type: none">• Petition to Allow Billboards as a Special Permit Use (City Council) in the OP-93 and IP-2 Zoning Districts
<ul style="list-style-type: none">• Map of Parcels affected by the OP-93 and IP-2 Petition (prepared by Murtha Cullina and submitted at the meeting)
<ul style="list-style-type: none">• Handout: 6-Page Packet of Information on a Prototype of Potential Billboard (Larman—14 x 48 Displays Special Restricted Zone)
<ul style="list-style-type: none">• Draft Planning Board Meeting Minutes (dated January 10, 2017)

Respectfully submitted,



Dan Orr
City Planner/Grant Writer