

APPROVED

Meeting Minutes

September 11, 2018 Planning Board Meeting
7:00 P.M. | City Council Chamber, Woburn City Hall

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

ROLL CALL OF MEMBERS

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

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

Alderman Tedesco approached the Board to provide an overview of the proposed text amendment. This was proposed as a result of the recent sale of the historic Tidd Home facility in Woburn. The proposal is modeled after a similar ordinance that was adopted in the City of Lowell. If adopted, the measure would provide a mechanism that would strengthen review by the local Historical Commission.

Ventresca stated that he is supportive of the idea of ZORC to address concerns of historical preservation, but he is also supportive of maintaining the workshop structure that is currently the practice of the Planning Board.

Edmonds stated that the Board wanted to due diligence to review the implications for the ordinance and consider how the concept of historical preservation can be applied appropriately across the city.

Edmonds asked Alderman Tedesco if he knew how many units would be proposed for the Tidd Home facility. Alderman Tedesco responded that 14 studio units are proposed (age-restricted for individuals aged 55 and older).

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.

Edmonds asked the Planning Director for her recommendation on this matter.

Cassidy stated that the proposed zoning amendment is a worthwhile effort and concept but there needs to be more consideration given to broad-based discussion on the conversion of other historic structures across the City. There would seem to be many potentially worthy of consideration. This would appear to be a good topic for ZORC, but because this body is not currently active, its reinstatement would require a continuance of this matter to a more distant meeting date to allow the Council formally re-authorize ZORC to meet.

Cassidy further stated that she would recommend a motion from the Board that would authorize her to request that the Council consider re-authorizing ZORC. Otherwise, this matter would be put on the October 9th meeting agenda for continued discussion.

Edmonds stated that he recalls that ZORC was very helpful in the past, taking up discussion of these types of zoning issues in a more appropriate venue (workshop format).

Bolgen stated that she is in agreement to attempt to re-authorize ZORC, but in the meantime it would be appropriate for the Planning Board to continue to discuss this matter.

Ventresca stated that he is also in support of re-authorizing ZORC, but because this topic has been met with opposition from the Council in the past, it may be better suited to Planning Board workshop meetings. It will require deeper consideration and discussion than just a one-night meeting.

Turner stated that she is in agreement as well to advocate for holding a ZORC meeting and inquired as to how the reconstitution of ZORC would take place. Cassidy responded that it would likely take at least a couple of months for the Council to take this matter up for discussion due other pending business but she was told that it would in fact be taken up at some point in the coming months.

Cassidy stated that her ultimate recommendation would be for the Board to permit her to compose a letter to the Council recommending the matter be referred to a zoning ordinance review committee if the Council is inclined to reconstitute that committee in the near term. She also stated she would recommend the public hearing on this matter be continued to the Board's October 9th meeting.

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

PROPOSED ZONING TEXT AMENDMENT TO REPLACE THE EXISTING DEFINITIONS OF FLOOR AREA, GROSS AND FLOOR AREA, NET IN SECTION 2 OF THE ZONING ORDINANCE WITH DEFINITIONS FOR THESE TERMS FOUND IN THE 2015 INTERNATIONAL BUILDING CODE (Alderman Tedesco)

Alderman Tedesco approached the Board to explain that he requests that the Board consider continuing this matter until a future meeting to allow enough time to clarify the proposed text amendment after additional conversations with the Building Inspector and the Planning Director.

Motion to continue this matter until the Board's October 9th meeting at 7:00 pm, made by Bolgen
Seconded by Callahan;
Motion carried, 7-0-0.

PROPOSED ZONING TEXT AMENDMENT TO REVISE SECTION 5.7.5.3 OF ZONING ORDINANCE TO PERMIT DAYTIME PARKING OF VEHICLES WITHIN A MANDATED BUFFER ZONE TO A RESIDENTIAL ZONING DISTRICT (Alderman Tedesco)

Alderman Tedesco approached the Board to provide an overview of the proposed text amendment, which arose after having a conversation with the Building Inspector, who indicated that it would seem to be an appropriate change (to accommodate passenger vehicle parking in a required buffer zone during the day).

Callahan asked for clarification as to whether this is a developer-requested proposal. Alderman Tedesco responded that it is not.

Callahan stated that he does not believe this would represent a positive zoning text change.

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. Chris Owen, Florence Terrace, approached the Board to state that he is against the proposed zoning amendment because it would be detrimental to the general area. Further, it is his opinion that any reference to allowing parking within a buffer zone at any time should be excluded from the zoning code entirely, as it is in conflict with the general intent of a buffer zone.

Mr. Tim Swain, 29 Dragon Court, approached the Board to state that he is in agreement with Mr. Chris Owen in opposing this zoning change.

Mr. Owen stated that in the past, when given the option for waiving a buffer zone requirement, the Council opted to reduce it to zero.

Motion to close the public hearing, made by Bolgen;
Seconded by Doherty;
Motion carried, 7-0-0.

Edmonds asked the Planning Director for her recommendation. Cassidy responded that her recommendation is that the Board recommend to the City Council that the proposed zoning amendment not be adopted. It may well be appropriate to consider alternatives to the current buffer zone language but not via this proposal.

Ventresca asked whether a waiver is permitted for properties during daytime hours. Cassidy responded yes, but the Council's ability to waive the required buffer zone is currently only applicable to very specific properties that have been rezoned after a certain date.

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

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 approached the Board to provide an overview of the process of organizing and developing the application for a 40R District and clarified the overarching goals of the zoning change. What is envisioned for the site is a mix of residential and commercial uses, with a limitation of 20 residential units/acre. If adopted, the current proposal would formally recognize the Smart Growth Overlay District, apply it to the Woburn Mall site in the form of a zoning map change, and adopt formal design standards for the site. The development proposal for the site would go through a separate City Council approval process.

Cassidy further reviewed the state-level review required of the 40R district, which is done by the Department of Housing and Community Development (DHCD).

Edmonds asked for clarification on the allowance of potential height of an eventual development at the 300 Mishawum Road (Woburn Mall). Cassidy responded that the 8-storey height allowance is consistent with the Commerce Way Corridor Overlay District.

Edmonds asked about the rationale for proposing an 8-storey building on the site, questioned its appearance from the roadway, and requested clarity on the affordable housing offerings. Cassidy responded that permitting an 8-storey building would enable developer to reduce the building footprint resulting from increased density. In addition, the residential structure, which would comprise the tallest component, is proposed to be set back the farthest from the roadway. Finally, should the 40R district be adopted by both the City and State, all of the units would be counted as "affordable" under 40B with a 25% set-aside.

Ventresca stated that he believes there is a lot of development current proposed for the Mishawum Road area currently and is curious as to what is envisioned for municipal first responder services, as this has come up in the past and should not be overlooked in the process of developing the vision for this area. Cassidy responded that she is not currently aware of an expansion of emergency services in that part of the city but is something that she will confirm.

Mr. Chris Kuschel, of the Metropolitan Area Planning Council (MAPC), Boston, approached the Board to explain that consideration for first responder services is certainly a factor that can be taken into account in finalizing the opportunities section of the zoning text.

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

Fire Chief Adgate approached the Board to address the public safety response questions that were raised this evening. A feasibility study is planned to evaluate the possibility of constructing a new fire station. Currently, the location is not necessarily ideal from the standpoint of fire prevention. However, he believes the Fire Department is in a position to improve this scenario.

Mr. Chris Owen stated that there should be a comprehensive traffic analysis prior to permitting a development due to the number of planned residential units in the vicinity.

Fire Chief Adgate stated that he is still confident in the Fire Department's abilities to respond to this area right now (they are still in compliance with the National Fire Protection Association [NFPA] standards for response times). However, as traffic congestion worsens due to increased development, it will present more of a challenge.

Bolgen asked the Planning Director for a status update on this matter and the potential for additional time for Board consideration. Cassidy responded that there is nothing necessitating the public hearing on this matter be closed this evening and the Board can certainly continue this matter to its October 9th meeting.

Edmonds asked about the availability of materials for the proposal. Cassidy responded that both the zoning text and design standards have been provided to the Board. And if they have not already been posted to the Planning Office webpage, they will be within 24 hours.

Bolgen asked what the intent of the ordinance would be and what the City would hope to gain from this type of development. Cassidy provided an overview of the goals of the City from encouraging this kind of development versus what is preliminarily planned for the Kraft site. In sum, the Woburn Mall site would support the vision of both the City and the developer to create a mixed-use model in which transit,

residential and commercial uses are in relative proximity to each other. The site design, commercial offerings, and design preferences are also being guided by feedback received from a public meeting held earlier in the year.

Bolgen asked if the development vision was more in-line with “Assembly Row” in Somerville and for clarity on what drove the residential emphasis. Kuschel responded that “Assembly Row” is a good analogy on a larger scale, but the vision is based primarily on creating a neighborhood environment that incorporates substantial affordable housing at a relatively high density.

Bolgen asked for an explanation of the different types of map rezoning initiatives and what is driving the different focuses of their uses. Cassidy responded that the Kraft Site was not necessarily a good candidate for a 40R District, if only for the fact that it is much larger site that would have permitted 1,000 new units of residential and additional commercial development.

Cassidy further stated that the Woburn Mall site’s smaller scale still requires justification of its appropriateness in terms of an independent review of the developer’s eventual traffic analysis. She stated the City has set aside funds to hire a consultant to assist the City’s Engineering Department in proactively identifying existing conditions, peer review of the developer’s traffic study and assessment of potential mitigation measures.

Bolgen asked the what type of feedback would be most useful from the Board at this stage of the proposal. Cassidy responded that she would appreciate the big picture perspective of the Board and welcomes feedback from members as well on the details of the proposal for discussion at the October meeting.

Bolgen stated that she would support incorporating this topic into a workshop session in lieu of the discussion of the Subdivision Rules and Regulations given its importance to large-scale planning in the City. Cassidy stated that she is willing to accommodate that request and will plan to schedule this matter for discussion at the Board’s September 25th meeting.

Callahan stated that there needs to be consideration given as to how this rezoning aligns with the Master Plan, as well as thought given to aspects such as broader public safety, multi-modal transit, and the timeline in which development will occur in and around the 300 Mishawum Road site.

Cassidy stated that a number of the details mentioned this evening will be addressed by the equitable Transit Oriented Development (eTOD) study currently underway on a separate track. Additionally, many of the important details will be fleshed out only if/when a specific development proposal is submitted post-rezoning.

Ventresca asked whether the zoning freeze obtained through a prior subdivision application affects this rezoning in any way. Cassidy responded that there really is not any impact to the current zoning proposal; the developer will be committing to a higher affordable housing component (25%) than required by 40R or the City’s current affordable housing requirement (20%).

Motion to continue the public hearing on the proposed 40R District for the Woburn Mall site until the September 25, 2018 at 7:00, made by Bolgen;
Seconded by Ventresca;
Motion carried, 7-0-0.

DRAGON COURT (GARVEY ROAD) SUBDIVISION: REQUEST FOR EXTENSION OF SUBDIVISION CONSTRUCTION COMPLETION DATE (Robert W. Murray, Trustee of Dragon Court Trust)

Ms. Carolyn Turner recused herself from participating in this matter.

Attorney Tarby approached the Board to present the request to the Board to extend the subdivision completion date from September 1, 2018 to September 1, 2019.

Edmonds asked how long ago this subdivision was approved and whether there is assurance from the developer that work will be completed by September 1 of next year. Tarby responded that the subdivision was approved in 2013 without an initial completion date. Work has been ongoing with utilities and the roadway largely installed and nine of the ten duplexes under construction or complete. Installation of other site features, such as lighting, sidewalks, curbing, pavement and the swale is forthcoming, which the developer is assured he can complete before next September.

Bolgen asked for an estimation of the remaining active construction time as well for an estimation of the amount of time to submit as-built plans and similar activities not involving construction on site.

Mr. Robert Murray, of Murray Hills LLC, Burlington, and subdivision developer, approached the Board. He responded that he has closed on 5 units; 6 of the 10 duplexes are 95% finished with 3 others being "side-walled." He expects active construction time, including road-paving and sidewalk installation, to be complete by the end of November.

Planning Director Cassidy stated that her recommendation would be for the Board to grant the requested extension of the subdivision completion date from September 1, 2018 until September 1, 2019.

Motion to accept the Planning Director's recommendation, made by Doherty;
Seconded by Ventresca;
Motion carried, 6-0-0, with Carolyn Turner recusing.

DOWNNS COURT SUBDIVISION: REQUEST FOR EXTENSION OF SUBDIVISION CONSTRUCTION COMPLETION DATE (Fred Cialdea, Trustee, CCW Realty Trust)

On behalf of the developer, Cassidy provided an overview of the request to extend the construction completion date. The request for the extended completion date is from May 11, 2018 until June 30, 2019, including construction time and submission of the required as-built and street acceptance plans.

Cassidy further stated that her recommendation is for the Board to grant the requested extension to the subdivision completion date to June 30, 2019.

Motion to accept the Planning Director's recommendation, made by Doherty;
Seconded by Bolgen, for discussion regarding clarification of the work completed. Cassidy stated that she believes the developer is currently working on the approved house lot as well as the road.

Bolgen asked about the amount of work that remains to be completed regarding home construction so that she can make a determination of an appropriate timeline to consider. Cassidy responded that a substantial amount of roadwork remains but staff will need to inquire for further clarification of extent of home construction completed to date and provide more information for the Board's consideration of this request at its September 25th meeting.

Motion to approve the Planning Director's recommendation, withdrawn by Doherty;
Second withdrawn by Bolgen.

Turner asked for clarification about the requested completion date extension. Cassidy responded that the request was made to the developer to include a final completion date, although it did not happen to make it into the current letter. Staff will request a revised letter with a specified final completion date.

APPROVAL OF MINUTES: July 31, 2018 Planning Board meeting

Edmonds asked if members had reviewed the minutes.

Motion to approve the July 31, 2018 meeting minutes, as submitted, made by Callahan;

Seconded by Turner;

Motion carried, 6-0-0, with Edmonds abstaining due to absence at the meeting.

PLANNING BOARD DIRECTOR UPDATE

Planning Director stated that the next Board meeting is scheduled for September 25th and will include the 300 Mishawum Road (Woburn Mall) 40R rezoning proposal and further discussion of the requested completion date extension for the Downs Court subdivision.

ADJOURNMENT

Seeing no further business, motion to adjourn at 8:24, made by Bolgen;

Seconded by Turner;

Motion carried, 7-0-0.

Table of Documents Used and/or Referenced at Meeting

Planning Board Staff Report
Staff Report Attachment: Proposed Section 29 Zoning Text Amendment Petition (conversions of historic structures)
Staff Report Attachment: Proposed Section 2 Zoning Text Amendment Petition (definitions for "Floor Area, Gross" and "Floor Area, Net")
Staff Report Attachment: Comparison of Former and Proposed Definitions (definitions for "Floor Area, Gross" and "Floor Area, Net")
Staff Report Attachment: Proposed Zoning Text Amendment Petition to Revise Section 5.7.53 (daytime parking provision)
Staff Report Attachment: Copy of proposed Zoning Text and Design Standards Documents for the 40R Smart Growth Overlay District (Woburn Mall site located at 300 Mishawum Road)
Draft Meeting Minutes: July 31, 2018

Respectfully submitted,

Dan Orr

City Planner/Grant Writer