

COMMITTEE ON ORDINANCES, CHARTER AND RULES
JUNE 13, 2018 AT 6:11 p.m.
CITY COUNCIL CHAMBERS
WOBURN CITY HALL

Voting Members:

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

Non-Voting Members:

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

Also present: Planning Director Tina Cassidy

Motion made by Alderman Mercer-Bruen and seconded by Alderman Concannon to take the
Ordinance, Charter & Rules Committee meeting out-of-order from the posted agenda; approved,
4-0.

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Sports Management Services, Inc. to amend the Zoning Map by changing the zoning district for parcels of land on Garfield Avenue from R-2/I-G to R-2: Representing the petitioner were Attorney Patricia DeAngelis, Murtha Cullina, 600 Unicorn Park, Woburn, MA, Thomas Koslowski of Sports Management Services Inc, 41 East St., Winchester, MA, and Carlton Quinn, Allen & Major Associates, 100 Commerce Way, Woburn, MA. Attorney DeAngelis told the committee her client is seeking a zoning change so the entire parcel will be R-2. She said if the zoning change is approved, her client will file a definitive subdivision plan with the Planning Board. She said she has read a memorandum from Planning Director Cassidy about a possible overlay district being created at her client's site but she is not sure what that would accomplish. Chairman Anderson said one of the concerns is that Mr. Koswloski filed two years ago for a zoning change to R-3. He said the council has a more welcoming attitude to an R-2, but there are still concerns about access from Medford Street and increased traffic. He said Attorney Joseph Tarby, Attorney DeAngelis' colleague, had expressed at a previous committee meeting a willingness to provide the city with a covenant that will give the council a level of comfort. Alderman Gately said he has examined the proposed plan and there is no reason to believe Mr. Koslowski will change the plan if the zoning change is approved. He said Mr. Koslowski has a right to use his land, and that he has paid taxes. He said people have used the site as a dumping area. He said he does not know how many times he's called the DPW. He said Mr. Koslowski has cleaned his property at his own expense. Alderman Gately said he thinks this is the best option for the property. He said he does not want to see an industrial building there. Attorney DeAngelis said she went through the file from the 2016 zoning petition that was withdrawn and the revised plan reflects comments that were made at the time. She said the revised plan reflects what was asked of her client. Alderman Gately said another issue brought up by the neighbors was auto accidents. Alderman Gately said he inquired with the Woburn Police Dept. about crash data and said he was told there has not been an accident at the intersection of Belmont Street and Garfield Avenue for five years. Alderman Gately presented a

document entitled "Accident Status Report" for accident data on Garfield Avenue from January 1, 2013 to June 12, 2018. Motion made and seconded to receive the aforementioned document regarding crash data and make it part of the permanent record; approved, 4-0. Motion made and seconded to send a copy of the aforementioned document regarding crash data to the petitioner's attorney; approved, 4-0. Alderman Mercer-Bruen said she believes the plan before the committee is a much better plan, but added there is nothing that legally binds the petitioner to the plan if the council approves the zoning change, and unless she's given some level of comfort the plan will be carried out as submitted, she will not support the zoning change. Alderman Gately said he agrees 100 percent with Alderman Mercer-Bruen and that it will be easy to add a covenant. Mr. Quinn noted the plan before the council is a conceptual plan and there may be a need to make some modifications. He said the plan meets all the zoning requirements, but his client would like some flexibility to tweak the plan. Chairman Anderson said the main issue is how to lock the petitioner into providing access from Garfield Avenue. Director Cassidy said the Planning Board rather than making a formal recommendation suggested something other than a re-zoning by way of an overlay district, which unlike a conventional subdivision plan allows the city to negotiate a buffer zone and off-site improvements. She said the Planning Board has very limited jurisdiction over those sorts of things. She said the city created an overlay district at the former St. Joseph's Church site on Washington Street, which allowed the city to incorporate very specific criteria into the ensuing special permit. Alderman Mercer-Bruen asked if there are any other neighborhoods that might be affected by the creation of an overlay district. Director Cassidy said there are other areas in the city where overlay districts could be created, but anyone seeking to create an overlay district would have to come before the City Council. She said it is hard to answer which areas would be affected because she does not know what the criteria would be. Alderman Gately asked what other options would be available on Garfield Avenue if the lot is not developed according to the plan proposed by the petitioner. Director Cassidy said it could be a single lot if there is 100 feet of frontage, or maybe a duplex, with a warehouse on the industrial parcel. Alderman Concannon said his fear is the city is dangerously close to spot zoning. Chairman Anderson said if the council wanted townhouses, it would have approved the change to R-3. President Haggerty said he likes the idea of trying to find a way to down-zone the property, and that he would favor some type of deed restriction. He said creating an overlay district is more complex and his concern is unintended consequences. He reiterated a deed restriction is probably the way to go. President Haggerty said he lives on Leonard Street and is a neighbor. Alderman Gately said he is trying to get the best thing for the neighborhood. Chairman Anderson noted there is an ordinance that creates a buffer zone and there still has to be a distance from the IG district. Director Cassidy noted the buffer zone requirement is waivable at the council's discretion. Alderman Gately said if the requirement is two cars per unit, there would be more than 20 cars. Director Cassidy said national standards estimate 10 vehicle trips per day to a single-family home, though she allowed it may be a different type of traffic. Mr. Kozlowski said the speed limit on Garfield Avenue is 25 mph. Alderman Concannon said drivers most usually travel at speeds between 35-40 mph. Alderman Gately said opening up a line of sight will help. Alderman Concannon said there clearly is a problem with safety despite the lack of crashes. He said his fear is there are a lot of near misses. Alderman Mercer-Bruen suggested there may also be crashes that are unreported to police. Alderman Campbell said her main concern with creating an overlay district is how it would impact the other 1,000 residential housing units that are expected to come on line in the next few years. She said she doesn't think there needs to be any more townhouses in the city, and she would prefer single and 2-family homes. She asked how a

covenant would work. Attorney DeAngelis said it is something that her client would put on the deed. Alderman Campbell said that would give her comfort. She said she thinks in the next few years the city is going to see petitions like this and the council has to be careful with re-zoning. Chairman Anderson said the public hearing is scheduled to resume on Tuesday, June 19. Attorney DeAngelis said she and Attorney Tarby had not discussed a deed restriction. Alderman Mercer-Bruen suggested leaving the matter in committee until Attorney DeAngelis and her client can confer and Alderman Gately can confer with his constituents about how they feel about a deed restriction. Alderman Gately said he also wants to ask the petitioner to install a sidewalk on Garfield Avenue from Winchester to Belmont Street. Mr. Koslowski said pedestrians usually walk on the side of the street opposite from his parcel. Alderman Gately said there are still some issues that need to be squared away with the covenant. He said he does not want to do an overlay district. He said he wants the project to look as good as possible and he would prefer a cul-de-sac. Chairman Anderson said the public hearing is on for Tuesday and the matter will remain in committee. He said he is 99 percent sure it will be continued.

Order to amend the Woburn Municipal Code relative to naming of streets for veterans killed in action: Motion made by Alderman Mercer-Bruen and seconded by Alderman Concannon that the order “ought to pass;” approved, 4-0.

Motion made by Alderman Mercer-Bruen and seconded by Alderman Concannon to adjourn. Chairman Anderson adjourned the meeting at 6:42 p.m.

A TRUE RECORD ATTEST

Gordon Vincent
Clerk of Committees