

# APPROVED

## Meeting Minutes

June 26, 2018 Planning Board Meeting

7:00 P.M. Engineering Conference Room, Woburn City Hall

### ROLL CALL OF MEMBERS

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

Edmonds asked if the meeting was being recorded this evening. Cassidy responded the Planning Department will be making an audio recording of the meeting and it will be made available to the public upon request.

Edmonds asked if there were any ANR plans to consider this evening. Cassidy stated there were not.

### WORKSHOP DISCUSSION: POTENTIAL AMENDMENTS TO THE WOBURN PLANNING BOARD'S RULES AND REGULATIONS FOR LAND SUBDIVISION

Cassidy provided an overview of the purpose of the discussion this evening address roadway layout in the context of fire safety regulations. The thrust of the review of this portion of the subdivision rules and regulations is to explore potentially different acceptable standards for roadway layout and construction given that existing conditions may vary substantially between projects.

Cassidy further stated that it would be helpful if Fire Department staff in attendance this evening was to discuss their application of state regulations to subdivision review.

Edmonds stated that the Board's primary concern is those who must enforce public safety, such as the Fire Department staff, and thus would appreciate their perspective.

Fire Lieutenant Keith Peary stated that the state's Fire Safety Code regulation requiring maintenance of a 20-ft. pavement minimum width is primarily what they follow, although it may be that a greater width is better.

Edmonds asked whether 24-ft. with parking on either side be sufficient, without potential conflict with parked vehicles. Chief Adgate responded that a 24-ft. pavement width would be sufficient in that scenario.

Callahan asked what a standard response would be for a calls for a residential versus a commercial property (i.e., difference in building scale). Adgate responded that in all scenarios, they ensure that the access to a property is sufficient for their largest vehicle.

Peary stated that when the Board asks the Fire Department to provide comments, they will overlay the appropriately-scaled review template on the plan to ensure that the turning radius is sufficient for their largest vehicle.

Callahan stated that the Fire Dept. turning radius template should be incorporated as part of the Board's Subdivision Rules and Regulations, with the applicant demonstrating on an engineer-certified plot plans that their development will accommodate all Fire Department vehicles.

Adgate stated that the Fire Department does view and consider each plan submitted for their comments/recommendations as unique. Callahan responded that providing applicants with the template information up-front would streamline the review process.

Ventresca asked Fire Department staff how they view unique and much narrower existing roadway layouts where an emergency access turnaround is incorporated. Peary stated that the Department recognizes that many existing roadway layouts in Woburn have challenging conditions; the Fire Access code stipulates that for roadways in excess of 150 ft. in length, they may require that a turnaround is constructed (for roadways under 150-ft. in length, the practice is to simply back up onto the intersecting roadway, but it is situational).

Adgate stated that when the Department evaluates a project, regardless of the state regulation, they always ensure that it meets public safety needs for Woburn specifically.

Bolgen asked whether 24-ft. pavement width would be desirable in a residential area. Generally, the Board is faced with a policy-decision as to how much space should be dedicated to competing needs for pavement, planting strips, and sidewalks/curbing within a designated right-of-way. Peary responded that a 24-ft. pavement would theoretically be more desirable from the Fire Department's perspective, but it is above the legal minimum.

Cassidy added that a notation could be made in the Subdivision Rules & Regulations that Woburn has adopted its own standard for pavement width on a two-way roadway that is greater than the state-required minimum, which is within the Board's authority.

Adgate stated that while the Fire Department respects other considerations for roadway layout design, their primary concern is public safety.

Edmonds stated that this matter is not a public hearing, but questions may be conveyed to the Planning Director after the meeting. Cassidy added that the Board may waive its rules for public comments should it vote to do so, or that she can convey a question on behalf of the public.

Adgate stated that Fire staff have reviewed the Board's 2002 Subdivision Rules & Regulations and created a mark-up of proposed amendments, which he would be happy to submit to the Planning office. Cassidy added that she has also collected comments on potential amendments to the Subdivision Rules & Regulations from the previous Fire Chief, which she can compare to the latest Fire comments.

Cassidy stated that one audience member had a question related to the 88-92 Pearl Street matter, which she will refer to the Fire Department. Staff can provide an answer when that hearing takes place.

Ventresca asked whether there are potential standards for allowing pervious pavers. Peary responded that he does not necessarily know the weight standard for such pavers off-hand. Cassidy added that this is a specific point about which she can touch base with the Fire Department at a later time.

Cassidy stated that discussion of various Subdivision Rules & Regulations aspects is an iterative process. Planning staff will continue to touch base with the Fire Department on this specific topic.  
**88-92 PEARL STREET DEFINITIVE SUBDIVISION PLAN (ALAN R. GERRISH DRIVE, FORMERLY KNOWN AS DOUGLAS CIRCLE) (Cattle Crossing LLC)**

Edmonds and Ventresca stated that they must recuse themselves for this matter.

Turner stated, pursuant to Chapter 39, Section 23D, that she has reviewed the video for the meeting she has missed and also filed her certification form on this matter. As such, she qualifies for participation.

Cassidy stated that due to the ineligibility of two members to vote, in addition to the remote participation policy precluding a remote member from being counted as part of the quorum, the Board may not take up this matter due to the lack of participating members. As a result, this matter must be postponed to the July 10<sup>th</sup> Planning Board meeting.

### **285 LOCUST STREET DEFINITIVE SUBDIVISION PLAN (285 Locust LLC)**

Turner stated, pursuant to Chapter 39, Section 23D, that she has reviewed the video for the meeting she has missed and also filed her certification form on this matter. As such, she qualifies for participation.

Cassidy stated that this matter has been continued for discussion from the last meeting until this meeting to accommodate the drafting of a complete approval letter for the Board's consideration.

Cassidy further stated that her recommendation on this matter would be to approve the proposed definitive subdivision application, subject to the following conditions/modifications:

1. Construction must conform to the approved subdivision plan cited above;
2. The roadway is designed and intended to become a public way;
3. Prior to commencement of any activities related to construction of the way and utilities shown on the approved subdivision plan referenced above, the developer must prepare and submit to the Planning Board an easement document for the proposed drainage utility easement acceptable for recordation at the Registry of Deeds;
4. Prior to endorsement of the plan, the developer must submit to the Board of Health a copy of an environmental site assessment;
5. All utilities must be underground;
6. Any proposed change in the plans approved by this decision shall require the applicant to notify the Planning Board. Any change contemplated or required to the approved plans shall be submitted to the Planning Board for review and approval prior to implementation. If the Board deems that the proposed change is major or substantial, a new public hearing may be required;
7. Construction of all aspects of this subdivision shall be completed within two (2) years of the date of approval of the definitive subdivision plan (by June 26, 2020);

8. 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; and
9. 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.

Ventresca asked whether a letter regarding the environmental site assessment needed to be submitted to the Board of Health on this matter. Cassidy responded that a prior condition was proposed on that issue but was based on a misunderstanding; a letter does not in fact need to be submitted.

Edmonds asked about the inclusion of developing a dust control plan as a condition of approval and its effectiveness. Cassidy responded that this is a question that the Board should try to address as part of its efforts to amend the Subdivision Rules & Regulations. There needs to be more thought dedicated to enforcement capabilities and what is within the realm of Planning Board authority. To date, the Building Inspector has taken a role in some subdivision-related construction enforcement, but for matters involving subdivision roadway construction, that falls to Planning staff.

Motion to approve the Planning Director's recommendation, made by Ventresca;  
Seconded by Callahan;

Roll Call Vote:

Callahan-In favor  
Donovan-In favor  
Edmonds-In favor  
Bolgen-In favor  
Turner-In favor  
Ventresca-In favor

Motion carried, 6-0-0.

**HIGHVIEW ESTATES SUBDIVISION: EXTENSION OF CONSTRUCTION COMPLETION DATE  
(Santullo Construction)**

Cassidy provided an overview of this matter and the nature of the request to extend the timeframe for subdivision completion date from June 30, 2018 to June 30, 2019, as it is currently in litigation.

Cassidy recommends approval of the request to extend the timeframe for subdivision completion, as requested.

Motion to accept the Planning Director's recommendation, made by Ventresca;  
Seconded by Bolgen;

Roll Call Vote:

Callahan-In favor  
Donovan-In favor  
Bolgen-In favor  
Turner-In favor

Ventresca-In favor

Motion carried, 5-0-1, with Edmonds abstaining.

**APPROVAL OF MINUTES (June 12, 2018 Planning Board meeting)**

Bolgen stated that she will abstain from this vote due to the fact that she has not had the opportunity to review the meeting minutes.

Motion to approve the meeting minutes, as submitted, made by Callahan;  
Seconded by Ventresca;

Roll Call Vote:

Callahan-In favor

Donovan-In favor

Edmonds-In favor

Ventresca-In favor

Motion carried, 4-0-2, with Bolgen and Turner (due to prior meeting absence) abstaining.

**PLANNING BOARD DIRECTOR UPDATE**

Cassidy reviewed upcoming matters and public hearings for the Board's July 10<sup>th</sup> meeting, including a definitive subdivision filing for the Woburn Mall site, a rezoning Petition for a several parcels in North Woburn, a zoning text amendment relative to broadening the street naming requirement for newly-created roadways on behalf of Woburn veterans killed in action, and reconvening the 88-92 Pearl Street definitive subdivision hearing.

Edmonds asked Turner for her perspective about the legality of requiring naming conditions on a private way. Turner responded that developers must go before the Board now for approval to construct a private way in the first place.

Cassidy stated that she will also place a matter on the July 10<sup>th</sup> agenda requesting Board consideration to allow the Board Chair to endorse Approval Not Required (ANR) plans vetted by Planning staff on the Board's behalf during their summer recess.

Cassidy further stated that another potential hearing that must be scheduled is related to a revised and re-proposed text amendment to place a maximum cap on residential density in the Commerce Way Corridor Overlay District. Due to the statutory deadline for holding a public hearing, the special meeting would need to be held between July 10<sup>th</sup> and August 28<sup>th</sup>.

Callahan asked if the applications would be willing to consider an extension request on behalf of the Planning Board so that the zoning text amendment may be heard at its already-scheduled September 11<sup>th</sup> meeting. Cassidy stated that is possible; she is happy to make that request have a definitive response for the Board at its July 10<sup>th</sup> meeting.

Cassidy stated that she has received an email from Alderman Mercer-Bruen relative to an aggrieved resident abutting the Dragon Court subdivision who observed construction activity after the limited hours stipulated by the Planning Board conditions of approval, in addition to dust control concerns.

Cassidy further stated that she forwarded the emailed abutter complaint to the developer's assistant, whose response she expects is forthcoming.

Edmonds asked about the scope of the Board's enforcement authority and the options available to them, such as amending a condition of approval. Cassidy responded that amending a condition of approval is within the Board's jurisdiction, so long as it is decided in connection with a public hearing.

Cassidy stated that, in the future, she would urge that the Board not opt to vary the hours of permitted construction activity from the requirement of the city ordinance; otherwise, there is a lack of clarity and staff-power for enforcement purposes.

Cassidy stated that this discussion is just for the Board's information. She intends to provide another update to the Board at its July 10<sup>th</sup> meeting, at which point the Board can choose to take action to modify its conditions of approval or request the attendance of the developer.

Callahan stated that he thinks the Board should consider taking more directive action, particularly in the case of repeated violations at only one subdivision construction project. Construction-related issues have also surfaced at multiple project for which other developers are responsible.

Ventresca asked about the timeline for issuing a certificate of occupancy and whether this could be a factor in enforcement. Cassidy responded that she is not aware of the current status in relation to building occupancy.

Edmonds stated that his preference would be to address this issue sooner than its September meeting. Cassidy stated that she would extent the invitation to the developer to attend the July 10<sup>th</sup> meeting at the Board's request.

Motion to invite the developer of the Dragon Court definitive subdivision to the July 10<sup>th</sup> meeting, made by Callahan;  
Seconded by Donovan;

Roll Call Vote:

Callahan-In Favor  
Donovan-In Favor  
Edmonds-In Favor  
Bolgen-In Favor  
Ventresca-In Favor

Motion carried, 5-0-1, with Turner abstaining due to inability to participate in matters involving the subject developer.

Turner asked about general enforcement issues relative to the conditions of approval and how the Board should approach its authority. Cassidy stated that she will explore questions of Board authority for enforcement of subdivision conditions of approval with the City Solicitor.

Turner asked if other city staff could act as agent of the Planning Board for a code violation. Cassidy responded that the Building Commissioner has expressed that he is the agent of enforcement on subdivision construction only in instances where a building permit is involved, as opposed to only preliminary site work.

Callahan stated that enforcing subdivision conditions of approval and addressing construction activity concerns appear to be topics of conversation to explore further in the Board's amendments to its Subdivision Rules & Regulations. Violations could be potentially tied to fee-based penalties.

## ADJOURNMENT

Seeing no further business, Bolgen made a motion to adjourn at 8:06 pm;  
Seconded by Turner;

### Roll Call Vote:

Callahan-In Favor  
Donovan-In Favor  
Edmonds-In Favor  
Bolgen-In Favor  
Turner-In Favor  
Ventresca-In Favor

Motion carried, 6-0-0.

### *Table of Documents Used and/or Referenced at Meeting*

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| Planning Board Staff Report  |
| Workshop Discussion (Subdivision Rules & Regulations roadway layout): 1) Fire Department turning radius templates; 2) Copy of 780 CMR Chapter 9                                    |
| 88-92 Pearl Street Definitive Subdivision: 1) Conservation Commission Notice of Intent (city-commissioned plan and study regarding Willow Brook cleanup); 2) Draft approval letter |
| Highview Definitive Subdivision: Subdivision completion extension request letter (from Attorney Moynihan)  |
| 285 Locust Street Definitive Subdivision: Draft approval letter  |
| Draft Meeting Minutes: June 12, 2018   |

Respectfully submitted,



Dan Orr,  
City Planner/Grant Writer

