

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

Chair Dave Edmonds called the meeting to order at 7:00 pm and asked City Planner/Grant Writer Dan Orr to call the roll.

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

Edmonds stated that this meeting is being recorded by video.

Edmonds asked if there are any Approval Not Required (ANR) applications before the Board this evening. Cassidy responded that there are none.

PROPOSED ZONING TEXT AND MAP AMENDMENTS TO (i) ADD NEW SECTION 30 TO ZONING ORDINANCE ENTITLED SMART GROWTH OVERLAY DISTRICTS; (ii) REVISE THE ZONING MAP BY APPLYING THE SMART GROWTH OVERLAY DISTRICT TO 300 MISHAWUM ROAD (MAP 20, BLOCK 1, LOT 1); AND (iii) DESIGN STANDARDS APPLICABLE TO PROJECTS UNDERTAKEN IN A SMART GROWTH DISTRICT (City Council President Richard Haggerty)

Cassidy provided an overview of where this matter stands in the process of public hearings and the status of amendments to the proposed design standards and the text of the draft zoning ordinance.

Cassidy stated that the newest amendments will preclude short-term rentals and expand the draft traffic mitigation provisions. Additional modifications were made to the draft design standards in consultation with Chris Kuschel of the Metropolitan Area Planning Council (MAPC) and the Woburn Mall property owner/Petitioner (EDENS). She offered to discuss the nature of any specific amendments at any member's request.

Turner recused herself from participating in this matter and left the meeting room.

Attorney Mark Vaughn, of Reimer & Braunstein, approached the Board to represent the Petitioner. He provided an overview of his client's interest in the property, a summary of what has been presented to the Board thus far, and provided further explanation of the zoning text modifications advocated by the property owner.

Attorney Vaughn further discussed the specific amendments made to the zoning text, such as specifying that drive-throughs are allowed but intended to only be utilized for the purpose of a bank (not a fast food establishment). Additional modifications related to allowing rooftop dining by right and allowing the use of public spaces for on-site events (i.e., art/craft shows) by right, subject to permitting review by the Building Commissioner and the City's public safety staff.

Attorney Vaughn stated that his client appreciates the time and efforts offered by the Board and its staff in considering this zoning text amendment and is open to any questions as to the proposed redevelopment of the site.

Edmonds asked whether the intent is to include a specific reference to a bank-related drive-through in the zoning text. Cassidy responded that the current text of the draft zoning amendment includes a reference only to the use of a drive-through for “automated teller machines.” Vaughn added that the applicant only intends for the site to support a banking establishment and his client is in favor of incorporating zoning text that excludes a drive-through for any other use.

Ventresca asked whether the zoning text stipulating the sublease of affordable units should be stricken. Cassidy responded that the subleasing of affordable units is permitted, so long as the actual tenant meets affordability qualifications and is not considered a “short-term” renter.

Ventresca asked for clarification of the residential and commercial components onsite that must be present for the project to meet 40R qualifications. Cassidy responded that the 51% of the gross floor area must be dedicated to residential use; the actual unit count is a bit more complex. Mr. Chris Kuschel, of MAPC, approached the Board, representing the Metropolitan Area Planning Council (MAPC), to respond that the permissible number of units will depend on the amount of “developable area” according to Department of Housing and Community Development (DHCD) standards. In the case of the Woburn Mall site, it equates to approximately 280 units as the minimum required for 40R qualifications, whereas the “cap” listed in the draft text is 425 units.

Attorney Vaughn stated that the number of units would be specifically vetted during the site plan approval process as part of the Plan Approval application to the City Council. The ultimate number chosen for the official site plan is still under consideration. Mr. Keith Hague, of EDENS, added that as a result of the affordability requirements under the 40R ordinance, the developer will need a sufficient number of market-rate units to make the development work financially.

Ventresca stated that the number of units should be workable for both the applicant and the City. This discussion is to get a sense of the scale of the development proposal.

Attorney Vaughn reiterated that once Plan Approval is granted the City will be eligible for state 40R incentive payments, in addition to all of the units being eligible for inclusion on the its Subsidized Housing Inventory.

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.

PUBLIC HEARING

No members of the audience stepped forward.

Motion to close the public hearing, made by Bolgen;

Seconded by Doherty;

Motion carried, 5-0-1, with Donovan abstaining due to disqualification from participation and Turner recusing.

Cassidy began by summarizing two additional points that need to be considered prior to authorizing a final draft of the zoning ordinance. First, there is a need to find a different “backstop” for the mitigation improvements that cannot be tied to withholding occupancy permits. In addition, there is a need for a comprehensive study of the traffic and multi-modal mobility in and around the site. As a

result, it would be prudent for the Board to articulate everything that is currently missing in terms of a comprehensive analysis of traffic and mobility matters in its recommendation letter to the City Council.

Cassidy further stated that a study underway of the Commerce Way area (in partnership with the Metropolitan Area Planning Council [MAPC]) as well as an upcoming second public forum focusing on the public's desires to improve this area. The study focuses in part on long-term traffic planning in this area of Woburn as well as connectivity between parcels by motorized and non-motorized traffic.

Bolgen stated that she finds the current zoning and development proposals to be generally good and forward-thinking for the City. However, she thinks it is important for the Board to make it clear to the Council that having adequate and effective connectivity and transit connections in place will be fundamental to the success of this project and that she would support doing so by including a specific list of recommendations in the Board's formal recommendation letter to the Council.

Edmonds asked the Planning Director about a list to include in the Board's recommendation letter. Cassidy provided an overview of a preliminary list of connectivity/mobility-related improvements drafted by MAPC that could be largely adopted as part of the Board's recommendation letter.

Kuschel provided an additional overview of the efforts being recommended by MAPC to promote and encourage connections between the parcels, to consider multi-modal options available to commuters (e.g., transit partnerships), foster dialogue about shared-cost arrangements to create multi-use pathways, identify opportunities for roadway safety improvements, and to potentially implement shuttle service connections to local employment hubs and the Anderson-Woburn train station.

Edmonds asked about efforts to build connections with the Mishawum train station. Kuschel responded that the efforts undertaken for a formally-adopted transit-oriented development overlay district (working with the MBTA to modify train service as part of increased development) could be explored in the case of the Smart Growth Overlay District. Improvements to transit connections in the Commerce Way area will likely make their way into the final recommendations of the Commerce Way area study.

Ventresca stated that MAPC may want to consider utilizing an existing tunnel for connections to the Mishawum Station. Kuschel responded that this would be taken into consideration.

Ventresca stated that he is in support of drafting a list for the Council's consideration as part of its formal recommendation.

Cassidy stated that she could distribute a draft recommendation letter for the Board's consideration based on tonight's discussion for comment, or alternatively a final vote could be postponed until an upcoming meeting to allow the Planning Director to draft a complete recommendation letter in advance of a formal vote. Bolgen responded that she would be comfortable with the Planning Director submitting a recommendation letter based on Board discussion that has already taken place.

Edmonds asked the Planning Director for her recommendation. Cassidy responded that her recommendation would be for the Board to favorably recommend to the Council the following: (1) adoption of the 40R Smart Growth District zoning ordinance text, as amended through discussion; (2) the application of the 40R District to the 300 Mishawum Road site by overlaying the overlay district on this parcel; and (3) adoption of the draft Design Standards, as amended, in addition to incorporating language suggesting thorough analysis of connectivity measures in the vicinity of Woburn Mall site (with site plan approval contingent upon implementation of such measures).

Motion to adopt the Planning Director's recommendation, made by Bolgen;
Seconded by Doherty;
Motion carried, 5-0-1, with Donovan abstaining due to disqualification from participation and Turner recusing.

Turner returned to the meeting and participated in the remaining business items.

Board discussion ensued relative to commencing the next scheduled hearing relative to conversion of historic buildings or structures without full representation of the applicant. The Board opted to discuss other scheduled business matters next in the hope that the applicant's representatives would join the meeting in the meantime.

Motion to discuss subdivision matters prior to the matter of the proposed historic building conversion ordinance, made by Bolgen;
Seconded by Ventresca;
Motion carried, 7-0-0.

TUFTS ROAD (89 WYMAN STREET) SUBDIVISION: REQUEST FOR APPROVAL OF AS-BUILT AND ACCEPTANCE PLANS, RELEASE OF REMAINING SURETY POSTED TO GUARANTEE SUBDIVISION COMPLETION (George W. Gately, Jr.)

Mr. George Gately, Jr., project developer, approached the Board and stated that he is pursuing this request because he has completed construction of the Tufts Road subdivision.

Cassidy stated that a favorable recommendation has been received from the Engineering Department relative to the As-built and Street Acceptance plans. The legal description of the roadway which was also submitted has also been deemed acceptable. As such, she recommends Board accept of both plans and then vote to release the remaining surety posted to guarantee project completion.

Motion to accept the Planning Director's recommendation to accept the As-built and Street Acceptance plans, as submitted, made by Bolgen;
Seconded by Callahan;
Motion carried, 7-0-0.

Motion to release the remaining surety previously posted to guarantee subdivision completion, made by Bolgen;
Seconded by Turner;
Motion carried, 7-0-0.

BORSELLI DRIVE DEFINITIVE SUBDIVISION: REQUEST FOR ACCEPTANCE OF A COVENANT AS SUBDIVISION SURETY, OPERATION & MAINTENANCE PLAN, DRAINAGE EASEMENTS, AND HOMEOWNERS' ASSOCIATION DOCUMENTS (George W. Gately, Jr.)

Gately provided an overview of where the subdivision stands and explained that it had taken some time to have the required legal paperwork drafted following subdivision approval. His intent is to have the Plan of Record endorsed this evening and to initiate site work.

Cassidy stated that, having submitted the necessary documents to form (which have been reviewed by staff), she would recommend acceptance of the drainage easement and homeowners association documents, although it appears that a recommendation from the Engineering Department remains outstanding relative to the Operation & Maintenance Plan. Orr stated that he received email

correspondence from Mr. Rheume regarding the O&M plan review and proceeded to read aloud Engineering staff's email, dated November 13, 2018, affirming acceptability of the draft Operation & Maintenance Plan.

Cassidy stated that, with Engineering staff finding the O&M plan acceptable, she would recommend Board acceptance of all submitted documents, as well as endorsement of the definitive subdivision plan following the documents' acceptance.

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

EAST DEXTER AVENUE SUBDIVISION: REQUEST FOR ACCEPTANCE OF AS-BUILT PLAN (Seaver Construction, Inc.)

Cassidy provided an overview of the subdivision construction timeline and brought to the Board's attention an Engineering Department comment letter received by the Office indicating a couple of items for Board consideration. At issue is the fact that the retaining walls for the roadway construction appear to be sited outside of the designated right-of-way, in addition to outstanding maintenance work (sediment removal) in pre-existing manholes.

Cassidy further stated that she would not feel comfortable with the Board moving to accept the As-Built plan without having fully explored the issue of the retaining walls protruding outside of the right-of-way.

Mr. Sy Wrenn, project manager with Seaver Construction, approached the Board to clarify the right-of-way issue with the As-Built plan. He noted that, despite retaining walls being constructed outside of the right-of-way, the roadway was, in fact, constructed in accordance with the approved and signed Plan of Record and that no complaints have been received by the affected property owner within the year post-construction.

Cassidy asked Mr. Wrenn if it would present any hardship to Mr. Seaver to defer further discussion of this matter until the November 27th meeting, allowing her time to discuss any legal complications resulting from this scenario with the City Solicitor. Her intent would be to advise the Board based on her conversation at that time. Mr. Wrenn responded that he takes no issue with this approach.

Motion to continue discussion until the Board's November 27, 2018 meeting, made by Bolgen;
Seconded by Ventresca;
Motion carried, 7-0-0.

PROPOSED ZONING TEXT AMENDMENT TO ADD NEW SECTION 29 TO THE ZONING ORDINANCE ENTITLED CONVERSION OF SIGNIFICANT HISTORIC BUILDING OR STRUCTURE (Alderman Tedesco)

Cassidy provided an overview of the proposed ordinance that would enable the re-use of historic structures and is not unlike the existing zoning ordinance addressing houses of worship (via a Special Permit process).

Cassidy further stated that several amendments have been proposed since the draft ordinance was originally introduced, including an exemption from the 4,000 sq. ft. eligibility threshold for municipally-owned (or formerly municipally-owned) properties. Additionally, the intent of the ordinance is to be open-ended to allow for the most flexible adaptive re-use possible, although this is

balanced against creating a stricter ordinance allowing the Special Permit Granting Authority to make more determinations for what should be permitted.

Cassidy stated that although much progress has been made to get the ordinance in its current form, she believes it would benefit from a few additional weeks of work to tweak a few more aspects of it, such as adding requirements and methods for documentation (via scaled plans) of which elements of a building will be preserved.

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.

PUBLIC HEARING

Mr. Jon Flaherty, 28 West Street, Woburn, approached the Board as a proponent of the Petition. His subject property (the Tidd Home, located at 74 Elm Street) to which this ordinance would be applied would enable the facility to be utilized as an upgraded residential building, in addition to providing expanded office space for the Woburn Historical Society. No substantial construction/renovations are envisioned; mostly minor updating, which is a proactive measure to protect the building.

Flaherty further stated that all parking for the facility will be off-street and will entail a slight reconfiguration of the existing parking area; parking will continue to be located at the rear of the building, as will improvements for ADA compliance and general circulation.

Edmonds asked about the number of units envisioned for the facility. Flaherty responded that the unit count will remain as is at fourteen (14). Every other aspect of the building is compliant with modern building codes.

Cassidy asked if it is the intent of the property owner to age-restrict the units. Flaherty responded that the units could be age-restricted, although that may not be for certain. The units would be ideal for older single adults who are looking for an affordable place to live.

Flaherty stated that he will be able to provide some renderings and historic photos for the Board's information at an upcoming meeting.

Ventresca stated that he supports the intent of the ordinance in making a facility like the Tidd Home more viable, but it is also important to consider how this ordinance will be applied to the entire City and as such should be tweaked appropriately.

Flaherty stated that one of the questions that may be raised is how the building would be utilized in the event that the Historical Society is dissolved. It may be that the Historical Society's non-profit status would exclude it from the same requirements of a commercial tenant. Cassidy responded that the concept of providing office space for an organization like the Historical Society needs to be further explored and vetted by the Building Inspector based on the definitions of the zoning code. If it must be differentiated from the residential use, it would need to be incorporated into the draft zoning ordinance text (as currently drafted, the text only references residential uses).

Cassidy stated that she would recommend continuance of the public hearing on this matter until the Board's November 27, 2018 meeting at 7:00 p.m.

Motion to accept the Planning Director's recommendation, made by Bolgen;
Seconded by Doherty, for discussion.

Doherty asked Cassidy if she believes two weeks would be a sufficient amount of time to resolve and finalize the necessary tweaks to zoning ordinance, as discussed this evening. Cassidy responded that she believes it would be.

Motion carried, 7-0-0.

APPROVAL OF MINUTES: October 23, 2018 Planning Board meeting

Motion to accept the meeting minutes, as drafted, made by Doherty;
Seconded by Callahan;

Motion carried, 5-0-2, with Turner and Donovan abstaining due to absences at the October 23, 2018 meeting.

PLANNING BOARD DIRECTOR UPDATE

Cassidy posed to the Board their options for what would be on upcoming agenda on November 27th. In addition to the zoning text amendment on historic structures, she could place a couple of subdivision matters on the agenda to address upcoming expiration dates (i.e., Baker Way and/or Pearl Street), or they could be deferred to the December 11th meeting. Doherty responded that he would propose placing both subdivision matters on the December 11th agenda.

Callahan stated that he would like clarification on what the status of the Kristen Woods subdivision regarding the notation found on the subdivision spreadsheet. Cassidy responded that she would need to research what the notation indicates and provide clarification to the Board at their next meeting. In addition, staff will need additional time to explore all remaining uncompleted subdivisions to determine the nature of the outstanding work, as well as identify all subdivision for which the amount of the bond retained by the City is exceeded by the cost of completion (in today's dollar amounts).

Edmonds asked for clarification about the Board's enforcement authority for subdivisions regulations. Cassidy stated that she would need more time to explore this question further. For example, the Building Commissioner would not have the authority to enforce a regulation of the Planning Board; only city ordinances. It may be that "stop work order" authority is vested in the Planning Board, such as the Conservation Commission, but she will need to consult with the City Solicitor on that question.

Bolgen stated that the City Charter is also relevant in this conversation, because the Planning Board's authority is ultimately derived from the original language that enables it as a body and goes beyond the Planning Board's Subdivision Rules & Regulations.

Ventresca stated that he recalled a project in which the Planning Director did not sign off on an occupancy permit, which seemed to be their only recourse. Cassidy responded that this is no longer applicable given that the City Council is now responsible for Special Permitting. The Planning Office also does not sign off on occupancy permits in the case of subdivisions.

Edmonds asked if there was any further business for the Board to attend to. There was none.

ADJOURNMENT

Seeing no further business, Bolgen made a motion to adjourn the meeting at 8:34 pm;
Seconded by Doherty;
Motion carried, 7-0-0.

Meeting adjourned at 8:34 pm.

Table of Documents Used and/or Referenced at Meeting

Planning Board Staff Report
Staff Report Attachment: Copy of the proposed amendments to the Design Standards
Staff Report Attachment: Copy of the proposed (revised) text amendment for a new Section 30 (Smart Growth Overlay District)
Staff Report Attachment: Planning staff edits and comments (dated 11/2/2018) to draft Section 29 (Conversion of Significant Historic Buildings)
Staff Report Attachment: Revised version of draft Section 29 amendment from Alderman Anderson
Staff Report Attachment: Tufts Road letter of request for acceptance of as-built and acceptance plans and a legal description of the roadway
Staff Report Attachment: East Dexter Avenue letter of request and As-built plan (revised)
Staff Report Attachment: Updated subdivision spreadsheet of completion dates
Draft Planning Board Meeting Minutes: October 23, 2018

Respectfully submitted,

Dan Orr

Dan Orr
City Planner/Grant Writer