

APPROVED
Meeting Minutes
May 22, 2018 Planning Board Meeting
7:00 P.M. | City Council Chambers, Woburn City Hall

ROLL CALL OF MEMBERS

Ms. Claudia Bolgen, Mr. Kevin Donovan, Mr. Michael Ventresca, Ms. Carolyn Turner, Mr. Jim Callahan and Chair Dave Edmonds were present. Mr. Bob Doherty was absent. Also present were Planning Director Tina Cassidy and Planner Karen Smith.

Edmonds called the meeting to order at 7:00 p.m., asked all present to silence all cell phones and noted the meeting is being recorded.

Edmonds asked Cassidy if there were any ANR applications before the Board this evening. Cassidy responded that there were no new ANR applications.

PUBLIC HEARING (CONTINUED): 12 BUCKMAN COURT DEFINITIVE SUBDIVISION PLAN

Ventresca recused himself due to absences on February 13, 2018 and March 27, 2018.

Attorney Joseph Tarby of Murtha Cullina, 600 Unicorn Park Drive, Woburn, MA provided a brief overview of the subdivision while noting the Board voted at the May 8, 2018 meeting to grant the developer's request for a waiver of the requirement to perform a fire flow test. Attorney Tarby addressed the neighbor's concern regarding an emergency turnaround on the building lot to compensate for the fact that the roadway itself will have no cul-de-sac and stated he received comments from Waste Management noting they are not concerned about accessibility and will not require a turnaround. Waste Management also added they would be more concerned about overhead wires if they were to use a turnaround built in the proposed location.

Cassidy stated the Fire Department is also not advocating for a turnaround and it is the opinion of the Fire Department that "the construction of the turnaround is not necessary due to the determination that the entrance falls short of the 150' requirement" and they will stay consistent with the state regulations.

Edmonds opened this matter for a Public Hearing and asked any audience members who would like to come forward to speak to please do so at this time. No attendees stepped forward.

Motion to close the Public Hearing made by Bolgen;
Seconded by Turner;
Motion carried 5-0-1 with Ventresca abstaining due to ineligibility to vote.

Cassidy noted the Department of Public Works is satisfied with the plan that has been revised to include the size, type and slope of the proposed sewer main, designed to ensure adequate capacity for the increased sewerage flow, as well as the size and type of the existing water main at the point of the proposed water service connections.

Cassidy further noted DPW Superintendent Jay Duran recommends that the Board discuss the notion of requiring the developer to install a concrete drainage infiltration chamber within the Buckman Court right-of-way and stated the developer's representatives seemed to express a willingness to accept such a requirement at the last meeting.

The requirement to perform a fire flow test (no fire flow test will be required) was waived as voted by the Board on May 8, 2018.

Cassidy stated if the plan is to be approved it will require a number of waivers from the Board's Rules and Regulations for Subdivisions. Cassidy listed each waiver and the Board voted on each specifically:

- a. With respect to the subject of a turnaround, to waive the requirement for a turnaround so that none will be required by granting waivers from Section VII, Table II, the requirement for a maximum slope of 2%-4% for turnarounds; Section III, Table I, the requirement for a 50' wide right of way for a minor street (right of way width is hereby reduced to 40') and to waive Section III, Table II, the requirement to provide a cul-de-sac with a right of way width of 110' and a pavement diameter of 86';

Motion to grant the waivers listed above made by Bolgen;
Seconded by Callahan;
Motion carried 5-0-1 with Ventresca abstaining due to ineligibility to vote.

- b. To waive Section III, Table I, the requirement to install a sidewalk on each side of the proposed roadway (no sidewalks will be required)

Motion to grant waiver made by Bolgen;
Seconded by Turner;
Motion carried 5-0-1 with Ventresca abstaining due to ineligibility to vote.

- c. To waive Section III.B.2.d., the requirement that all intersections be rounded with a 30' radius;

Motion to grant waiver made by Callahan;
Seconded by Bolgen;
Motion carried 5-0-1 with Ventresca abstaining due to ineligibility to vote.

- d. To waive Section III.E.1., the requirement that public water mains be not less than 8" in diameter, to instead permit units to be serviced with separate 1" diameter individual water services

Motion to deny waiver made by Callahan;
Seconded by Bolgen;
Motion carried 5-0-1 with Ventresca abstaining due to ineligibility to vote. (The applicant will be required to install an 8" diameter water main from the end of the existing water line in Buckman Court to the house lot);

- e. To waive Section III.E.4., the requirement that the water line be looped;

Motion to accept waiver made by Bolgen;

Seconded by Callahan;

Motion carried 5-0-1 with Ventresca abstaining due to ineligibility to vote.

After some discussion, the Planning Board voted to DECLINE TO GRANT the following requested waivers and will instead require compliance with its Rules and Regulations:

1. Section III, Table 1, request to install bituminous concrete curbing is denied; 6" straight faced granite curbing will be required;

Motion to deny waiver made by Bolgen;

Seconded by Turner;

Motion carried 5-0-1 with Ventresca abstaining due to ineligibility to vote.

2. Section K, request for permission not to install monuments and markers to be denied; monuments and markers shall be required at all points of change in direction or curvature of the Buckman Court layout within the limits of the frontage of the lot that is the subject of this definitive plan;

Motion to deny waiver made by Bolgen;

Seconded by Callahan;

Motion carried 5-0-1 with Ventresca abstaining due to ineligibility to vote.

3. Section L, request for permission not to install additional street lights is denied; a street light shall be required at the end of the newly-extended pavement, in a specific location approved by the Engineering Department;

Motion to deny waiver made by Bolgen;

Seconded by Callahan;

Motion carried 5-0-1 with Ventresca abstaining due to ineligibility to vote.

4. Section IV.G.8, request for permission not to install two street trees per lot is denied; two (2) trees shall be required to be installed along the lot's frontage in locations approved by the Engineering Department;

Motion to deny waiver made by Bolgen;

Seconded by Turner;

Motion carried 5-0-1 with Ventresca abstaining due to ineligibility to vote.

Motion by Bolgen that the Planning Board approve the definitive subdivision plan for property at 12 Buckman Court SUBJECT TO THE FOLLOWING CONDITIONS AND MODIFICATIONS:

1. This subdivision is being approved with the condition that this portion of Buckman Court shall remain a private way, the maintenance of which is the responsibility of the Home Owners Association and not the responsibility of the City of Woburn. Prior to endorsement of the subdivision plan, the developer must provide copies of acceptable utility easement documents as well as homeowners association (HOA) documents making the homeowners responsible for the maintenance and repair of all drainage and infiltration system components located on the property currently known and numbered as 12 Buckman Court and the infiltration chamber that will be installed in the Buckman Court right-of-way by the developer. The developer shall also submit, prior to endorsement and recordation of the plan

with the Registry of Deeds, an Operation and Maintenance Plan to the Planning Board for review and approval, which Plan meets the requirements of the City's Engineering Department relative to the drainage/infiltration systems, with the Plan to require periodic maintenance and annual inspections/documentation by the HOA;

2. That the developer shall install a concrete infiltration chamber in the Buckman Court right-of-way which chamber meets the Department of Public Works' requirements for both placement and design;
3. That the plan be revised as needed to reflect the Board's decision not to require a turnaround in this project and revised to reflect the waivers that were not granted by the Board (i.e. 6" vertical granite curbing not bituminous concrete, location(s) and installation of all required monument(s), locations and installation of two (2) street trees, location and installation of one street light and installation of an 8" water line extension down Buckman Court to service the house lot/two dwelling units rather than two 1" individual services);
4. At the completion of construction, the developer will be required to restore the pavement of Buckman Court (including utility trenches) to at least its pre-construction condition, to the extent required and as directed by the Department of Public Works;
5. Dust control measures must be employed on site at all times to ensure no undue impact on nearby residents; a proposed dust control plan must be submitted to the Planning Board for review and approval and made a part of the project file prior to endorsement of the definitive plan;
6. The hours of authorized construction activity for this project shall be Monday through Friday from 7:00 a.m. to 7:00 p.m., Saturdays from 7:00 a.m. to 5:00 p.m., and no construction activity is allowed on Sundays or holidays including Veterans Day, Patriots Day and Columbus Day;
7. The developer must submit, prior to commencement of site work and/or building demolition, proof that the services of a rodent abatement firm have been secured; and
8. Construction of all aspects of this subdivision shall be completed within two (2) years of the date the definitive subdivision plan was approved (May 22, 2020).

Motion seconded by Callahan;

Motion carried 5-0-1 with Ventresca abstaining due to ineligibility to vote.

Cassidy noted endorsement of the approved plans is contingent upon the applicant providing an adequate performance guarantee to ensure the construction of ways and installation of municipal services for this subdivision.

PUBLIC HEARING: ZONING TEXT AMENDMENT ROOFTOP DINING

Ventresca rejoined the meeting.

Cassidy stated a petition to amend Section 11.6.12 of the Zoning Ordinance relative to height limitations for certain building elements related to Rooftop Dining Facilities has been sponsored by City Council President Richard Haggerty and Alderman Michael Anderson. Cassidy recalled that the City recently considered and adopted a zoning amendment that allows the City Council to issue

special permits to allow rooftop dining facilities on buildings in the B-D district. The owner of a downtown property at 434 Main Street recently applied to the Council for this type of special permit but reported that one of the zoning provisions was unworkable.

Cassidy stated the current ordinance caps the height of certain rooftop restaurant features (elevator providing rooftop access, restroom facilities, prep stations, and services areas and the like) at ten feet (10'). These same building features are also given an exemption from the 40'/3 story height limitation otherwise applicable in the B-D District.

The building at 434 Main Street is already at the height limit at least in terms of stories, so all roof features noted above will in fact exceed the height limit. The building's owner and his architect informed the City Council that ten feet (10') will not be enough to accommodate the elevator that would provide access to the rooftop dining area.

In response Aldermen Haggerty and Anderson sponsored the pending zoning amendment which would allow the City Council to grant a special permit to authorize, at any height, equipment and structures associated with an elevator providing access to a permitted rooftop dining area.

Turner inquired as to what other types of structures or equipment could be associated with elevators and is concerned with what those other structures may be; specifically, if there is no maximum height limitation will it impact any potential further liability? Turner questioned what type of effect the structure may possibly have on residents, abutters, and traffic for example.

Cassidy stated as part of the City Council's review of the special permit application, the applicant must provide additional information to the Council on the structure, such as lighting, and must also consider the effects on direct abutting properties and the potential effect on the street.

Callahan stated the height of an elevator shaft is fifteen feet overall. Callahan noted his concern is a reference to the main roof line and no other stops beyond that and added that he thinks the associated mechanical equipment required for the elevator should be self-contained within the structure and not outside. Callahan continued to stress using the main roof line as the working level.

Edmonds opened this matter for a public hearing and asked any audience member who would like to come forward to speak to please do so at this time. No attendees stepped forward.

Motion to close the Public Hearing made by Bolgen;
Seconded by Ventresca;
Motion carried 6-0-0.

Ventresca discussed the importance of the City Council's due diligence when presented with a special permit application regarding the maximum height. He expressed potential concerns if the Board did not list specific accessory structures to be restricted, such as antennae.

Donovan questioned if satellite dishes were to be included as part of this amendment.

Cassidy stated "only elevators and associated equipment" are listed.

Turner expressed her concern with regarding the location of the elevator shafts and associated structures; their visibility to the street; safety issues; aesthetic reasons; and the difficulty of not having a specific number attached to the maximum height requirement.

Cassidy recommended the proposed amendment be adopted SUBJECT TO two recommendations:

1. That the elevator and all equipment associated with the elevator be required to be enclosed (contained within the interior of the building as opposed to being located outside of the elevator shaft/enclosure); and
2. That rather than allowing a waiver of the height requirement to an unspecified and unknown number, the Council instead determine and insert a specific number limiting the extent to which the height limit may be waived. In other words, the Board recommends replacing the 10' exemption permitted in the existing ordinance with some other, specific number to safeguard against the possibility that an offensively-tall structural element could be authorized which far exceeds the height limit otherwise established.

Motion to accept Cassidy's recommendation made by Ventresca;

Seconded by Callahan;

Motion carried 5-1-0 (Callahan, Edmonds, Ventresca, Bolgen and Donovan in favor, Turner against)

APPROVAL OF MINUTES

Motion to approve the Planning Board meeting minutes dated May 8, 2018 as drafted, made by Ventresca;

Seconded by Turner;

Motion carried 6-0-0.

PLANNING BOARD DIRECTOR'S UPDATE:

Cassidy briefed the Board on the June 12, 2018 meeting agenda noting there are five public hearings scheduled for that date and potentially two additional ones scheduled for the July meeting.

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

Cassidy provided an overview of the Baker Way subdivision that was originally approved on December 13, 2016. Developer David Baker and his Attorney Mark Salvati have requested: a) review and acceptance of an HOA declaration and bylaws document; b) establishment of the bond amount; c) review and acceptance of an executed performance bond as surety to guarantee completion of the subdivision in lieu of the Covenant and d) release of the lot from the Covenant. Cassidy stated the Engineering Department has reviewed the applicant's construction cost estimate and recommends the bond amount be set at \$44,542 which includes a 15% contingency fee. A performance bond in the amount of \$45,000 has been executed and submitted to the Board for acceptance. Additionally, both the HOA and performance bond documents have been reviewed by City Solicitor Ellen Callahan Doucette as to form.

Cassidy recommended, upon completion of properly executed HOA documents, the Board 1) set the bond amount for the Baker Way subdivision at \$45,000; 2) accept the HOA Declaration and Bylaws document subject to notarization of Mr. Baker's signature and its recordation with the Registry of Deeds by close of business on Friday, May 25, 2018; 3) accept the submitted performance bond as surety to guarantee subdivision completion of the Baker Way subdivision; and 4) release the

subdivision lot from the language of the Covenant so that it may be built upon and sold, subject to the recordation restrictions/requirements under #2.

Motion to accept the Planning Director's recommendation made by Bolgen;
Seconded by Ventresca;
Motion carried 6-0-0.

Edmonds recommended the Board takes a brief recess at 7:58 pm to relocate to the Engineering Conference Room on the lower level of Woburn City Hall for the purpose of the scheduled workshop discussion.

Motion to accept the Chair's recommendation made by Bolgen;
Seconded by Doherty;
Motion carried, 6-0-0.

Edmonds reconvened the meeting in the Engineering Conference Room at 8:06 pm.

DISCUSSION: POTENTIAL REVISIONS TO WOBURN PLANNING BOARD'S LAND SUBDIVISION RULES AND REGULATIONS

Cassidy stated the purpose of the workshop style meeting is to update the City's Subdivision Rules and Regulations and noted the Fire Chief and members of his staff were unable attend the meeting but hope to make the June 26, 2018 meeting. Cassidy discussed the map of paper streets that was printed with the help of the Engineering Department and included in the members' packets.

Callahan stressed the importance of "cleaning up" unaccepted streets and noted they are receiving City services.

Cassidy stated there is a list of unaccepted streets that do currently receive City services and added that City Solicitor Ellen Callahan Doucette is of the opinion that activities such as snow plowing are public safety issues and are not considered maintenance. Maintenance is defined as repairing potholes, for example.

Bolgen stated paper streets differ from unaccepted streets and discussed the importance of evaluating pavement width to begin the discussion amending the Board's current subdivision rules and regulations. Pavement width is the principal basis for making decisions and prioritizing what is important when the Board is faced with making decisions that involve limited right of ways and limited space.

Edmonds stressed the importance of consistent application of the rules.

Ventresca discussed the minimum right of way width may be correlated to how many lots the road may be servicing.

Callahan inquired about the turning radius of the fire trucks while noting it is important to discover what the pavement width should be for the fire department to arrive at a destination safely and with ease.

Bolgen stated the need to build in accessibility for the Fire Department and the importance of having a discussion with the Fire Department to make their jobs easier.

Cassidy stated she will invite the Fire Chief to the June 26, 2108 workshop meeting and prepare for the type of discussion they'd like to have.

Motion to adjourn the meeting make by Bolgen at 9:00 p.m.;
Seconded by Turner;
Motion carried 6-0-0.

Table of Documents used at Meeting

Planning Board Staff Report
12 Buckman Court Definitive Subdivision: List of Waiver Requests; Email from Waste Management; Revised Utility Plan & Profile and Revised Construction Details (Sheets 5 and 6); Email from Fred Russell, PE; Fire Chief Adgate email; Eng Dept email; DPW email
Public Hearing: Rooftop Dining (Height Limitations): City Council Order
City of Woburn Paper Street Map prepared by Engineering Department
Planning Department comment letters to City Council regarding Special Permit Applications
Draft Planning Board Meeting Minutes: May 8, 2018 meeting
Baker Way Subdivision: Grant of Easement document; HOA and By-Laws; Construction Cost Estimate; City Solicitor email regarding Performance Bond; Performance Bond; DPW email; Engineering Dept email; Operation and Maintenance Plan