

COMMITTEE ON ORDINANCES, CHARTER AND RULES
JANUARY 29, 2018 AT 6:08 p.m.
COMMITTEE ROOM
WOBURN CITY HALL

Voting Members:

Present: Chairman Michael Anderson, Alderman Michael Concannon, Alderman Darlene Mercer-Bruen, Alderman Lindsay Higgins and Alderman Mark Gaffney.

Non-Voting Members:

Present: Alderman Richard Gately, Alderman Joanne Campbell, President Richard Haggerty, and Alderman Edward Tedesco

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On the Order to amend the Woburn Zoning Ordinances by adding “Rooftop Dining” to the table of uses in the B-D zoning district: Chairman Anderson said the are other components to the Rooftop Dining legislation that were not listed on the agenda and will to be brought up on the floor of the Council for a vote once the public hearing resumes on February 6. Alderman Concannon referenced a report form the Planning Board which recommended the proposed zoning amendment not be adopted due to concerns centered around safety. He said there are also concerns about noise that can be addressed. Alderman Concannon said the safety concerns are in regard to someone falling off of a roof, but he thinks those concerns can be addressed and the legislation should be passed. Chairman Anderson said the safety concerns have been addressed through setback requirements of railings at least 10 feet from the front and 4 feet from the back and sides of the building. Chairman Anderson allowed noise could be a big issue and the legislation indicates rooftop dining must be curtailed by 10:30 p.m., and the Council can mandate an earlier closing hour via a condition to the special permit. President Haggerty said there is a special permit requirement to give the Council flexibility to make that kind of determination. Chairman Anderson said live entertainment will not be permitted unless the City Council authorizes it. President Haggerty said the Council may opt to allow live entertainment until only 7 p.m. for a 6-month trial period to see how it goes. He said the outdoor concert series at Marlowe Park has been a great success and rooftop dining be a new, hip option that could bring more business to the downtown section. President Haggerty said Planning Director Tina Cassidy did a lot of work to craft the legislation. He said the building inspector was also involved. President Haggerty said the License Commission will have a great deal of authority over rooftop dining. Alderman Concannon asked if there are any other concerns. Chairman Anderson said neon signs and banners advertising alcohol will not be allowed, nor will decorations more than 8 feet above the rooftop. He said there will be no hot tubs allowed. Chairman Anderson said he thinks allowing portable heaters during cool weather might be a good idea. Chairman Anderson said any storage of alcohol on a rooftop will be under lock and key. He said that is included in the other sections of the legislation that were not included on the agenda. Alderman Concannon asked Director Cassidy what some of the other concerns were from the Planning Board. Director Cassidy said there was discussion about whether someone might flip a beer bottle off the roof, but she noted there has been outdoor alcohol service for years at the Brickyard in Woburn Square and no one has ever thrown a beer bottle into the street and the crowd is generally well-behaved. Director Cassidy said there were members of the Board

who think it is a good idea and will bring more people to downtown Woburn. Alderman Higgins asked if there are any other cities besides Boston that have rooftop dining ordinances. Director Cassidy said the only community they could find was in Florida and it was difficult finding specific regulations for rooftop dining. Alderman Gaffney said the Beauport Hotel in Gloucester offers rooftop dining. Alderman Campbell asked if the Council wanted to consider not allowing alcohol to be served in glass receptacles. Alderman Gaffney noted beer is sold in plastic bottles. Alderman Higgins suggested beer could be served in plastic cups. She noted that if anyone throws a beer bottle onto the street, they are going to get kicked out of the establishment. President Haggerty said theoretically someone could pick up a chair and throw it onto the street, and there has to be a level of trust with the license holders. He said he expects there will be baby showers and the like to be held as rooftop events and serving champagne in plastic flutes would cheapen the experience. Alderman Mercer-Bruen agreed a restaurant is not the place to serve beverages in plastic cups. Chairman Anderson said he expects the entire proposal will be brought out on the floor of the City Council for a vote on February 6, and the Committee could send the matter “back for action.” Alderman Concannon said the Planning Board noted the rooftop dining ordinance lacks a clear connection to a comprehensive downtown plan, but he said it is part of a plan for downtown and rooftop dining is another feature that could attract people to the downtown. Director Cassidy said the concern about the lack of a connection to a comprehensive downtown plan was mentioned by one member of the Board who did not elaborate. Chairman Anderson said there have been discussions about whether there ought to be a maximum number of restaurants that are allowed to offer rooftop dining since no one wants the city to become a honky tonk, and the number can be controlled by the special permit requirement. President Haggerty said there are not a lot of places that could offer rooftop dining, and the Council will have an opportunity to review each application. Motion made by Alderman Concannon and seconded by Alderman Mercer-Bruen to send the matter “back for action;” approved, 5-0.

Proposed amendments to Conservation Use Area Restrictions: Alderman Tedesco said he has reviewed a memo written by City Solicitor Ellen Callahan Doucette on the subject, and a subsequent memo written by Conservation Administrator Theresa Murphy explaining some of updates to the language in Title 12, Article VII to the Woburn Municipal Code. Motion made by Alderman Mercer-Bruen and seconded by Alderman Tedesco to receive and make part of the permanent record memoranda by City Solicitor Callahan Doucette and Administrator Murphy and make them part of the permanent record; approved, 5-0. Motion made by Alderman Mercer-Bruen and seconded by Alderman Higgins that the version of Title 12, Article VII of the Woburn Municipal Code as amended by Administrator Murphy “ought to pass,” approved, 5-0.

Jamieson Properties, amendment to Zoning Map, 14-14R Federal Street, from B-D to FS/SGOD; and, Jamieson Properties, amendment to Woburn Zoning Ordinances by adding Section 31, Federal Street Smart Growth Overlay District: Appearing for the petitioner were Attorney Joseph Tarby, Murtha Cullina, 700 Unicorn Park Drive, Woburn, and Glenn Morris, Morris Architects, 33 Murray Road, West Newton. Attorney Tarby said his clients are unable to attend the meeting due to a family issue. He said there are some issues with the petition that need to be addressed and he does not expect any action from the committee tonight. Attorney Tarby offered some revisions to the original document dated January 5 and revised by the Planning Board on January 10. Attorney Tarby said the first revision is on page 11, Section 31.3.1, and that this client has agreed with the Planning Director’s recommendation to strike the

phrase “and the standards and/or procedures for the underlying zoning shall not ...” On pages 17-18, Attorney Tarby cited the Jamieson property at 44 Montvale Avenue and suggested it would be appropriate to put 5 percent of the units off-site. In Section 31.8.1, he noted the parking requirements are 1.25 per unit and his client can live with that number. Chairman Anderson asked Attorney Tarby if he is accepting Planning Director Cassidy’s recommendation of 1.25 parking spaces per unit. Attorney Tarby reiterated he is. On Page 21, Attorney Tarby said he would like to keep the ratio of 30 percent for off-street parking spaces for compact cars. Mr. Morris said if 70 percent of the spaces are set aside for full-size cars, the ratio of parked vehicles will not be 70 percent since there aren’t that many full-size cars on the road anymore. Mr. Morris said he drives a Yukon Denali that he can fit into a compact space. Alderman Higgins said it’s fine to get vehicles into compact spaces but it can be hard get out of a little sedan in a compact space. On Page 23, Attorney Tarby said he agrees with the recommendation that portable to movable signs ought to be restricted. On Page 38, Attorney Tarby said Section 31.2.4 would allow the council to waive certain dimensional requirements. Chairman Anderson asked if Section 31.2.4 really belongs there and if it should be a separate item. Attorney Tarby said he appreciates the time the Planning Board spent on the issue. He referenced a memo from Director Cassidy and said items #7 and #8 in the memo would be discussed at the approval stage. Alderman Concannon asked Attorney Tarby if his client is opposed to item #8 in the memo, which references the petitioner asking the council for the elimination of three parking spaces in the Abbott Street lot in order to access the parking garage under the residential portion of the building. Attorney Tarby replied his client has no objection. Chairman Anderson suggested seeking a legal opinion from City Solicitor Ellen Callahan Doucette about the codicil that requires approval of the ordinance by state Dept. of Housing & Community Development. Motion made by Alderman Concannon and seconded by Alderman Higgins to ask City Solicitor Callahan Doucette “Can the City Council approve the legislation to create the Federal Street Smart Growth Overlay District (FS/SGOD) subject to approval by the state Dept. of Housing & Community Development, and if it is not approved by DHCH, the Ordinance would become void?;” approved, 5-0. Chairman Anderson noted the density of the project is 190 units per acre, more than double the density at the Fitzgerald Tile project on Commerce Way. In response to a question from President Haggerty, Chairman Anderson said the Mill Street 40B project has a density of 22 units per acre and the Presidential Way 40B project has a density of 20 units per acre. Attorney Tarby noted 25 percent of the units would be affordable, and the city will get affordability credit for all 48 units in the project. Alderman Campbell asked if the developer is adding another story on top, as she thought they were digging down. Mr. Morris said they only could dig down another foot, due to the ramps in the parking area. Alderman Campbell asked if the building will have 100 percent coverage of the lot, like a building at the intersection of Prospect and High streets which she said literally takes up every inch of the lot. Mr. Morris replied there will be a narrow strip of land between Federal Street and the Abbott Street lot. He added the residential building will have setbacks along all four sides but he’s not sure exactly what the distances are. Attorney Tarby noted if the project was built under the terms of the B-D zoning district, 100 percent lot coverage would be allowed and his client is going to include setbacks. Chairman Anderson said the B-D district allows for 100 percent lot coverage but there would have to be retail on the first floor. Alderman Campbell inquired about the height of the building. Mr. Morris said it will be 58 feet from Federal Street, and about 7 feet less from Abbott Street. Alderman Campbell asked if it will be the highest building in the Woburn Square area. Mr. Morris replied the church is higher and the Library Place housing complex is higher. In

response to a question from Alderman Mercer-Bruen, Attorney Tarby said his client will have to undertake a parking study and would probably prefer to recreate the three parking spaces referenced in Director Cassidy's memo. Alderman Tedesco noted the cost of the three parking spaces is \$13,500, not \$9,500 as referenced in the memo. Alderman Campbell asked her colleagues if they are comfortable with the density of the project. Alderman Mercer-Bruen replied she is concerned about the density. Alderman Concannon said parking would not be as much of an issue if there were fewer units. Mr. Morris said the studio units will be about 500-square-feet and the 1-bedroom units will be about 800-square-feet, and the Federal Street project will have fewer bedrooms than the project on Commerce Way. Alderman Gately said he likes the project, though he allowed it is a little bit dense. He said the project will enhance the downtown area and have a good impact on the commerce. He said this is the type of project the council is looking for to attract people to Woburn Center. Alderman Gaffney noted most of the parking will be under the building and he likes the notion all the units will be counted toward the city's affordable housing quotient. He said the people who live in the building will be using public transportation. In response to a question from Alderman Higgins, Mr. Morris said the parking ratio is greater than it is for a prototypical 40R project like one in downtown Reading which requires one space for every 1.2 units. Alderman Higgins asked if visitors will use the parking spots in the garage. Mr. Morris said anyone who travels to the building will likely use the spaces in the garage, and the off-site spaces will be left vacant. Alderman Campbell asked if all the units will have windows. Mr. Morris said windows are required in the building code. Alderman Campbell asked if any municipal parking areas will be taken up during construction. Mr. Morris said most of the construction will be confined to the Federal Street lot and the construction itself will mostly consist of the installation of modular units. Chairman Anderson said he is concerned about the density of the project and the parking component. He said he would like to keep all the parking on-site. He said the matter will be left in Committee and he expects the Committee to meet again before the Council's second regular meeting in February. Alderman Campbell referenced a petition for 371 Main Street with two units that do not have windows. Mr. Morris reiterated windows are required under the building code. Chairman Anderson said the Committee will meet again in two weeks.

Motion made by Alderman Concannon and seconded by Alderman Mercer-Bruen to adjourn. Chairman Anderson adjourned the meeting at 7:04 p.m.

A TRUE RECORD ATTEST

Gordon Vincent
Clerk of Committees