

**ADOPTED Meeting Minutes
May 9, 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. Michael Ventresca, Mr. Dave Edmonds and Chair Carolyn Turner were present. Also present were Planning Director Tina Cassidy and City Planner/Grant Writer Dan Orr.

Chair Carolyn Turner asked Planning Director Cassidy about any ANR applications before the Board this evening. Planning Director Cassidy stated that there were none.

PUBLIC HEARING: 425 WASHINGTON STREET SIGN APPEAL (Kimco Realty)

Mr. Michael Ventresca recused himself from this matter due to his absence at the previous public hearing session.

Planning Director Cassidy provided an overview of the current status of this application. This is the third session of the public hearing.

Planning Director Cassidy stated that, in follow-up to the Board's request for clarification from the City Council on this matter, Attorney Joe Tarby attended the Subcommittee on Special Permits meeting last evening and now plans to address the Board to provide an update.

Attorney Joseph Tarby, Murtha Cullina, 600 Unicorn Park Drive, approached the Board on behalf of the Petitioner. He stated that he has provided a memo to the Board outlining the reasoning for their legal stance and approach to this sign appeal.

Attorney Tarby stated that when he presented to the City Council's Subcommittee on Special Permits they were in agreement that the sign package was acceptable as presented subject to (a) the withdrawal of one of the three secondary wall signs (on the southern elevation of the building), and (b) the applicant seeking a Special Permit modification from the full City Council. Attorney Tarby stated they intend to go back to the City Council to modify the original Special Permit decision by incorporating the revised sign proposal as part of the Special Permit.

Attorney Tarby further stated that the requirement to go before the Sign Review Board, and its subsequent denial of the application, is why the Petitioner must also seek an affirmative appeal from the Planning Board.

Attorney Tarby further provided an overview of the non-compliant elements of the proposed signage and the extent to which it is both an important element for business advertising and consistent with existing signage of neighboring business establishments that have primary signage in excess of maximum zoning height in the vicinity of the property in question.

Attorney Tarby formally asked the Planning Board for permission to withdraw that portion of the application which requested a secondary wall sign on the southern-facing elevation of the building, leaving only two secondary wall signs proposed for the easterly and westerly facades.

Mr. Jason Perillo, of Back Bay Sign Company, 65 Industrial Way, Wilmington, MA, approached the Board on behalf of the Petitioner to provide an overview of the latest sign package proposal.

Mr. Dave Edmonds inquired about whether the work in conjunction with this project will be conducted by a licensed electrician. Mr. Perillo responded that the work will be overseen by a licensed construction supervisor, although an electrician will make the final connections.

Mr. Jim Callahan asked for clarification of the zoning provision relative to the number of permitted wall signs. The staff report indicates that only one secondary wall sign is allowed here, but Attorney Tarby stated that the Building Inspector ruled that two secondary wall signs are in fact permitted. Planning Director Cassidy read the ordinance provision aloud.

Planning Director Cassidy stated that the interpretation of Building Commissioner Tom Quinn on this matter is what must be observed. If he determined that two secondary signs are permitted at this property and not one, two are permitted.

Mr. Jim Callahan asked staff to make sure the City Council understands that when it votes, it will be approving two (2) secondary wall signs which is the number permitted by Section 13. Planning Director Cassidy stated that she would so ensure, to the best of her ability.

Ms. Claudia Bolgen inquired about the process by which the Petitioner would go by should the appeal be granted and whether the Council would agree to this process. Attorney Tarby responded that if the Planning Board approves of the appeal, the applicant will file a special permit modification request with the City Council that would proceed through the standard special permit review process.

Ms. Claudia Bolgen stated that, unlike the Sign Review Board, there are no criteria listed in the sign ordinance for the Planning Board to use as guidance in making its decision. She asked Attorney Tarby to articulate the standards he believes the Board should use.

Ms. Claudia Bolgen further inquired about the four (4) criteria referenced by Attorney Tarby in his memo, and based on an understanding that the Planning Board has jurisdiction that the Sign Review Board does not, whether its decision should incorporate the four criteria mentioned in the memo or should only be a reconsideration of zoning regulations. Attorney Tarby responded that it was his opinion that the process requires the Board's to use the four (4) criteria laid out in the ordinance (and mentioned in his memo) when considering the application.

Attorney Tarby stated that, in unrelated to this matter, he would also like to submit a copy of potential revisions to Section 13 relative to sign regulations for their information and possible consideration. These are only being submitted as comments and he is not intending to submit them formally for adoption.

Motion to accept the proffered handout made by Ms. Claudia Bolgen;
Seconded by Mr. Jim Callahan;
Motion carried, 6-0-0

Attorney Tarby stated that, in essence, the changes that he has proposed would eliminate the Sign Review Board and Sign Review Board/Planning Board appeal process in favor of a process that allows the City Council to modify the sign requirements via a special permit. Such a process would require City Council approval, and involvement of the Planning Department by virtue of the special permit comment letters filed by that office.

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.

PUBLIC HEARING

No members of the audience stepped forward.

Motion to close public hearing made by Mr. Dave Edmonds;
Seconded by Ms. Claudia Bolgen;
Motion carried, 6-0-0, with Mr. Michael Ventresca recusing.

Chair Carolyn Turner inquired as to the recommendation from the Planning Director. Planning Director Cassidy responded that she recommends the Board consider granting the appeal, subject to (a) the secondary wall sign on the southern façade being withdrawn from consideration by the Petitioner and (b) the Petitioner returning to the City Council with a request to modify the project's Special Permit with revised plans, as needed.

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

WALL ESTATES DEFINITIVE SUBDIVISION (Mr. Robert Murray)

Mr. Michael Ventresca rejoined the meeting.

Chair Carolyn Turner recused herself from this matter and Mr. Michael Ventresca assumed the Chair pro tem.

Ms. Phyllis Etsell, representing Murray Hills, 27 Cambridge St # 200, Burlington, MA, approached the Board on behalf of the Petitioner.

Ms. Estell stated that her request is to extend the construction completion date for the above-referenced subdivision until October 30, 2017. As-built Plans have been submitted to the City for its review. All six (6) homes in the subdivision are completed and occupied. In addition, most roadway and visible improvements have been completed with the exception of the completion of the stone bounds and final roadway paving. The rationale for the delay is uncooperative weather.

Ms. Claudia Bolgen inquired about what work has been completed since the Board granted the previous extension. Ms. Etsell stated that thus far they have installed approximately 6 of 18 stone bounds and have also completed work relative to the as-built plan for the subdivision. They have also been working with the electric company to energize the streetlights, which took longer than anticipated.

Mr. Jim Callahan inquired about the time requested for installing the topcoat. Ms. Etsell responded that in the interest of adhering to a realistic timeline relative to raising the structures and final paving, as well as completing the necessary legal review, the proposed extension would prevent the developer from having to request yet another extension due to scheduling complications if they arose.

Mr. Dave Edmonds inquired about what "raising the structures" means. Ms. Etsell responded by explaining that things such as manholes and catch basins are even with the binder pavement. However, for surface paving, these structures will need to be raised so that the final paving coat is even with the rims of the structures.

Mr. Michael Ventresca stated that it would be helpful for the Petitioner provide an update to the Board regarding construction progress prior to October, perhaps at the August 9th meeting, that indicates progress is being made on completing the outstanding work. Ms. Etsell agreed to attend that meeting.

Chair Pro tem Ventresca asked Planning Director Cassidy for her recommendation. Planning Director Cassidy stated that her recommendation is to grant an extension of the construction completion date as requested.

Motion to grant the completion date as requested, made by Mr. Dave Edmonds;
Seconded by Ms. Claudia Bolgen, for discussion. Ms. Claudia Bolgen stated that she appreciates that the Petitioner has made an effort to come to the Planning Board prior to the expiration of the completion date, as well as indications that the subdivision is very nearly complete, that more work has been completed during this past extension period, and that it is in good condition to resident satisfaction. She would like to thank the Petitioner for their proactivity and efforts to this end.

Motion carried, 5-1-0, with Mr. Jim Callahan opposed and Chair Carolyn Turner recusing.

Chair Carolyn Turner re-assumed the role as Chair.

APPROVAL OF MINUTES: April 25, 2017 meeting

Motion to accept the minutes, as submitted, made by Mr. Dave Edmonds;
Seconded by Mr. Bob Doherty;
Motion carried, 7-0-0.

PLANNING DIRECTOR UPDATE

a. Planning Board Filing Fees

Planning Director Cassidy stated it has been at least several years since the Planning Board has looked at its filing fees and has examined those that have been adopted by other local municipalities as a guide.

Planning Director Cassidy further stated that she would like to hold a discussion this evening, and if the Planning Board is satisfied with what has been drafted, then move forward with scheduling a public hearing to solicit comments prior to adoption.

Mr. Dave Edmonds inquired about the structure of the ANR fee as drafted. Planning Director Cassidy clarified that the intent of the proposed new ANR fees is to differentiate between applications in which only a lot line is moved and others that propose the creation of a new building lot or lots.

Planning Director Cassidy stated that, in cases where new fees are proposed that had not existed before, it is to recognize staff time dedicated to these requests that cuts across multiple City departments.

Chair Carolyn Turner inquired as to whether the proposed fee for extensions of completion dates represents an average of what is charged in other towns that were examined. Planning Director Cassidy stated that she would have to double-check her research and provide an answer at a subsequent meeting.

Ms. Claudia Bolgen asked how long ago the Board had last looked at its filing fees. Planning Director Cassidy stated that it has been at least six (6) years but that she can also look further to pinpoint an exact date and provide an answer to the Board.

Ms. Claudia Bolgen stated that she is interested in knowing when the filing fees were last adopted so as to have a better sense of how to justify the doubling of the price for a filing fee, whether it pertains to the length of time that has passed or represents a better reflection of staff time so that she is better able to make a judgement.

Planning Director Cassidy stated that she would follow up with information on that point and asked whether that information would be needed prior to the scheduling of a public hearing. Ms. Claudia Bolgen responded that it would depend on whether the Board would have discretion to modify the proposed fees during the hearing without having to re-advertise that modification at a subsequent hearing.

Planning Director Cassidy stated that her sense is that the Board has the discretion to propose and adopt decreases to the draft filing fee schedule during a hearing discussion without the need to re-advertise, as opposed to an increase that is proposed during Board discussion, which would need to be re-advertised. She will seek the guidance of City Solicitor Callahan-Doucette prior to advertising a hearing in any event, even with the Board's potential approval of the current draft filing fee schedule this evening.

Chair Carolyn Turner stated that the scenario involving the adoption of new filing fees seems similar to the discretion that the Board has in attaching conditions to its decisions.

Mr. Bob Doherty asked for clarification regarding the process of a filing fee for zoning amendments. Planning Director Cassidy stated that the proposed \$500 fee is considered separate from the advertising fee and meant to recognize efforts to process that application in terms of meetings and internal review.

Mr. Bob Doherty stated that it is important to consider the fee proposed in the context of sign appeals, which has been indicated is not necessarily a fair process as it stands for Petitioners.

Ms. Claudia Bolgen inquired about the existence, if any, of a Sign Review Board filing fee. Planning Director Cassidy stated that she will research whether this fee exists, and the amount charged, so that the Board has a better of understanding of the larger sign appeals picture.

Ms. Claudia Bolgen stated that she is in support of implementing a fee in the case of requesting an extension to the completion date from a policy standpoint of both encouraging developers to adhere to their initial timelines and discouraging developers from requesting extensions of completion dates.

Mr. Bob Doherty inquired about the process of requesting this fee. Planning Director stated that she envisions requesting a developer to submit a letter formalizing the request for an extension of completion date stating the rationale for the request, as well as a check in the amount of \$500 in order for that matter to be heard at all before the Board.

Ms. Claudia Bolgen stated in proactively reaching out to developers to let them know what is required (i.e., letter and fee) for a completion date extension by the Board, that may also solicit a response that allows the Board to get a better sense of a developer's devotion to a subdivision's completion.

Mr. Jim Callahan stated that it may be productive to also discourage requests for completion date extensions by framing the \$500 fee as a repercussion that will be charged, for example, that may be raised for every month past a developer's completion deadline.

Mr. Michael Ventresca stated that it is important to make a distinction between a filing fee and a fine if the Board authorizes a non-filing element relative to subdivision completion date extensions.

Chair Carolyn Turner stated that, by adopting a fine system, there could be a scenario in which a developer may pay a fine, as well as an extension to a completion date request fee.

Mr. Dave Edmonds stated that, considering the current economic environment, there should be no disincentive for a developer to complete an approved subdivision from a health and safety point of view, particularly in the many cases where there is not much left to complete.

Mr. Bob Doherty inquired about the ZBA "repetitive petition" process and how it relates the Planning Board. Planning Director Cassidy responded that this refers to the legal mechanism that allows a Petitioner who may have been denied a variance or special permit by the ZBA to reapply to that Board. The State law allows such an applicant to file an appeal with the Planning Board to return to the ZBA with a new filing within a two-year timeframe, during which they are otherwise barred from re-applying to the ZBA.

Ms. Claudia Bolgen stated that the distinction between a fee and a fine is a good point. The fee is designed to reflect the use of public resources for their benefit. From the perspective of the applicant, it is important to both quantify the work involved in response to each request, as well as to seek the opinion of the City Solicitor regarding Board authority on this topic prior to instituting a fee versus a fine.

Planning Director Cassidy stated that she would like to revise her previous recommendation to schedule a public hearing at this point. Rather than schedule a public hearing date this evening she would like the opportunity to do more research on the questions that have been raised this evening and provide answers to the Board for further discussion before a date is set.

b. Remote Participation for Planning Board Meetings

City Planner/Grant Writer Orr provided an update to the Board that, in lieu of a live feed of Planning Board meetings via the Woburn Public Media Center, he is working with Mr. Dave Mastronardi, IT Director at City Hall, to setup a videoconferencing program for remote meeting participants.

c. Office tracking of applications and projects

Planning Director Cassidy stated that Planning staff has drafted two documents for the subdivision approval process to better manage applications and the resulting subdivision construction processes. She provided an overview of each of these documents which are still in draft form as well as their intended benefits, and welcomed comments from the Board this evening or otherwise.

Mr. Jim Callahan posed the idea of comparing a required developer document outlining a 24-month completion timeline to a generalized timeline document drafted by the Planning Board, which will help guide the Board's discussions when completion date extensions are requested. Planning Director Cassidy responded that she appreciates the suggestion and is thinking that it may be helpful to modify the Subdivision Rules & Regulations to require the submission of a construction time line document by subdivision applicants at the time of application, which could then be subject to discussion and possible variation of completion dates by the Board.

Mr. Michael Ventresca stated that it would be ideal to ask for information from the applicants up-front that could be incorporated into the decision-making process and further enhanced by the tracking system.

Chair Carolyn Turner stated that the Board has requested detailed timeline information in the past on an as-requested basis in the middle of projects, so it is reasonable to require it up-front.

Ms. Claudia Bolgen stated that it is ideal to have an electronic tracking system so that there is a mechanism for automatic notification to Planning staff. Planning Director Cassidy responded that staff are absolutely working to make the tracking process more seamless and computer-based. If an "advanced noticing" system can be arranged, it will be employed.

Mr. Jim Callahan stated that the roadway construction is the longest phase of the construction process. Monitoring a subdivision to that level of detail would reveal whether a developer is on track for completion several months in advance.

Mr. Michael Ventresca stated that on the post-approval form where additional information may be provided, there should be a follow up to the "yes or no" questioning (i.e., if yes, then request date received or date approved).

Mr. Michael Ventresca inquired about the process for conveying a public way to the City. Planning Director Cassidy responded that, in cases of public way conveyances, the applicant must submit a Roadway Acceptance Plan for Engineering review and Planning Board approval. Such plans are now required by the regulations for any street that is proposed to be a public way. Upon approval of an acceptance plan and recommendation by the Planning Board, the City Council must then vote to formally accept the street as a public way.

Planning Director Cassidy stated that these documents are open for Board comment until official adoption, and they may be subject to change post-adoption too.

Ms. Claudia Bolgen inquired about the status of ZORC. Planning Director Cassidy stated that she and Chair Turner met with members of the Council on this topic and the idea was met with tepid support by some and lacked support with others. Although no decision was made, it was expressed that Alderman Michael Anderson and Chair Carolyn Turner could address potential changes to the draft ZORC legislation that might make it acceptable.

Chair Carolyn Turner stated that her impression was that the sentiments of the Council was that there were concerns regarding the inclusion of all Planning Board members, as well as the fact that the process seems to be repetitive or redundant given the role of the Planning Board members reviewing items in their capacities as ZORC members and as Planning Board members.

Planning Director Cassidy stated that it would be helpful to reach out to Alderman Anderson over the next month to receive a status update. Chair Carolyn Turner stated that she would do so.

Planning Director Cassidy stated that she would like to ask the Board about scheduling the June Board meetings in recognition of an upcoming conflict with local elections on June 27th. She would like to propose either the elimination of the June 27th meeting altogether (in which case the next two meetings would be held on June 13th and August 8th), to hold a single meeting in June on the 20th, or to propose another June meeting date entirely.

Mr. Jim Callahan stated that he was in support of moving the meeting in June to the 20th.

Ms. Claudia Bolgen stated that she was also in support of the 20th so as to shorten the time gap between the June and next meeting in August.

Planning Director Cassidy stated that she would try to finalize a reservation for a Board meeting on the 20th and provide an update to the Board at their next meeting.

Chair Carolyn Turner inquired as to any further business or matters for the Board. There was none.

ADJOURNMENT

Seeing no further business, Ms. Claudia Bolgen motioned to adjourn at 8:21 p.m.;
Seconded by Mr. Bob Doherty;
Motion carried, 7-0-0.

The meeting adjourned at 8:21 p.m.

Table of Documents Used at Meeting

<ul style="list-style-type: none">• Staff Report
<ul style="list-style-type: none">• Staff Report Attachment 1: Newspaper Article on 425 Washington Street Sign Appeal Petition
<ul style="list-style-type: none">• Staff Report Attachment 2: A copy of Wall Estates Petitioner extension request memo, along updated As-Built Plan (dated April 3, 2017) and Planning Department memo
<ul style="list-style-type: none">• Staff Report Attachment 3: Filing fee schedules of 6-8 similar and nearby communities and proposed new Woburn Planning Board filing fee schedule
<ul style="list-style-type: none">• Staff Report Attachment 4: Draft internal subdivision tracking/control documents
<ul style="list-style-type: none">• Meeting Handout: Suggested Changes to Woburn Sign Regulations (Section 13) by Attorney Joseph Tarby
<ul style="list-style-type: none">• Draft Planning Board Meeting Minutes (dated April 25, 2017)

Respectfully submitted,



Dan Orr
City Planner/Grant Writer

