

APPROVED

MEETING MINUTES

April 10, 2018 Planning Board Meeting
7:00 P.M. | City Council Chambers, Woburn City Hall

Chair pro tem Kevin Donovan called the meeting to order at 7:00 p.m. and asked City Planner/Grant Writer Dan Orr to conduct a roll call of members.

ROLL CALL OF MEMBERS

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

Donovan noted for the record that this meeting is being recorded.

74 KILBY STREET ANR (Roy Cudmore)

Turner recused herself from consideration of this matter.

Cassidy provided an overview of the Approval Not Required (ANR) application. The applicant proposes to divide an existing lot into two parcels creating one net new building lot. Lot 1 will retain sufficient land area and frontage on both Kilby Street and Cummings Avenue, whereas Lot 2 will contain the required land area and frontage on Cummings Avenue.

Cassidy stated that Cummings Avenue has not in fact been accepted as a City street and the question remains as to whether the Board would endorse the ANR; since Cummings Avenue is not a public way or one approved under the Subdivision Control Law, members would have to determine that the way provides adequate vehicular access and utility connections to serve the intended use.

Bolgen asked the Planning Director for clarification on the question of construction standards. Cassidy responded that, upon review of the plan's scaling, Cummings Avenue's current roadway width varies between approximately 18' to 22' over the course of the existing parcel's frontage.

Bolgen stated that she is not necessarily comfortable with a street width of 18'. Her impression is that if the Board does not find the current roadway to be sufficient, then it may have to go before the Board as a subdivision but asked the Planning Director her interpretation. Cassidy responded that a subdivision plan is an option, but based her past experience in Beverly, and the Board's and Solicitor's interpretation, an applicant in another case was entitled to an ANR endorsement only after the affected portion of a private roadway was sufficiently widened over the course of the property's frontage. The determination/ANR endorsement was made based on the condition of the roadway at the time of ANR application filing, post-improvement.

Bolgen asked about the number of houses that exist on Cummings Avenue aside from the subject property. Attorney Salvati, 10 Cedar Street, approached the Board representing the applicant, to respond. There are 7 existing home fronting directly on Cummings Avenue, with 3 additional homes that utilize Cummings Avenue to access their driveways. This is demonstrated on an Assessors' map.

Salvati further stated that he has come across construction and roadway layout plans referencing Cummings Avenue, which are dated 1957 and 1889, respectively. It is also listed as a public way in the Engineering

Department's State records and the City provides snow removal and trash services as well. He is not certain that it would be repaved by the City however.

Salvati asked whether it may be possible to condition the approval of the ANR on his client's paving to increase the roadway width. Bolgen responded that she has never seen a conditioned ANR and is not even certain that it is permitted.

Bolgen stated that her concern is primarily whether the roadway is currently constructed adequately; she is not comfortable signing off on the ANR plan without having seen it in person. If the Board does not find it adequate, questions of how to address the situation remain (i.e., should it be accepted by the City?). Despite other existing substandard roadways in Woburn, the Board should not perpetuate this.

Bolgen asked the Planning Director whether she has ever come across a conditional ANR. Cassidy responded that she has not, and she is not certain whether it is legally possible.

Bolgen stated that it is her understanding that adding a condition to an ANR plan would not be enforceable, in addition to the fact that conditioning an ANR would take it out of the realm of being an ANR as intended.

Salvati stated that he would be willing to allow the Board time to examine the roadway. Bolgen responded that she is agreeable to this approach.

Cassidy stated that the Board has sufficient time to allow for members to take a site visit to Kilby Street if they so choose and to take this matter up at their April 24th meeting.

Bolgen stated that she would appreciate if the Planning Director would consult with the City Solicitor as to how to approach this scenario of an ANR and whether some form of condition is possible.

Salvati stated he could further explore historical records to prove that the roadway is considered a public way.

Callahan stated that he would be supportive of incorporating a condition prohibiting further subdividing of the subject parcel.

Ventresca stated that the adequacy of a public way is pretty clearly defined. He personally feels that it is adequate but the decision should be based on a legal standard definition.

Donovan asked Cassidy for her recommendation on this matter. Cassidy stated that her recommendation is to table Board discussion on this matter review until the Board's April 24th Planning Board meeting to allow for further research and site visits.

Motion to table discussion on this application made by Bolgen;
Seconded by Callahan;
Motion carried, 4-0-0, with Turner abstaining.

DOUGLAS CIRCLE DEFINITIVE SUBDIVISION (88-92 PEARL STREET) (Cattle Crossing LLC)

Turner returned to the meeting.

Ventresca recused himself from consideration of this matter.

Attorney Patty DeAngelis, Murtha Cullina, 99 High Street, #20, Boston, addressed the Board and provided an overview of the subdivision components on behalf of the Petitioner.

Attorney DeAngelis further reviewed the waivers being requested by the Petitioner. These include: reduction in the cul-de-sac right-of-way width from the required 110' to 84'; reduction in the cul-de-sac pavement width from 86' to 64'; to permit the construction of a sidewalk on only one side of the roadway; and to forego water line looping.

Attorney DeAngelis further stated that since the Board last heard this matter, meetings have taken place on behalf of the applicant with the Department of Public Works (DPW) Superintendent and the City Engineer relative to issues of hydrant relocation, sewerage connection, pavement width increase to 26', as well as grinding/inlaying of 100' for roadway construction. The applicant takes no issue with these recommendations.

Attorney DeAngelis further stated that the DPW Superintendent takes no issue with the proposed sidewalk on one side of the roadway so long as a concrete driveway apron is provided, the sidewalk is ADA compliant and crosswalks are provided in the vicinity. These elements have been added to the revised plan, in addition to a street light.

Attorney DeAngelis further stated that the project engineer has provided individual responses to all Departments' comments at this point and that the only comment that appears unaddressed is related to the line-of-sight concern at the intersection of the proposed Alan R. Gerrish Drive and Pearl Street.

Mr. Thad Berry, project engineer, approached the Board to make the request to continue the public hearing on this matter to allow the applicant to make contact with the Engineering and Police Departments to better address this issue.

Cassidy stated, for background, that the Engineering Department previously noted that the line of sight in the southerly direction was substandard (a site distance graphic illustrated a rough distance of 148' whereas 200' is required in accordance with the Board's regulations). The Board asked staff to seek further input from both the Police and Engineering Departments. Police Department personnel conducted a site visit and reviewed the current and proposed sight distances and confirmed that there were deficiencies in the southerly sight distance at different times of day and at various vehicle speeds.

Cassidy further stated that Police staff have offered to work with the applicant to perhaps conduct a concurrent site visit for re-measurement and also indicated that slight reconfiguration of the proposed roadway (to the north) could make a significant difference in improving the sight distance.

Cassidy stated that a continuance of this public hearing could be considered appropriate to allow the applicant the opportunity to address this issue.

Callahan asked how the applicant would be able to overcome the sight distance deficiency. Attorney DeAngelis responded that the sight distance issue is closely tied to speed of the vehicles; at lower speeds the sight distance primarily presents an issue during nighttime hours during most speeds. Additional roadway signs may also help to mitigate safety issues.

Attorney DeAngelis asked the Board whether the Board could vote on waivers separately from the vote on subdivision approval. Bolgen responded that it is not a practice of the Board to vote on waivers separately from project approval because they are considered as a whole.

Bolgen further stated that she is unlikely to support a project that creates line-of-sight deficiencies.

Donovan 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.

Seeing none, Donovan asked the Planning Director for a recommendation. Cassidy responded that her recommendation is to continue to the public hearing until May 8th to allow the applicant additional time to address the line-of-sight issue.

Motion to continue the public hearing until the May 8th Planning Board meeting at 7:00 p.m., made by Bolgen;
Seconded by Callahan;
Motion carried, 4-0-0, with Ventresca recusing.

PETITION TO AMEND THE ZONING ORDINANCE BY REVISING SECTIONS 5.1 AND NOTE 15 TO SECTION 5.1 REGARDING REGULATION OF ACCESSORY STRUCTURES (Alderman Edward Tedesco)

Ventresca returned to the meeting.

Alderman Tedesco approached the Board to provide an overview of the proposed ordinance. Based on a recently-submitted building permit application received by the Building Inspector, it appeared appropriate to make a modification to the 5.1 Table of Uses to ensure that all Accessory Uses under line 55 and 56 (i.e., private garages, pool house, sheds, etc.) are all subject to the same condition described in Note 15, which requires a Special Permit for structures in excess of 900 square feet.

Tedesco further stated that, based on a conversation with the City Solicitor, the intent of the special permitting requirement for structures larger than 900 square feet is to ensure that no private, unlicensed business is being conducted on the premises and as such is appropriate to apply to all accessory residential structures.

Cassidy provided an overview of the amendments that she suggests be incorporated into the proposed ordinance. The amendments are intended to ensure consistency and comprehensiveness as it relates to zoning code definitions and avoiding conflicts in current code language, such using the term "structures" as opposed to "buildings," adding to the examples of accessory structures, and permitting accessory structures in the I-P, I-P2 and I-G districts under the same special permit conditions (they are prohibited under the current code).

Cassidy further stated that revising the Section 5.1 Table of Use Regulations wording for uses 55 and 56 could also allow for the elimination of Note 15 altogether. This would eliminate the current S-2 district exemption from Special Permit review for these uses, but that does not appear to be problematic.

Tedesco stated that his added amendment would be to add the language "but not limited to" to the Section 5.1 Table of Use Regulations to ensure that other structures not specifically included in the illustrative list will be subject to the provision.

Donovan 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.

Seeing none, Donovan asked the Planning Director for a recommendation. Cassidy responded that her recommendation is for the Board to recommend City Council adoption of the proposed zoning text amendment SUBJECT TO (a) the addition of the revisions proposed by Planning staff embodied in the document called "alternative text revisions to accessory structures zoning amendment," and (b) the addition of the phrase "but not limited to" to lines 55 and 56 of the Section 5.1 Table of Use Regulations after the words "such as."

Motion to close the public hearing, made by Ventresca;
Seconded by Bolgen;
Motion carried, 5-0-0.

Motion to adopt the Planning Director's recommendation to recommend City Council adoption of the proposed zoning text amendment with the further amendments suggested by the Planning Director and Councilor Tedesco made by Ventresca;
Seconded by Bolgen;
Motion carried, 5-0-0.

RUSSO ESTATES DEFINITIVE SUBDIVISION (William Scire)

Attorney Salvati approached the Board to provide an update on the subdivision stating that surety is now in place by virtue of a Tripartite Agreement (TPA) which has been executed by the bank and the developer. The TPA now must be accepted by the Planning Board and the request to extend the subdivision completion date considered.

Bolgen inquired about the houses being constructed adjacent to the YMCA and their connection to Mr. Scire. Salvati responded that Mr. Scire is the contractor on that project, not the developer. He is responsible for the site work for that project in particular.

Bolgen asked for clarification that Mr. Scire intends to complete much of the home construction by the end of the summer. Attorney Salvati responded that this is correct.

Ventresca inquired about any further neighborhood complaints received by the City. Cassidy responded that there have been none over the past several months but that is likely due to the lack of construction activity.

Donovan asked the Planning Director for a recommendation. Cassidy responded that she would recommend acceptance of the TPA as surety to guarantee subdivision completion and to extend the completion date of the subdivision to January 30, 2019.

Motion to accept the Planning Director's recommendation, made by Ventresca;
Seconded by Bolgen;
Motion carried, 5-0-0.

APPROVAL OF PRIOR MEETING MINUTES: March 27, 2018 meeting

Motion to approve the March 27, 2018 meeting minutes, as submitted, made by Bolgen;
Seconded by Turner;
Motion carried, 4-0-1, with Ventresca abstaining due to prior meeting absence.

PLANNING DIRECTOR'S UPDATE

Cassidy reviewed the upcoming public hearings that will be before the Board and stated that she will be meeting with the City Solicitor in the coming days to review language conflicts that seem to have arisen with existing Overlay Districts as they relate to the proposed zoning amendment that would establish a maximum residential density for all districts except "Downtown Business" (B-D).

Cassidy further stated that the April 24th Planning Board meeting will take a split venue format in which the zoning amendment public hearing will take place in the Council Chamber to be followed by Board's workshop session taking place in the Engineering Conference room after a brief recess.

Ventresca stated for the record that he has submitted his public hearing certification form in order to participate in the maximum residential density zoning amendment discussion.

ADJOURNMENT

Seeing no further business, motion to adjourn at 7:47, made by Bolgen;
Seconded by Callahan;
Motion carried, 5-0-0.

Table of Documents Used at Meeting

Planning Board Staff Report
74 Kilby Street ANR Application: Copy of ANR Plan
88-92 Pearl Street (Alan R. Gerrish Drive) Definitive Subdivision Application: 1) Copy of engineer responses to department comments (dated March 21, 2018); 2) Line-of-sight illustration; and 3) Staff memo to Engineering and Police Departments requesting their review of lines-of-sight
Proposed Zoning Text Amendment (modifications to Section 5.1 Table of Use Regulations and Section 5 [Note 15] for accessory structures): Draft Order
Russo Definitive Subdivision: 1) Final TPA for Board's signature; and 2) Developer's request for subdivision completion date extension, accompanied by revised timeline
Draft Meeting Minutes: March 27, 2018

Respectfully submitted,



Dan Orr,
City Planner/Grant Writer