

# Approved Meeting Minutes

April 24, 2018 Planning Board Meeting  
7:00 P.M. | City Council Chambers, Woburn City Hall

## ROLL CALL OF MEMBERS

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

Edmonds asked all present to silence all cell phones and noted the meeting is being recorded.

## SUBDIVISION APPROVAL NOT REQUIRED / 74 KILBY STREET / Roy Cudmore

Turner recused herself from this matter.

Cassidy provided an overview of this plan stating the owner of land at #74 Kilby Street intends to divide a parcel containing a total of 32,700 sq. ft. of land to create two (2) lots (one [1] net new building lot). Newly-created Lot 1 will contain 17,700 sq. ft. and retain the existing frontage on Kilby Street, whereas Lot 2 will contain 15,000 sq. ft. of land and possess 150' of frontage on Cummings Avenue. It must be noted that while Cummings Avenue is not an accepted City street, the applicant's attorney has submitted information documenting that ten (10) residences currently use Cummings Avenue as their means of access. No non-buildable lots nor any non-conformities will be created as a result of this plan.

This plan was initially reviewed at the April 10<sup>th</sup> meeting but consideration was tabled as at least one member wanted to view the site to see the roadway first-hand for the purposes of determining its adequacy and secondly, members asked staff to investigate the possibility of imposing conditions on an ANR endorsement, in case the Board finds the existing variable roadway width of Cummings Avenue insufficient.

Cassidy stated that City Solicitor Ellen Callahan Doucette informed her that a Planning Board has no authority to "conditionally" endorse an ANR plan. In the case of this particular filing, that means a member being asked to find that Cummings Avenue is of "*...sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon....*" must be able to make that finding/reach that conclusion based on the "on the ground conditions" existing on the day the vote is being cast.

Attorney Mark Salvati, representing applicant Roy Cudmore, stated he personally measured the width of the street and it is 19' wide and he noted DPW Superintendent Jay Duran confirmed the same measurement. Attorney Salvati added that Duran confirmed the DPW plows and patches Cummings Avenue and the current houses are hooked up to water and sewer and receive all city services but the road is not listed as an accepted street.

Bolgen stated she drove by and down Cummings Ave. and feels it is an adequate way. She noted it receives city services and she would be comfortable endorsing this ANR.

Ventresca confirmed that he has driven on Cummings Ave and feels it is an adequate way.

Callahan stated the importance of the need to require the developers to help improve roadways when they appear before the Board looking for considerations for their projects.

Motion to approve the ANR plan as one not requiring approval under the Subdivision Control Law made by Bolgen;

Seconded by Ventresca;

Motion carried, 5-0-1 (Turner recusing).

**PUBLIC HEARING (continued): PROPOSED ZONING TEXT AMENDMENT TO ESTABLISH MAXIMUM RESIDENTIAL DENSITY REQUIREMENT OF TWENTY (20) UNITS PER ACRE FOR ALL ZONING DISTRICTS EXCEPT B-D (DOWNTOWN BUSINESS) DISTRICT**

Turner returned to the meeting.

Ventresca stated he was absent for the initial Public Hearing segment on March 27, 2018 but he completed the Missed Hearing Certification Form and is eligible to participate in this Public Hearing.

Cassidy recalled the public hearing on this proposed amendment was opened at the Board's March 27<sup>th</sup> meeting and continued to this evening and stated the amendment is intended to establish a 20-unit per acre maximum residential density on any parcel in the City except for those in the B-D (Downtown Business) zoning district. Cassidy summarized several of the questions the Board had after their discussion during the previous meeting:

- a. Will the amendment as currently worded actually apply to projects in the three overlay districts listed below and if so, how?
  - The Commerce Way Corridor Overlay District (CWCOD) allows multi-family housing with no maximum number of units specified; the overlay district text also has a provision stating that if a property owner exercises his rights under the overlay district, *"...they shall be subject to all CWCOD requirements and shall not be permitted to revert to the underlying zoning district regulations."*
  - The Technology and Business Overlay District allows up to 150 multi-family units by right and up to 300 by special permit/site plan review; the overlay district text contains a provision stating *"This Section (ss 28) of the Zoning Ordinance exclusively controls the establishment, development, and design of any development undertaken at any TBOD and supercedes any other provision of the zoning ordinance. In the event of any conflict between the provisions of this Section and any other provision in the zoning ordinance, the provisions of this Section shall govern and control."*
  - The Upper Main Street Overlay (UMS) District allows multi-family housing with no maximum number of units specified; the overlay district has a provision stating *"The provisions of the UMS shall only apply to projects using the criteria set forth herein. Any building, structure or use of land that is not part of a UMS development proposal shall maintain the rights and privileges of the underlying district without modification by the UMS."*
- b. Will the proposed amendment create conflicts with any of these overlay districts which currently specify a (perhaps different) maximum residential density:

- The Woburn Loop Bikeway Greenway Overlay District (permits 1 unit for every 3,600 sq. ft. of gross lot area);
- The Intergenerational Overlay District (permits 1 bedroom/1,000 gross lot area not including the area assigned to rivers or canals on the lot);
- The Mishawum Station Transit Oriented Development Overlay District (permits 1 unit for every 1,000 sq. ft. of gross lot area); and
- The Conversion of Houses of Worship Overlay District (permits 1.5 units for every 1,000 sq. ft. of the house of worship's first floor gross floor area).

Cassidy stated that she met with Alderman Anderson and City Solicitor Ellen Callahan Doucette on April 6<sup>th</sup> and again on April 12<sup>th</sup>. The City Solicitor confirmed that with respect to all of the overlay districts, the "exemptive" language of the respective overlay districts (and not that of the pending amendment) would control. This means the 20 units/acre cap would not apply to any project approved in accordance with the provisions of the overlay districts listed in "a." and "b." above.

Planning staff also discovered several terms used in the Zoning Ordinance that are residential-type uses: Assisted Living, Assisted Living/Continuing Care, Congregate Elderly Apartments and Hospital, Extended Care Facility. These uses would be subject to the 20 units/acre cap unless a further amendment is made.

Ventresca stated the proposed amendment sounds good when you first read it, but as Cassidy has demonstrated, the devils are in the details. Ventresca praised Cassidy for her due diligence and commended her for her excellent research and analysis. He added he is in favor of the idea of waiting until the Metropolitan Area Planning Council (MAPC) completes its study of the area of the Woburn Mall and the Commerce Way Overlay District before proposing a density cap for that area.

Callahan asked for clarification regarding the effect of the proposed amendment on the Business District.

Cassidy confirmed that the density cap would not be imposed on any Business District (BD) zoned lots.

Edmonds opened the Public Hearing and asked if any audience members would like to come forward and speak either for or against this proposal. No one stepped forward to speak.

Motion to close the public hearing made by Bolgen;  
 Seconded by Doherty;  
 Motion carried, 6-0-0.

Motion to adopt the Planning Board's Director's recommendation (as outlined in the staff report) made by Bolgen;  
 Seconded by Turner;  
 Motion carried, 6-0-0.

### **PLANNING DIRECTOR'S UPDATE**

Cassidy stated the draft agenda for the Board's next meeting on May 8<sup>th</sup> includes public hearings on 88-92 Pearl Street (also known as Alan Gerrish Drive), 12 Buckman Court, and rezoning of a parcel on Garfield Ave. from industrial to residential.

Among topics needing discussion is the scheduling of a public hearing relative to a zoning amendment just introduced by Councilor Haggerty. The amendment would amend the recently-enacted zoning change allowing rooftop dining. Cassidy added the recently-enacted ordinance allows elevator-related structures to project "above" the maximum building height by 10'. The restaurateur has applied for the necessary special permit but has discovered that the 10' height exception is not enough. The amendment would allow such structures to exceed the height limit by any amount. The Board agreed to hold the public hearing on this proposed amendment at the May 22, 2018 meeting.

Bolgen stated she may be out of town for the May 22, 2018 Planning Board meeting but may possibly participate remotely.

Edmonds called for a 15-minutes Board recess at 7:24 pm so that the Board can relocate in the Engineering Conference Room on the lower level of Woburn City Hall for the purpose of the scheduled workshop discussion.

Cassidy recommends the Board make a formal motion to recess the meeting to reconvene in the Engineering Conference Room in fifteen minutes.

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

#### **DISCUSSION: POTENTIAL REVISIONS TO WOBURN PLANNING BOARD'S LAND SUBDIVISION RULES AND REGULATIONS**

Edmonds reconvened the meeting in the Engineering Conference Room at 7:41 pm.

Cassidy stated the purpose of the workshop style meeting is to update the City's Subdivision Rules and Regulations.

Bolgen summarized the importance of discussing what type future development for the community the Board envisions. Does the Board foresee the need to plan for bigger or smaller rights of way? Does the Board want to focus on the environment? Transportation? Bolgen stated these issues, among others, should be considered when updating the Subdivision Rules and Regulations. Cassidy stated the Board will most likely be seeing small, odd-shaped lots in the future as the majority of the larger parcels have already been developed.

Edmonds commented that most developers in Woburn are trying to maximize the foot print of the lots.

Ventresca discussed the trend of single family houses being replaced with duplexes. He stressed the need to consider what we envision and the fact that certain ideas work in certain areas.

Edmonds stated that a selling point in Woburn is the proximity to Routes 93 and 128.

Ventresca stated the area of Commerce Way needs improvement, specifically related to pedestrian access and safety.

Callahan stated the need to review and discuss roadway and pavement widths. He also discussed the fact that single family houses are being replaced with duplexes doubling the traffic and creating twice the use of city services. Callahan went on to discuss the issue of building out paper streets and quite often they are not creating ideal situations for public safety.

Ventresca asked for clarification on the legality of a paper street.

Bolgen stated the developer must build it out as the Board requires in its approval and stressed that safety is an issue and we must provide safe adequate access for the residents. Bolgen noted the increase in public safety by simply adding 4' of pavement width.

Doherty inquired as to how a constructed paper street becomes an accepted city street and Cassidy responded the City Council must vote to accept the street as a public way.

Doherty noted the importance of rules and regulations and the Board should be saying no to the developers that appear before them requesting a list of waivers. Doherty discussed developers asking for a 20' pavement width waiver and receiving a comment letter from the Fire Department stating they have no issue with the waiver request and suggested it would be beneficial to invite Fire Chief Adgate to a meeting.

Cassidy stated it would be a better world for our public safety vehicles if they did not have to drive over lawns and it would be helpful if all departments understood and agreed with the standards the Planning Board is setting by adopting updated roadway layouts.

Edmonds questioned if Cassidy would be able to identify any open land in North Woburn by reviewing aerial GIS maps and she responded that she may be able to work with the Engineering Department to provide an estimate by the next workshop meeting. The Board would also like information regarding paper streets and a rough estimation of the number of potential lots associated with them, particularly in the North Woburn area.

Callahan asked Cassidy if she could obtain the turning radiuses along with other fire truck specs as this information would be helpful in reviewing pavement width requirements.

Bolgen stated the Board must begin their review of the Subdivision Rules and Regulations by considering what types of pavement widths to require, along with grass strip requirements. She feels the Board needs to have discussions with the Fire and Police Departments to begin the process. Bolgen added the Board is responsible for safety and the need to plan better for the future.

Edmonds suggested inviting Chief Adgate, and possibly his fire prevention folks, to the next workshop meeting.

### **ADJOURNMENT**

Motion to adjourn the meeting made by Bolgen at 8:36 pm;  
Seconded by Turner;  
Motion carried, 6-0-0.

*Table of Documents Used at Meeting*

Planning Board Staff Report
74 Kilby Street ANR Application: Google Map photos of Cummings Avenue; Copy of Plan
Proposed Amendment 20 Units/Acre: List of potential conflicts/issues relative to application
Discussion of revisions to Planning Board Subdivision Rules and Regulations: Three hand drawn sketches depicting potential layout ideas
Dragon Court/Garvey Road: Email chain to/from abutter regarding concern with possible violation of permitted work hours
Departmental Letters: Special Permit Recommendations written to City Council by Planning Board Staff
Draft Meeting Minutes: April 10, 2018

Respectfully submitted,



Karen Smith  
Planner