

Meeting Minutes
February 13, 2018 Planning Board Meeting
7:00 P.M. | City Council Chambers, Woburn City Hall

ROLL CALL OF MEMBERS

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

Edmonds stated that this meeting is being recorded by the Woburn Public Media Center.

CROSSMAN ROAD ANR (Cialdea Construction Corp.)

Cassidy provided an overview of the ANR plan, in which the subject property is directly adjacent to that of the Crossman Road Definitive Subdivision recently approved by the Board.

Cassidy further stated that, as to alert future property owners, her recommendation is to endorse the plan as one not requiring approval under the Subdivision Control Law, subject to the addition of the following note to the ANR plan to include all recording information:

“Lot 1, 2 and 3 shown on this plan are subject to the terms and conditions of a Covenant recorded at the Middlesex Registry of Deeds at Book ____, Page ____.”

Motion to accept the Planning Director’s recommendation, made by Doherty;
Seconded by Turner;
Motion carried, 5-0-0.

12 BUCKMAN COURT DEFINITIVE SUBDIVISION (Nardone Property Group LLC)

Cassidy stated that the Petitioner has requested a continuance of this matter until the Board’s March 13th meeting to accommodate a personal obligation. However, due to the fact that a public hearing was scheduled for this matter, she would advise the Board to open hearing as a courtesy to meeting attendees this evening.

An audience member inquired as to whether the public hearing notice will again be published in the newspaper for the March 13th meeting. Cassidy responded that the notice will not be published again in the local newspaper, but all agendas are posted to in the Clerk’s Office, as well as to the City’s website.

Edmonds 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. There were none.

PUBLIC HEARING

There being no members of the audience wanting to address the Board, motion to continue the public hearing until the March 13th meeting, at 7:00 pm, made by Doherty;
Seconded by Callahan;
Motion carried, 5-0-0.

DOUGLAS CIRCLE DEFINITIVE SUBDIVISION (88-92 PEARL STREET) (Cattle Crossing LLC)

Edmonds recused himself from this matter, as he is an abutter to the subject property. He stepped down as Chair and Donovan assumed the role of Chair pro-tem.

Attorney Joseph Tarby, Murtha Cullina, 600 Unicorn Park Drive, approached the Board representing the Petitioner to provide an overview of the application relative to the proposed subdivision lotting (3 lots total) and requested waivers from the Subdivision Rules & Regulations. Lot sizes and frontage are zoning-compliant. Two new residential dwellings are proposed, while an existing dwelling will be retained.

Tarby stated that the name of "Allen R. Gerrish Drive" has been chosen for the street name in recognition of a fallen Woburn veteran.

Tarby further stated that the waivers being requested include: 1) reducing the cul-de-sac right-of-way width from 110' feet to 84'; 2) reducing the pavement width from 86' to 84'; 3) installation of a sidewalk on only one side of the street; and 4) not looping the water line.

Tarby further stated that, as of this afternoon, the Petitioner is in receipt of comments from the Engineering Department, the Fire Department, Public Works, Conservation Commission and Board of Health.

Mr. Thad Berry, project engineer with ASP Design Group, 363 Boston St., Topsfield, MA approached the Board representing the Petitioner.

Berry reiterated the overview of the subdivision plan and added that that in order to create the roadway, an existing single-family home will need to be demolished. The roadway will be designed as a "short cul-de-sac" with pavement that is 20' in width.

Berry further provided an overview of the proposed subdivision relative to lotting, storm water treatment/drainage. The maintenance of the drainage system will be a the responsibility of a Home Owners Association. In addition, they have made a request to the Conservation Commission to "clean up" some vegetation that currently lays in a "no disturb" zone.

Berry further reviewed the sewer connection for the property and noted that the Department of Public Works has offered comments on how the water and sewer connections should be made.

Berry further stated that the storm water detention systems are designed to mitigate 10, 20 and 100-year rainfalls.

Cassidy asked the project engineer to confirm on the plan (via a dimensional notation) that the new roadway meets the zoning provision of at least a 25' buffer between the newly-constructed roadway and any existing residential structures.

Callahan asked about the wetland delineation on Sheet C-4 and what the engineer is referring to with that delineation. Berry responded that the wetland delineations refer to the 100' and 150' buffers adjacent to the jurisdictional wetland resources areas designated by the state.

Callahan inquired about the test pits that fall within the 25' buffer zone of the wetlands. Berry responded that the applicant was directed to do such testing.

Donovan 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

Mr. Joseph Silva, 80 Pearl Street, stated that he does not know why the current proposal is moving forward with the Conservation Commission. His understanding is that potential development was discussed in that area in the past and was denied by the Commission.

Ms. Joann Westerberg, 80R Pearl Street, stated that she asked her realtor in the past about potentially building near the wetland on her property and was told that she was not able to do so.

Cassidy responded that questions of developing land may only be answered through a formal filing with the Commission to best understand the policies that guide their approval or denial of a project. The current plan is under review by the Commission but they have not yet closed the public hearing or issued a decision.

Cassidy further stated interested abutters can contact the Planning Department to receive the direct contact information for the Conservation Commission.

Cassidy further provided an overview of the review process. Both the Planning Board and the Conservation Commission are responsible for conducting individual reviews. Specifically, the Board is responsible for reviewing the components of roadway layout and the housing lots and the wetlands and wildlife are under the purview of the Commission.

Ms. Joann Westerberg, 80R Pearl Street, stated that she is concerned about the water zone, and wetlands, and the impact of the development on her property. In addition, she would like a buffer between her fence and the proposed development.

Ms. Patricia Curran, 94 Pearl Street, would like to object to the project. First, she believes that she did not receive notice from the Conservation Commission, although it was determined that her nephew signed for the Commission meeting notification that was certified mailed (via green card).

Ms. Curran further stated that she is concerned about the impacts on the surrounding wetlands, for which the applicant is requesting a variance, that she would like to address that this evening. They should be addressed because this project cannot move forward without the Commission's approval. Planning Director Cassidy responded that the Board does not have purview over matters involving impacts to wetlands.

Ms. Curran further stated that she is concerned about the impacts on traffic and mobility, and particularly why the proposed new roadway is being requested with variances for width and sidewalks on both sides.

Ms. Curran further stated that she is concerned about the impacts of the development on existing flooding conditions. While she does not have engineering expertise, she does not necessarily believe that adding drainage capacity will sufficiently address flooding concerns given the depth of the area's water table.

Ms. Curran further stated that she is concerned with the configuration of the duplex driveways due to the fact that car headlights may obtrusively impact her father's home. She would appreciate consideration of some sort of barrier to mitigate that concern.

Cassidy stated that, although she does not speak on behalf of the Board, her recommendation would be for the Board to continue this hearing until March 13th to allow more time for the applicant to address a number of plan-related issues, and which would allow interested neighbors the opportunity to relay their concerns at another upcoming meeting. In addition, the applicant must submit information relative to hydrology, which is subject to review by the City's Engineering Department for compliance with drainage regulations.

Ms. Curran stated that she will plan to hire her own civil engineer to independently verify the impacts of the development on the neighborhood, and specifically her father's property.

Mr. Nick Catizone, 8 Bartlett Drive, stated that the development directly impacts him as a direct abutter, as well as his immediate neighbors due to the fact that the wetlands lay right beside his property. As a result, he is very concerned about flooding issues.

Mr. Catizone further stated that there is an underground drainage pipe that runs through his property and then is routed across the street into a nearby easement that appears to be filled with water most of the time. He also knows that his neighbor has experienced very serious basement flooding.

Mr. Catizone further stated that he was not notified of the Conservation Commission meeting, either. Overall, he wants to ensure that the developer is correctly addressing the issue of drainage and potential flooding in the neighborhood.

Mr. Mark O'Rourke, 7 Bartlett Drive, stated that this development will be detrimental to the street and the drainage in the area is currently not sufficient.

Mr. O'Rourke further stated that traffic issues are already a concern, as people use Pearl Street as a "cut-through" from Wilmington.

Mr. O'Rourke further stated that he does not think the detention basins will be sufficient, as they will overgrow and the water will be forced elsewhere.

Vanessa McMann, 80 Pearl Street, stated that she is opposed to the project, as storm water is a major issue. Currently, there is nowhere for it to go.

Ms. McMann further stated that traffic will only worsen with the proposed development in an area where conditions are bad already.

Mr. Shawn O'Rourke, 7 Bartlett Drive, stated that there are major issues with drainage in the area where the storm drains are ineffective due to being partially or completely obstructed by sediment that he himself has had to address. In addition, vermin are present that seem to be related to the drainage issues.

Mr. O'Rourke further stated that the drainage on Bartlett Drive is deplorable, and within his property, and will likely be further impacted by the proposed development. He is additionally concerned with the presence of wildlife that will be disturbed as a result of development.

Mr. O'Rourke further stated that he believes that the traffic conditions are already dangerous and congested given that Pearl Street serves as a "cut-through" to surrounding towns. This development would exacerbate those conditions.

Mr. Catizone stated that the properties on that area was constructed on wetlands and has had common flooding issues as a result. He has received letters/communication from the City that have stated that the drainage issues will be addressed (i.e., removing obstructions in the easement and drains), but nothing has actually been fixed.

Mr. Catizone further stated that there are rats in the area that weren't there before. His family has been in the area for 40 years. Additionally, he confirmed that coyote wildlife is a concern in the area.

Mr. Silva stated that he has also had experience with large rats in the area that were not sighted before and attributes it to the construction of a new home nearby due to the construction disturbance. In addition, he has had cars enter his front yard due to the dangerous traffic patterns in the area.

Mr. Silva further stated that he is concerned that there will be additional development beyond the two duplexes that are proposed. Cassidy responded that her understanding is that the amount of land on the parcel would not permit additional development, but that Attorney Tarby would in the best position to confirm the intentions of his client.

Mr. Silva asked whether there would be any modifications to the surrounding roads, particularly at the intersection with Pearl Street due to the added volume and safety concerns. Cassidy responded that she is not aware of any modifications planned by the City, although the developer would not be required to make any improvements outside of the planned roadway due to the smaller scale of the proposed development. It may be a question to be posed to the Engineering Department.

Ms. Curran stated that she does not believe the adjacent intersection with Ward Street, for individuals traveling from that direction to the proposed new roadway, would be safe or logistically possible due to current traffic patterns.

Tarby requested to submit for the record a listing of nine abutters who have signed a Petition indicating that they are in favor of the proposal.

Tarby further stated that due to zoning regulations, a total of 15,000 sq. ft. is needed for a two-family home. With a total of 34,000 sq. ft. on the two lots affected, there is no room for additional development in accordance with zoning.

Tarby further stated that relative to one abutter's question as to the type of people who will be moving into the proposed units, these will be for-sale condominium units, which will be marketed to individuals just anyone else who would like to purchase a property in Woburn.

Motion to accept the document provided by Tarby, made by Doherty;
Seconded by Turner;
Motion carried, 4-0-0, with Edmonds recusing.

Tarby further stated that the project engineer and City Engineer and Department of Public Works Superintendent will be meeting in the coming days and the meeting is slated to occur prior to the Board's March 13th meeting.

Callahan asked why a sidewalk is only being proposed for one side of the roadway. Berry responded that it is possible to put in a sidewalk on both sides of the roadway but they simply would like to request the waiver, which would align with the existing sidewalk conditions in the vicinity.

Cassidy stated that one point of view of installing one sidewalk, as opposed to two, is a reduction in impervious ground surface, particularly in an area prone to flooding.

Callahan stated that these types of waivers are becoming the norm, and he does not see the benefit to the City in allowing the proposed waiver. The project should represent a bartering process.

Callahan asked about the roadway configuration and the intersection with the existing roadway (Pearl Street), as noted by one of the abutting property owners, and whether it is being evaluated from a safety point of view. Berry responded that lines-of-sight, visibility and access have been taken into account in proposing the roadway configuration and a determination of safety has been made.

Cassidy stated that the Engineering Department raised questions related to lines-of-sight, some of which are not shown on the plan. That will be a topic of further discussion.

Turner inquired to Cassidy as to the Fire Department comments relative to the requested waiver to reduce the cul-de-sac pavement width. Cassidy responded that the Fire Department has not expressed any concerns relative to the proposed width of the cul-de-sac.

Callahan asked about the grading of Building Lot B and requested a clarification relative to the difference in grading between the roadway and the foundations of the proposed duplex. Berry responded the depth of the foundation does not have a substantial difference with the roadway. In addition, the grading of the property from the front of the parcel to the rear will be accommodated with a "walk-out" basement.

Cassidy stated that her recommendation is to continue the public hearing on this matter to the Board's March 13, 2018 at 7:00 pm.

Motion to accepted the Planning Director's recommendation, made by Doherty;
Seconded by Callahan;
Motion carried, 4-0-0, with Edmonds recusing.

Chair pro tem Donovan stepped down and Edmonds re-assumed the role of Chair.

RUSSO ESTATES SUBDIVISION: EXPIRATION OF CONSTRUCTION COMPLETION DATA AND ACCEPTANCE OF TRI-PARTITE AGREEMENT AS SURETY TO GUARANTEE SUBDIVISION COMPLETION (William Scire)

Attorney Mark Salvati, 10 Cedar Street, approached the Board on behalf of the Petitioner. He stated that his client is requesting an additional continuance for discussion of this matter to allow for more time to finalize the set of Mylars for recording purposes and execution of the Tri-Partite Agreement.

Salvati further stated that there are also a few changes that have been made to the Mylars in comparison to the Plan of Record that must be reconciled with the project engineer.

Salvati further stated that a revised timeline was submitted for review to the Engineering Department. Engineering staff characterized the timeline as "very aggressive" but do-able.

Cassidy stated that she confirmed in conversation with the Engineering Department that staff did find the timeline to be aggressive but not unachievable. The question of dedication to this project remains, however, as the developer has not dedicated substantial effort to subdivision construction over the course of many months.

Cassidy further stated that, as a result, she would recommend that the Board grant the developer's request for a continuance until its next meeting but also extend an invitation the developer to attend the next meeting so that members can address the applicant directly as to construction concerns and to clarify the consequences of not meeting an absolute final updated timeline for construction completion.

Cassidy further stated that in addition to having the Mylars on record, it is advisable to grant a continuance to ensure that the Tri-Partite Agreement is finalized as a form of surety to guarantee roadway construction. This is particularly important due the frustrations expressed by abutting residents as to the very slow pace of construction.

Callahan asked about the status of building drawings and wherewithal to construct homes simultaneously. Salvati responded that drawings have been drafted, although building permits cannot be issued until the Tri-Partite Agreement is replaced as surety. In addition, Mr. Scire is planning to hire multiple contractors in each trade so as to conduct work more efficiently.

Motion to continue discussion on this matter until the Board's February 27, 2018 meeting, made by Doherty;
Seconded by Callahan;
Motion carried, 5-0-0.

APPROVAL OF PRIOR MEETING MINUTES: January 9, 2018 and January 23, 2018

Motion to accept the January 9th meeting minutes, as drafted, by Doherty;
Seconded by Turner;
Motion carried, 5-0-0.

Motion to accept the January 23rd meeting minutes, as drafted, by Doherty;
Seconded by Callahan;
Motion carried, 5-0-0.

PLANNING DIRECTOR'S UPDATE

Cassidy stated that she will plan on providing to the Board a printed version of proposed red-line edits to the Subdivision Rules and Regulations for discussion at the Board's February 27th meeting, in addition to the current, un-edited version for comparison.

Cassidy further stated that she has looked into the question of editing a document collaboratively outside of Planning Board meetings with the City Solicitor. She was not able to obtain a definitive answer, but the Solicitor has expressed some concerns with that format and plans to contact some colleagues to help inform the best way to take this approach, if possible.

Cassidy asked the Board if they had any issues relative to the posting/accessing Planning Board documents on the Cloud system. Members expressed none.

Callahan inquired about whether the Planning Board documents are posted online for the access by the general public. Cassidy responded that it is now standard practice for staff to post copies of definitive subdivision plans on the Planning Board's webpage, for the benefit of interested members of the public.

ADJOURNMENT

Seeing no further business, motion to adjourn at 8:21 p.m. made by Doherty;
Seconded by Turner;
Motion carried, 5-0-0.

Table of Documents Used at Meeting

Planning Board Staff Report
Crossman Road ANR Application: Copy of ANR Plan
Crossman Road ANR Application: Copy of applicant's extension request form
12 Buckman Court Definitive Subdivision Application: Copy of application materials and layout plan
12 Buckman Court Definitive Subdivision Application: Copies of department comment letters from Engineering, Fire, Conservation Commission, Board of Health, Inspectional Services, and Public Works
Douglas Circle Definitive Subdivision Application: Copy of application materials and layout plan
Douglas Circle Definitive Subdivision Application: Copies of department comment letters from Inspectional Services, Board of Health, Engineering, Fire, and Public Works
Douglas Circle Definitive Subdivision Application (Petitioner handout): Copy of list of signatures provided by abutters in support of project
Russo Estates Subdivision: Copy of correspondence from abutting resident
Russo Estates Subdivision: Copy of revised timeline (submitted as of 2/13/2018) for subdivision completion
Draft Meeting Minutes: January 9, 2018
Draft Meeting Minutes: January 23, 2018

Respectfully submitted,



Dan Orr,
City Planner/Grant Writer