

APPROVED
Meeting Minutes
October 9, 2018 Planning Board Meeting
7:00 P.M. | City Council Chambers, Woburn City Hall

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

ROLL CALL OF MEMBERS

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

ANR 109 RUSSELL STREET

Director Cassidy provided an overview of the Approval Not Required (ANR) application for 109 Russell Street. The owner/applicant, Oldham Nominee Trust, proposed to subdivide the roughly 2.5-acre parcel so the existing house is on a smaller lot. The proposed lot that holds the existing house has sufficient land area (12,008 sq. ft.) and 100' of frontage on Russell Street, although a small portion of the frontage is included in an easement taken in the 1950's by the County Commissioners for sloping purposes. Earlier in the week, Attorney Joseph Tarby of Murtha Cullina provided a copy of the easement to verify that it does not preclude legal access over the frontage. The remaining land in the back, labeled Lot 307 and 310 on the Plan, not included in the house lot has been labeled as "not a separate building lot."

Motion to approve the ANR plan as one not requiring approval under the Subdivision Control Law made by Doherty;
Seconded by Turner;
Motion carried 6-0.

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

Director Cassidy noted this a continuation of the Public Hearing that was first opened on September 11, 2018 and requested 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 Alderman Tedesco. Cassidy noted she has scheduled a meeting for next week with Inspector Tom Quinn and Alderman Tedesco to finalize the definitions and the language of the proposed amendment.

Motion to continue this matter until the Board's October 23rd meeting at 7:00 pm, made by Ventresca,
Seconded by Doherty;
Motion carried, 6-0-0.

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

Cassidy noted this is a continuation of the Public Hearing that was originally opened on September 11, 2018 and it would permit the conversion of certain historic buildings and structures to residential use by way of a City Council Special Permit. The amendment was submitted by Alderman Tedesco on behalf of Mr. John Flaherty, who has an agreement to purchase the Tidd Home at 74 Elm Street. Attorney Joseph Tarby, who represents Mr. Flaherty, has noted his client is anxious to get this amendment on the books as soon as possible. The former Tidd Home is located in a residential zoning district (R-2) and Mr. Flaherty hopes to redevelop it into 14 dwelling units.

Cassidy stated the current office workload has precluded her from spending any meaningful time drafting revisions to broaden the scope of applicability of the amendment and emphasized the importance of advocating that the City consider creating one ordinance that addresses the conversion of *any* historic building or structure, rather than creating another zoning overlay district for a single project. The proposed amendment excludes from consideration an unknown number of potentially equally-worthy historic buildings, such as the Wyman School, Central Square Fire Station, and church rectories from eligibility via some of the thresholds included in the draft Ordinance. Cassidy stated that Attorney Tarby and Alderman Anderson were not able to submit a rough draft of revisions to the Board in time for this evening's meeting, and she therefore recommended the Board consider continuing this public hearing to the December meeting based on the amount of work that remains to be done.

Edward Tedesco, Alderman Ward 6, stated there was a preliminary draft sent out and he, along with Alderman Anderson, were reviewing before sending it to Director Cassidy.

Cassidy stated she was not opposed to continuing the hearing to November 14th if the material is submitted for review in sufficient time. Cassidy added there is no time limit for the Board to make a decision, as it is the Board's duty to make a recommendation to the City Council within 21 days of the close of the Board's Public Hearing and the hearing is still open

Turner suggested continuing the hearing to the November meeting, then if necessary, continuing it again to the December date.

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 continue the Public Hearing made by Turner.

Motion withdrawn by Turner asking to hear from the Director first.

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

Cassidy recommended the public hearing on this matter be continued to the Board's November 13, 2018 meeting at 7pm.

Motion to accept the Planning Director's recommendation made by Doherty;
Seconded by Callahan;
Motion carried, 6-0.

BORSELLI DRIVE II SUBDIVISION (26-28 KILBY STREET)

Developer George Gately, Jr. approached the Board and stated he would like to request an extension of the development's construction completion date as he needs additional time to install a natural gas line. He explained he applied to National Grid for a permit in November 2016 and was told to expect an installation date of March 2018; that date was moved to June 2018 before the gas company went on strike and the work remains to be done. He emphasized he would prefer to wait for natural gas. He added that all the sewer work is done, and water mains, hydrants, and drains installed. The electrical work will be done by the end of October 2018.

Chair Edmonds asked Gately to expand on his request for a two-year extension.

Gately stated he still needs to build the homes once the gas is installed. The gas needs to be installed before he can complete the road, create legal frontage, and have a legal roadway.

Cassidy recommended the Board grant the extension of the requested completion date for the Borselli Drive II subdivision to June 14, 2020.

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

30 WYMAN STREET (WATSON LANE) SUBDIVISION

Developer George Gately, Jr. stated the subdivision is 100% complete, light poles, curbing, sidewalks, road is topped, street signs are in, guardrail complete, and driveways topped.

Cassidy concurred with Gately's comments and stated the Engineering Department has provided the Board with a memo indicating the subdivision has been constructed in substantial conformance with the approved plan and both the As-Built and Acceptance Plans are representative of conditions on the ground and are accurate. Cassidy stated the developer has a remaining bond of \$130,490 which is due to him.

Cassidy stated that based on the letter the department has received from the Engineering Department, staff recommends that the Board accept the As-Built and Acceptance Plans, forward the Acceptance Plan to the City Council, and vote to release the remaining bond amount of \$130,490 back to the developer because the work in the subdivision is now complete.

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

EAST DEXTER AVENUE DEFINITIVE SUBDIVISION

Cassidy stated the developer indicated the subdivision construction work is complete and subsequently provided an as-built plan for Board review and approval. The Engineering Department reported that the As-Built Plan that was submitted is inadequate and will require revision before it would be acceptable.

Cassidy recommended that no action be taken on this matter this evening and she will instead place this item on a future meeting agenda after the revised plans have been submitted and found acceptable to the Engineering Department.

Motion to accept the Directors recommendation made by Doherty;

Motion seconded by Callahan;

Motion carried, 6-0.

LEGACY LANE DEFINITIVE SUBDIVISION

Cassidy stated the City Solicitor has reviewed the HOA and Easement documents and found them acceptable; however, they may need further amendment as the developer, Frank Michienzi, is attempting to purchase a small piece of property that is currently part of the right of way of Middle Street that will provide enough land area for a fourth building lot. Due to a surveying error in the approved subdivision plan that wasn't discovered until after Board approval, the developer currently only has enough land for three lots. The small parcel was appraised by the city and is currently out to bid for 30 days. If the developer obtains the small parcel, he will have enough land for the fourth buildable lot necessitating the documents to be revised in the future. Cassidy added the Engineering Department will require the submission of interim As-Built Plans for field verification so that it in turn can provide a recommendation to the Board relative to the amount of the bond that should be posted to guarantee completion. The developer is anxious to post a bond so that the covenant can be released and so he can obtain the necessary building permits. Cassidy recommended the Board vote to lay the matter on the table for a future meeting.

Motion to accept the Director's recommendation made by Doherty.

Seconded by Ventresca;

Motion carried 6-0.

APPROVAL OF MINUTES

Motion to accept the draft Planning Board Minutes from the September 25, 2018 meeting made by Doherty;

Seconded by Turner;

Motion carried 4-0-2 with Donovan and Ventresca abstaining.

PLANNING BOARD DIRECTOR UPDATE

Cassidy stated the October 23rd meeting will see the continuation of two Public Hearings including the Woburn Mall proposal and Gross and Net Floor definitions. Cassidy also asked Board members to review the proposed meeting dates for 2019.

Next, Cassidy stated that earlier in the meeting the Public Hearing was not opened for the proposed text amendment on replacing the existing definitions of Gross and Net Floor Area and felt it would be appropriate to ask if any audience members would like to make comments.

Motion to withdraw the motion that was made to continue the public hearing to October 23, 2018 to replace the existing definitions of Gross and Net Floor Area made by Ventresca;

Chair Edmonds opens the public hearing and asks if any audience member would like to speak on the matter.

PUBLIC HEARING

No members of the audience stepped forward to speak.

Motion to continue the Public Hearing to October 23, 2018 at 7:00pm made by Ventresca;
Seconded by Doherty;
Motion carried 6-0.

Callahan suggested mandating an update from the developers six months before the expiration of their subdivision completion dates. He also requested a list of open subdivisions and the status of their completion dates.

Cassidy stated a list will be provided at the next meeting.

ADJOURNMENT

Motion to adjourn the meeting made by Doherty at 7:30pm;
Seconded by Turner;
Motion carried, 6-0.

Table of Documents Used and/or Referenced at Meeting

Planning Board Staff Report
Staff Report Attachment: ANR Application 109 Russell Street / Oldham Nominee Trust
Staff Report Attachment: Borselli Drive (G.W. Gately) letter of request to extend construction completion date
Staff Report Attachment: Watson Lane (30 Wyman Street) As-Built and Acceptance Plans and Letter of Request to approve plans and release remaining surety posted to guarantee subdivision completion
Staff Report Attachment: Developer Seaver's letter of request to accept As-Built Plan and Plan
Staff Report Attachment: Developer Michienzi request to set bond amount, review HOA and Easement documents as well as Tri-Partite Agreement as surety
Planning Board Special Permit letters to City Council
Draft Planning Board Meeting Minutes September 25, 2018

Respectfully submitted,

Karen Smith

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