

Meeting Minutes
January 23, 2018 Planning Board Meeting
7:00 P.M. | Engineering Conference Room, Woburn City Hall

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.

Turner noted that this meeting is being audio recorded by the Planning Department as well as a member of the audience.

ANNUAL ELECTION OF PLANNING BOARD CHAIR AND VICE-CHAIR

Turner asked about the election of Planning Board officers. Cassidy responded that as is customary after the typical two-year terms of Chair and Vice Chair, the nomination is often given to the Vice Chair to serve as the Chair for the next term.

Ventresca stated that he would not be interested in serving as Chair at this time due to professional time constraints and potential unavailability at a number of future meetings.

Ventresca made a motion to nominate Edmonds as Planning Board Chair;
Seconded by Bolgen.

Motion to close nominations for Planning Board Chair made by Doherty;
Seconded by Bolgen;
Motion carried, 7-0-0.

Motion to elect Edmonds as Planning Board Chair carried 7-0-0, on a roll call vote: Turner—yes; Ventresca—yes; Donovan—yes; Doherty—yes; Edmonds—yes; Callahan—yes; Bolgen—yes.

Edmonds made a motion to nominate Donovan for Planning Board Vice Chair;
Seconded by Callahan.

Motion to close the nominations for Planning Board Vice Chair, made by Doherty;
Seconded by Bolgen;
Motion carried, 7-0-0.

Motion to elect Donovan as Planning Board Vice Chair, made by Edmonds;
Seconded by Callahan;
Motion carried, 7-0-0.

Motion to elect Donovan as Planning Board Vice-Chair carried 7-0-0, on a roll call vote: Turner—yes; Ventresca—yes; Donovan—yes; Doherty—yes; Edmonds—yes; Callahan—yes; Bolgen—yes.

Edmonds assumed the role of Chair.

30 CENTRAL STREET ANR (Paul Costello)

Cassidy stated that there is one ANR plan before the Board this evening and it is a repetitive filing of an ANR from the Board's December 12th meeting. Cassidy stated that the Solicitor has determined that the Planning Board vote on this matter and one other that evening was in error. The problem arose with a lack of a technical quorum for both votes, since the member participating in the meeting remotely was in fact erroneously counted toward the quorum of the Board. Since the rules for remote participation stipulate that matters can only be approved or denied when a quorum of Board members is physically present in the room when a vote is taken, this vote and the one for Highview Road must be retaken.

Cassidy further stated that she was able to acquire a new mylar from the ANR engineer for the purpose of issuing a new endorsement this evening. To reiterate, the applicant proposes to combine Parcels A and B into one new building lot; Parcels C and D would be combined to form a second building lot; and a final existing lot (Lot 1) would become only slightly smaller as a result of the conveyance of Parcel C.

Turner recused herself for this matter as she had when this ANR was last before the Board.

Edmonds asked for a recommendation from the Planning Director. Cassidy responded that her recommendation is to endorse the plan as one not requiring approval under the Subdivision Control Law.

Motion to endorse the ANR plan as one not requiring approval under the Subdivision Control Law, made by Doherty;
Seconded by Bolgen;
Motion carried, 6-0-0, with Turner recusing.

Turner rejoined the meeting.

HIGHVIEW ESTATES SUBDIVISION (Santullo Construction)

Edmonds stated that he must recuse himself from discussion of this matter. Donovan assumed the role of Chair pro tem.

Cassidy stated that, at the last meeting, the Board heard an update from the developer who is attempting to litigate an easement access issue with Eversource. The attorney for this project has also represented that this case may not be resolved until 18 months from now. Given this update, her recommendation at the December meeting was to extend the construction completion date from December 15, 2017 until June 30, 2018. At this point, the intention is for the developer to reappear before the Board at its second June meeting to provide an additional status update.

Motion to extend the subdivision construction completion date for the Highview subdivision from December 15, 2017 until June 30, 2018, made by Doherty;
Seconded by Bolgen;
Motion carried, 6-0-0, with Edmonds abstaining.

RUSSO ESTATES SUBDIVISION (William Scire)

Edmonds rejoined the meeting and Donovan stepped down as Chair pro-tem and Edmonds resumed the Chair.

Cassidy provided an overview of the history of this subdivision and what is before the Board this evening for their consideration. The developer and his attorney are present for Board questioning this evening. Additionally, correspondence has been provided to the Board from the Engineering Department commenting on the request to establish a bond in the amount of \$112,000 to guarantee subdivision completion.

Cassidy further stated that Mr. Scire has requested an extension of subdivision completion date until May 30, 2018. However, the Engineering Department has advised that this timeline is not sufficient for the developer to construct the roadways, install utilities, and erect residential structures as per the plan.

Cassidy further stated that a brief extension of the subdivision completion date for a period of thirty days would allow not only for submission of a revised and more inclusive construction time line but also for execution of the Tri-Partite Agreement by the developer and his bank. The developer would then return to the Board in February to set a new subdivision completion date and to have the Tri-Partite Agreement accepted as surety and signed by the Board.

Attorney Mark Salvati, 10 Cedar Street, stated that the bank wants all sheets of the Mylar plan recorded at the Registry of Deeds, and he would need the additional time to produce all of the approved subdivision plan Mylars for the Board's execution and subsequent recording with the Registry of Deeds. The developer also plans to submit an anticipated schedule of tasks let to complete to the Board.

Callahan asked about the progress on plans for curbing, electrical pads and onsite fill. Mr. William Scire, project developer, 505 Main Street, stated that the utility company has stated that local electrical permits must be in-hand prior to the installation of a transformer.

Scire further stated that there has been a discrepancy between he and the utility company as to the work that each party was expected to complete, such as the installation of poles and risers, but the electrical pad is in.

Cassidy stated that her recommendation to the Board is to set the bond about to guarantee subdivision completion at \$112,000, and extend the subdivision construction completion date until February 13, 2018.

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

WORKSHOP DISCUSSION OF POTENTIAL TOPICS/TASKS TO BE ADDRESSED AT FUTURE BOARD WORKSHOPS (Planning Board)

Cassidy stated that she would like to dedicate the first workshop discussion to determining the priorities of discussion for the Board over the next several months relative to a number of important broader planning-related topics, such as the Subdivision Rules & Regulations. She has touched base with colleagues about many of these topics over the course of her time in Woburn and they are in agreement about modifying the regulations and have already provided feedback to that end. A lot of the research has already been done but the work of finessing these modifications still remains. One example of a topic that could be addressed is the regulations are the roadway configurations that are included in the Subdivision Rules & Regulations.

Cassidy further stated that one idea would be to invite officials from other City departments, such as Engineering and Fire Prevention, to provide their input as to modifications to potential roadway layouts.

Cassidy further stated that she has been examining examples of regulations that have been adopted by the planning boards of other communities that may be appropriate for Woburn. Examples of those could be modifying policies relative to Special Permit review, remote participation, the public hearing process/administration, and general policies surrounding public participation.

Cassidy further stated that the Master Plan is another topic that warrants Board discussion. Many of those issues relate to the implementation of the plan, although much of it also relates to matters of zoning and thus requires the involvement of the City Council.

Cassidy further stated that the Housing Production Plan is another topic that may be addressed by the Board, as well as zoning provisions/Board regulations that address the production of housing that go beyond the modifications to the inclusionary housing ordinance that were discussed in recent weeks. Some of these broader aspects also may fall to the Planning Board and others to the City Council.

Cassidy further stated that there are also a number of matters related to zoning code that could be discussed by the Board in conjunction with the City Council. For example, there are some instances where current height limits/allowances may not be appropriate and should be revisited.

Bolgen stated that she recalls that 2005 was the last time the Board had handled Subdivision Rules & Regulations and the time to address modifications is overdue. For both residents and developers, the Planning Board is primarily responsible for adjudicating subdivision applications. To that end, she believes this topic should be the priority for the Board.

Doherty stated that he agrees that the Subdivision Rules & Regulations should be the priority of Board discussion given that it is a topic of frequent discussion.

Edmonds asked about the protocol for discussing and ultimately modifying Subdivision Rules & Regulations. Cassidy responded that after a proper public hearing has taken place, the Planning Board has the ultimate authority to modify its Subdivision Rules & Regulations. An amended version is ultimately recorded with the Registry of Deeds.

Bolgen stated that because the Subdivision Rules & Regulations are so fundamental to the Planning Board's review, it is crucial to make sure it is in the best form possible.

Ventresca stated that he recalls the last effort to modify the Subdivision Rules & Regulations was regarding the permitted roadway cross-sections and details, such as siltation.

Cassidy stated that there is a whole section in the Subdivision Rules & Regulations related to details that would need to be revised.

Bolgen stated that there are other subdivision details, such as street trees and grass strips, that should be determined prior to discussion during the public hearing and application review process.

Callahan stated that he agrees with what has been said so far and believes that there are standard rules that need to be added to the Subdivision Rules & Regulations, such as dust control, particularly as all of the major developers in the City have been before the Board in the recent past.

Callahan further stated that build-out of paper streets is another topic that should be considered in the context of development that should or should not be permitted within a given right-of-way due to inadequate access.

Ventresca asked about what is in the Subdivision Rules & Regulations related to definitions. Cassidy responded that there is a whole section in the document related to definitions. Other pieces are related to what is required for submitting and processing various applications (i.e., ANRs, Definitive Subdivisions) as well as the post-approval work to ensure a subdivision is properly completed.

Ventresca stated that it would be helpful if the Subdivision Rules & Regulations could be delineated so that it is easier to consider what should be prioritized. Cassidy responded that she would be willing to share hard copies of the Subdivision Rules & Regulations with the Board for the next workshop meeting, in addition to a "track changes" version of the document that includes her proposed modifications thus far. She could also draft a prioritization list based off of the focus of her modifications.

Bolgen stated that the Board can be tasked with coming up with the priorities. It would be effective to handle a few basic items first, such as coming to an agreement about street trees, grass strips, siltation measures, etc. and then move on to the more in-depth aspects of the document.

Callahan stated that the Engineering Department would be very capable of providing information, guidance and recommendations as to how to update the Subdivision Rules & Regulations for more technical matters.

Bolgen stated that there are policy decisions that only the Board can make, whereas they must rely on the expertise of City departments for more technical details.

Edmonds asked about whether there may be more applications in the interest of trying to avoid any new regulations that the Board puts into place. Cassidy stated that she does not think the modifications to the Subdivision Rules & Regulations that are envisioned will lead to a marked increase in applications.

Edmonds asked how subdivision applications that are filed prior to the adoption of Subdivision Rules & Regulations modifications would be grandfathered. Cassidy responded that she is not entirely sure about grandfathering applications in the case of adopting Subdivision Rules & Regulations modifications, only exemptions from zoning changes.

Bolgen stated that it would be helpful to receive an opinion from the City Solicitor on the topic of grandfathered applications. Otherwise, it would be most helpful to start on the obvious modifications to the Subdivision Rules & Regulations.

Edmonds asked about timeline to move forward on the workshop discussion. Cassidy responded that the idea is to dedicate the second bi-monthly meeting to this type of discussion. The next one will take place on February 27th.

Edmonds asked about voting process in the context of remote participation. Cassidy responded that she envisions that the February 27th meeting will again be discussion-based; consensus may occur, but no formal voting action would be taken at that time.

Ventresca stated that he will not be at the February 13th meeting.

Bob Doherty stated that he may not be able to attend the February 27th meeting.

Edmonds asked about the participation in the workshop process and voting eligibility. Cassidy responded that intermittent participation and presence during workshop discussions is not a concern for voting participation. The Board's attendance/participation will be most important only once a public hearing is held relative to actual modifications to the Subdivision Rules & Regulations.

Bolgen asked about potentially having a shared document on which the Board is able to comment in their free time and outside of a meeting setting. Working on a document jointly over time may allow the modification process go more quickly, although it may be that this approach does not comply with Open Meeting laws. Cassidy stated that she would have to research that approach and discuss with the City Solicitor.

Callahan stated that it could be that the all "offline" comments may be presented at a public meeting openly for public comment and comprehensively at one meeting.

Turner stated that her understanding is that in editing a document collaboratively, each author would be assigned a different color denoting which individual has made each proposed edit or added a comment.

Edmonds stated that one of the reasons it has been so long to address modifications to the Subdivision Rules & Regulations is that there is only so much opportunity to do so given the regular meeting schedule.

Cassidy stated that she will propose the "offline" editing strategy to the City Solicitor, but the Board needs to be open to the possibility that the joint offline document may not be legally feasible. Bolgen responded that it may depend on how a "meeting" is defined, but she is not certain of that definition.

Bolgen stated that it is not comfortable to make a policy on the fly, which is why it is important to update the Board's guidelines.

Cassidy stated that the Board can expect to hear from her over the next couple of days about the answer that she receives from the City Solicitor in relation to "offline" participation. If her answer allows the Board to proceed with that approach, Planning staff will reach out to members with next steps.

Bolgen stated that if there are remote participation issues that can be addressed in order to make the process run more smoothly, she would like to make that a second priority.

Ventresca asked about whether Petitioner documents can be provided earlier, particularly in the case of remote participation to avoid the challenge of Board members missing information. Cassidy stated that is the exact type of policy the Board could consider adopting (i.e. instituting deadline[s] for submitting documents by a particular date prior to a meeting.

Bolgen stated that she had no issues with remotely participating other than a bit of difficulty understanding when two individuals talked at once.

OTHER BUSINESS MATTERS THAT MAY LEGALLY COME BEFORE THE BOARD NOT KNOWN AT THE TIME OF POSTING

Edmonds stated that the matter of approving prior meeting minutes does not appear on the agenda.

Members generally expressed willingness to wait until the next meeting for the approval of minutes as they do not appear on the published agenda.

Edmonds asked about any further business. Cassidy responded that she has none to report.

ADJOURNMENT

Seeing no further business, motion to adjourn at 8:05 pm was made by Bolgen;
Seconded by Doherty;
Motion carried, 7-0-0.

Table of Documents Used at Meeting

Staff Report
Russo Estates Subdivision: Copy of Letter from Attorney of Record re: Request to Establish Surety for Subdivision Completion
Russo Estates Subdivision: Copy of Draft Tri-Partite Agreement form
Russo Estates Subdivision: Copy of construction estimate table submitted by developer
Russo Estates Subdivision: Copy of Engineering Department comments on construction estimate table
Workshop Discussion: List/brief explanation of five or six topics that could potentially form a prioritized work plan for the Board

Respectfully submitted,

Dan Orr,
City Planner/Grant Writer