

## **APPROVED MEETING MINUTES**

**Tuesday, June 11, 2019 Meeting | 7:00 p.m.**

**Engineering Conference Room, Woburn City Hall, 10 Common Street, Woburn, MA**

Chair Dave Edmonds called the meeting to order at 7:00 pm and asked City Planner/Grant Writer Dan Orr to call the roll.

Mr. Kevin Donovan, Mr. Bob Doherty, Ms. Claudia Bolgen, Mr. Jim Callahan, Mr. Michael Ventresca, Ms. Carolyn Turner, and Chair Dave Edmonds were present.

Planning Director Tina Cassidy and City Planner/Grant Writer Dan Orr were also present and introduced themselves.

**PROPOSED ZONING TEXT AMENDMENTS to (a) delete Section 19 of the Zoning Ordinances (Traffic); (b) replace the current Section 18 (Development Impact Mitigation) with a new Section 18 (Development Impact Mitigation), and (c) amend references in Sections 20.6 and 23.11 relative to mitigation (Aldermen Anderson, Higgins, Mercer-Bruen and Gately)**

Cassidy provided an overview of the status of the zoning text proposal and discussed the process of having met with the sponsoring Councilors, along with the City Solicitor, Building Commissioner, and City Engineer, to develop the current and comprehensive elements of the proposed amendment.

Cassidy further stated that ideally the proposed definitions would be incorporated into the definition section of the Woburn Zoning Ordinances (WZO), Section 2. However, that cannot be done now because no reference to Section 2 was included in the legal notice.

Cassidy further stated that the Alderman Mercer Bruen is concerned specifically with including language that would account for impacts to police, fire and public school services. However, these aspects are still being considered by the City Solicitor and have yet to be incorporated into the officially proposed amendment as a result.

Ventresca asked for clarification of the proposed definitions, how the determination of a mitigation analysis would be made and the staff involved. Cassidy responded that she proposed elimination of two definitions because those terms are already included in Section II of the WZO. The ordinance is also designed to encourage (although not require) an applicant to meet with the City Engineer relative to the proposed scope of a mitigation analysis. If necessary, the analysis would be amended, per recommendation of the City Engineer to the City Council, if an applicant did not meet with the City Engineer before conducting the study.

Ventresca asked for clarification of the proposed striking of the phrase “full City Council” in Section 18. Cassidy responded that this modification is to accommodate the fact that the Planning Board is the Special Permit Granting Authority for several light manufacturing uses.

Callahan stated that his concern is that there is no threshold for Council to “enforce” as to when mitigation should be strictly required (e.g., the number of vehicle trips generated). Cassidy responded that there is recognition that the City could potentially adopt certain thresholds, but there appears to be no standard basis for such threshold due to the fact that each development and its context differs from one another. She added that the concept of a mitigation threshold may make it

into a second round of amendment(s) that the Planning Board can ultimately recommend that the Council adopt.

Callahan stated that he is most concerned with ensuring the element of mitigation “thresholds” is part of the discussion moving forward when the ordinance is applied.

Turner questioned the removal of the “public school system” language relative to the Development Impact Statement section (18.5) of the proposed ordinance as a potential assessment topic. Cassidy responded that the school system element was deleted because the City Solicitor advised that requiring mitigation for schools impact would be unlawful and could be seen as equating to an impermissible tax. Cassidy is unaware of the Solicitor’s views of including police and fire.

Edmonds opened the public hearing comment period by asking if any audience members would like to step forward to speak for or against this matter.

#### PUBLIC HEARING

No members of the audience stepped forward.

Motion to close the public hearing, made by Bolgen;  
Seconded by Turner;  
Motion carried, 7-0-0.

Cassidy stated that her recommendation is to adopt the proposed revised mitigation ordinance, as proposed, dated June 11<sup>th</sup>. She further recommended three suggestions to forward to the City Council with the Planning Board’s recommendation, including: 1) relocating the remaining definitions of the proposed ordinance to Section II of the WZO at the earliest opportunity; 2) that the Council resolve, between itself and the City Solicitor, how or whether the Council can consider, in some capacity, development impacts on police, fire and public school-related services; and 3) that the Council work with the City Engineer to establish thresholds for traffic-related impacts.

Motion to accept the Planning Director’s recommendation, as presented, made by Bolgen;  
Seconded by Doherty;  
Motion carried, 7-0-0.

#### **MODIFICATIONS TO SPECIAL PERMIT PLAN OF RECORD AND APPROVED SITE PLAN (Lord Hobo Brewing Company)**

Attorney Mark Salvati, 10 Cedar Street, approached the Board on behalf of the Petitioner. He reported that the City Council has approved the special permit petition for this project, as of this evening, to authorize (1) twenty-three (23) off-site parking (for employees only), and (2) a one-third (1/3) reduction in parking for a mixed-use establishment.

Salvati continued to review all of the proposed changes to the site plan for the Board’s information. 116 parking spaces will be available on the property of the brewing facility.

Bolgen asked about the status of the inquiry from the Department of Public Works Superintendent regarding access to the drainage area adjacent to the property. Salvati responded that, as a tenant of the facility, Lord Hobo Brewing Company is not authorized to grant an access easement, although his client is willing to help facilitate that request with the landlord.

Daniel Lanigan, 5 Draper Street, property owner, introduced himself to the Board.

Bolgen asked about any progress on actually obtaining the easement from the property owner. Salvati responded that he has not yet had the opportunity to speak with the property owner on this matter.

Cassidy stated that, due to the fact that the further revised site plan had only been disseminated as of Tuesday afternoon, she would like to recommend a continuance of the public hearing to the Board's June 25<sup>th</sup> meeting to allow other departments additional time to offer comments.

Salvati stated that he would like to submit yet another newly-modified site plan from the project architect for the Board's review this evening.

Motion to accept the modified site plan as a handout, made by Bolgen;  
Seconded by Callahan;  
Motion carried, 7-0-0.

Bolgen asked for clarification of the difference between the prior and most recently-revised plans. Joe Stromer, project architect, approached the Board and stated that the further revised site plan was submitted just to eliminate some extraneous furniture symbols (tables and chairs) that were incorrectly placed on the plan.

Turner asked about the status of Conservation Commission comments. Cassidy responded that the Conservation Administrator expressed verbally that she takes no exception to the plan modifications.

Ventresca asked for clarification of the potential access easement area in question. Salvati pointed to the drainage area in question located on the proposed site plan; there are no site plan changes being proposed by his client with respect to the area. The comments of the Superintendent appear as though they should be pursued independently, with the property owner, since his client is not in a position to grant the easement and is proposing nothing in the way of site plan changes to impact it.

Edmonds asked about the location of the nearest residences to the facility and the seasonal timing of the outdoor patio due to potential outdoor noise. Salvati responded that Councilor Mercer-Bruen has also visited the site to gain a better sense of the patio's proposed location and its potential impact to any nearby residents; he represented that the Councilor did not take issue with the modifications as proposed, probably because the patio will be located at the front of the building and the nearest residential home is hundreds of feet from it.

Cassidy inquired about the other approvals that are required of this application that might also serve as a noise enforcement body. Salvati responded that the Licensing Commission would be the primary enforcement body for residents to register any noise-related complaints. Additionally, the brewery employs a few security personnel to help manage any unruly behavior.

Edmonds opened the comment period of the public hearing and asked if any audience members would like to step forward to speak for or against this matter.

#### PUBLIC HEARING

No members of the audience stepped forward.

Edmonds asked for a recommendation. Cassidy recommended that the Board continue the public hearing on this matter to its June 25<sup>th</sup> meeting, at 7:00 pm, to allow more time to receive any additional department comments.

Motion to continue the public hearing on this matter to June 25<sup>th</sup> at 7 pm, made by Doherty;  
Seconded by Turner;  
Motion carried, 7-0-0.

**PROPOSED ZONING TEXT AMENDMENT to amend Section 28 of the 1985 Woburn Zoning Ordinances (Technology and Business Mixed Use Overlay District [TBOD]) by revising Sections 28.1, 28.2, 28.2.2, 28.4.4, 28.4.5, 28.5, 28.6.1.11, 28.6.2.2, 28.7, 28.8, 28.9, 28.11 and 28.12 as set forth in the petition (Montvale Land LLC c/o Joseph R. Tarby, III, Esquire, Murtha Cullina LLP)**

Attorney Joseph Tarby, of Murtha Cullina, 600 Unicorn Park Drive, approached the Board and provided an overview of the proposed zoning text amendments and each of the changes that have been proposed to each individual section. He represented that the changes are largely points of clarification and identified each change individually in the “red line” version of the proposed amendment centering around clarifications to definitions, zoning compliance, parking arrangements, and mitigation-related requirements.

Edmonds asked about the proposed change that would permit congregate elderly housing units and any efforts made to promote affordability by the project developer. Bill Gause, Executive Vice President of Leggat McCall Properties, responded that they are only playing the role of leasing to an elderly housing operator and this type of housing provides specific services to tenants requiring certain economics to make the operation viable. In addition, the developer still intends to comply with the City’s affordable housing requirement for its non-age restricted units.

Doherty asked about the application of the affordable housing ordinance to elderly congregate units in past instances. Cassidy responded that these types of units have not been historically subject to the City’s affordable housing requirement, as it is not identified as an applicable use.

Bolgen asked about whether the congregate elderly housing units are counted toward the total pool of units in the City’s housing inventory (or the “denominator”). Cassidy confirmed that these units would in fact count toward the City’s total overall unit count, and in the case of the Kraft site proposal, the number of affordable units (assuming that 100 units of congregate elderly housing would be ultimately developed out of a fully permitted 300) would effectively decrease the number of affordable units on the site from forty-five (45) to thirty (30).

Bolgen asked how other communities handle the congregate elderly housing use in the context of meeting state affordable housing requirements. Although she recognizes the need for this type of housing, she is concerned about whether permitting such units over time would begin to put the City behind in meeting its 10% requirement. Edmonds concurred with this statement.

Tarby asked where the City stands currently regarding its affordable calculation. Cassidy responded that Woburn is currently “hovering” around the 10% requirement, although it is currently placed in “safe harbor” status, granting it immunity from potential 40B projects. However, the City’s safe harbor status expires as of August 2019.

Bolgen asked for clarification as to any recourse once its safe harbor status expires. Cassidy responded that the Woburn Mall project may provide the City with leverage in the future. Once the state formally certifies the Woburn Mall units, the City appears to be eligible to receive at least another year of “safe harbor” status.

Ventresca asked whether there may be another method of achieving the number of “lost” affordable units elsewhere on the site. Cassidy responded that the number of affordable units incorporated into the non-age restricted residences proposed for the site could potentially be increased to include fifteen (15) more units. Gause added that imposing a greater requirement of affordable housing on the remaining non-age restricted units to regain the fifteen (15) lost units would not allow the overall proposal to be economically viable.

Callahan asked about how the site plan has been revised to incorporate the proposed new use.

Tarby proposed submission of handout of the most recent site layout concept plan to the Board.

Motion to accept the proposed site layout handout, made by Callahan;  
Seconded by Bolgen;  
Motion carried, 7-0-0.

Gause provided the overview of the proposed commercial and residential uses currently proposed for the site and the anticipated size of the developed structures. The developers anticipate office, laboratory and retail space in addition to the residential component of the site plan (via special permit).

Tarby continued to review the proposed site plan for the property.

Callahan stated that he is also concerned with the lack of an apparent benefit to the City, particularly due to the loss of affordable housing units. The project appears to take advantage of a good location for a senior housing use but it will likely cater to affluent residents of surrounding towns, while Woburn must take on the burden of the infrastructure and public services.

Tarby stated that a development agreement is likely to be signed very soon by Mayor Galvin that will better specify the elements that are beneficial to Woburn.

Doherty stated that he appreciates the conversation relative to senior housing and affordability, although he would like to allow the applicant to continue his presentation. Edmonds stated that although the presentation should continue, it is important make a strong point of this topic to the Council in the Board’s recommendation.

Tarby continued to present the proposed changes to the current ordinance to the Board in accordance with each section with specific points of clarification for zoning compliance, and provisions that would allow for a shared parking arrangement for a mix of uses onsite. He pointed out that the current ordinance also limits the number of compact parking spaces to ten percent (10%) of the total versus the typical thirty percent (30%).

Edmonds opened the comment period of the public hearing and asked if any audience members would like to step forward to speak for or against this matter.

## PUBLIC HEARING

No members of the audience stepped forward.

Bolgen stated that she could consider two avenues at this juncture, either to request more staff research on how senior housing affordability is addressed in surrounding towns or to simply recommend adoption of the proposed ordinance, with the exception of the “congregate elderly housing” language and to strongly encourage the Council to take the issue of Woburn’s subsidized housing inventory into consideration. Cassidy added that her concerns and comments on the proposed zoning text amendments are exclusively with respect to the effective loss of affordable housing units.

Ventresca stated he does not necessarily see that there is enough value in pursuing more research on the topic of how senior housing affordability is addressed in surrounding communities at this point; the Board is aware now that fifteen (15) affordable housing units will be lost if the proposed zoning amendments are adopted and could make a recommendation with that knowledge in mind.

Doherty stated that he is also concerned with the loss of the fifteen (15) affordable housing units and would support the adoption of the proposed amendment with the exclusion of the “congregate elderly housing” language to send a message to the Council.

Callahan stated that he is not in favor an amendment that would negatively impact the number of affordable housing units provided.

Motion to close the public hearing, made by Bolgen;  
Seconded by Ventresca;  
Motion carried, 7-0-0.

Cassidy stated that she would recommend adoption of the proposed amendments but would not recommend adopting any language that exempts the “age-restricted” housing units from the affordable housing unit calculation. Bolgen asked Cassidy to elaborate on the reasons for her recommendation, and Cassidy clarified that she made the recommendation because in doing so it will mean that the number of affordable units that would result from this project would be the 45 units (or 15%) that was initially envisioned. 15% is the minimum number of units other projects are required to provide. Further, the City’s Housing Production Plan has identified a significant need for affordable units, not only for elderly, but for families and singles. Finally, the City has less than 10% of its units classifiable as affordable and as a result the City is subject to “unfriendly” 40B’s unfriendly as a result. In these circumstances she stated it doesn’t seem wise to squander the opportunity to create another 15 units of very necessary housing.  
as to protect the interest of the City’s affordable housing unit production, particularly as seniors are a segment population with one of the most pressing needs for affordable housing.

Motion to adopt to the Planning Director’s recommendation, as presented, made by Bolgen;  
Seconded by Doherty;

Turner questioned, for discussion and clarification, whether the Planning Director takes any concern with the shared parking-related modifications. Cassidy responded that at present she takes no issue with the proposed shared parking-related modifications proposed, as the permitted reduction would only be permitted based on professional and legitimate traffic analyses.

Motion carried, 7-0-0.

Cassidy stated that she would like to propose that the Board consider taking agenda matters out of order to accommodate the Russo Estates developer's attorney.

Motion to take matters out of order to hear the matter of Russo Estates as the next matter on the agenda, made by Turner;  
Seconded by Doherty;  
Motion carried, 7-0-0.

**RUSSO ESTATES SUBDIVISION: CONSTRUCTION PROGRESS UPDATE WITH COMPLETION DATE SET AS 10/30/19 (Scire Construction)**

Attorney Mark Salvati, 10 Cedar Street, approached the Board on behalf of the project developer to provide a required update on subdivision construction. Since last appearing before the Board, the developer has ordered curbing, the fourth house is being framed and one of the completed homes is now under sale agreement. The remaining two homes will be constructed once curbing is installed. Cassidy stated that it seems that things seem a little bit behind, but the wet Spring weather has likely played a role.

Callahan stated that that he is not satisfied with the pace of progress on this subdivision. If additional home construction will not be taking place until late June or July, it is not likely that the developer will meet the scheduled October subdivision completion date.

Members agreed to require another intermediate update on subdivision construction progress for September 10<sup>th</sup>. Attorney Salvati stated that he would be in attendance that evening to provide the Board with a further update at that time.

Edmonds asked about the status of the Highview Estates extension of completion date. Cassidy stated that, due the unavailability of the developer this evening, this matter has been removed from tonight's agenda but will appear again on the Board's June 25<sup>th</sup> agenda for an update. She has invited both the developer and his attorney to attend the meeting.

Bolgen stated that she will be examining the docket system for the Superior Court to obtain more public information about the status of this case.

**GERRISH DRIVE (88-92 PEARL ST) SUBDIVISION: UPDATE ON PROGRESS OF STREAM CLEAN-UP (Cattle Crossing LLC)**

Edmonds recused himself for this matter and Donovan assumed the role of Chair pro tem.

Cassidy provided an overview of the written update provided to the Board submitted by the project contractor, including a cover memo and a series of pictures of the completed debris clearing.

Cassidy further stated that this appears to have been a successful effort and the Board was foresightful in conditioning the cleanup as part of subdivision approval.

Bolgen stated that the result of the debris clearing raises concerns as to the condition of the entire watercourse and prompts more attention to the effort that the City should take toward comprehensive stream cleanup. Cassidy responded that she would be willing, by motion of the Board, to forward the pictures as an attachment to a letter drafted to the Mayor (with copies to the City

Engineer and Public Works Superintendent) urging action/appropriate city resources dedicated to engaging in a city-sponsored stream cleaning due to the troubling amount of debris initially gathered in this area.

Bolgen made a motion to request staff to draft a letter in the vein of the Planning Director's suggestion;

Seconded by Ventresca, for discussion, to ask if the letter should be broader in nature to cover other areas of the city. Bolgen responded that keeping the scope of this issue focused on this specific area/stream would likely be most compelling for current and future action.

Ventresca stated that he would support also copying the Conservation Commission on the letter once drafted.

Motion carried, 6-0-0.

Edmonds returned to the meeting and re-assumed the role of Chair.

#### **APPROVAL OF MINUTES: May 28, 2019 Planning Board meeting**

Motion to approve the May 28, 2019 meeting minutes, as submitted, made by Callahan;

Seconded by Ventresca;

Motion carried, 4-0-0, with Doherty, Donovan and Turner recusing due to their absence at the May 28, 2019 meeting.

#### **PLANNING BOARD DIRECTOR UPDATE**

Cassidy provided an overview of upcoming public hearing and subdivision matters scheduled for the June 25<sup>th</sup> meeting and noted that continued discussion of the Subdivision Rules & Regulations may also be scheduled.

Cassidy asked the Board if they would be amenable to holding a definitive subdivision public hearing "special meeting" during its current summer recess. Members expressed that they do not support a special meeting for this purpose.

#### **ADJOURNMENT**

Edmonds asked if there was any other business for the Board to conduct. Cassidy stated there was not.

Seeing no further business, Bolgen made a motion to adjourn the meeting at 8:44 pm;

Seconded by Doherty;

Motion carried, 7-0-0.

#### *Table of Documents Used and/or Referenced at Meeting*

Planning Board Staff Report
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Staff Report Attachment (Traffic & Mitigation-related Zoning Text Amendments for Sections 18, 19, 20 & 23): (1) Draft (redline) zoning text language
Meeting Handout (Lord Hobo): (1) Revised site plan (dated June 7, 2019)
Meeting Handout (TBOD Zoning Text Amendment): (1) Conceptual Site Plan (dated 4/25/2018)
Staff Report Attachment (88-92 Pearl Street Update): (1) Memo and picture report of stream debris cleaning
Draft Planning Board Meeting Minutes: May 28, 2019 meeting

Respectfully submitted,

*Dan Orr*

Dan Orr  
City Planner/Grant Writer

APPROVED