

APPROVED MEETING MINUTES

Tuesday, September 24, 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.

43-45 CHESTNUT STREET APPROVAL NOT REQUIRED (ANR) PLAN (Mr. George Gately, Jr.)

Cassidy provided an overview of the proposed ANR plan, the purpose of which is to convey two parcels of land from lots on Chestnut Street to an existing lot fronting on Borselli Drive. The plan meets Board requirements for ANR plans and will not result in any zoning non-conformities relative to street frontage, setbacks and building lot area.

Cassidy further stated that staff recommends Board endorsement of the 43-45 Chestnut Street ANR plan as one not requiring approval under the Subdivision Control Law.

Motion to accept the Planning Director's recommendation, made by Doherty;
Seconded by Turner;
Motion carried, 7-0-0.

PUBLIC HEARING: PROPOSED ZONING TEXT AND MAP AMENDMENTS TO CREATE A "RAILWAY OVERLAY DISTRICT" ("ROD") (Aldermen Gaffney and Tedesco)

Councilor Edward Tedesco approached the Board to explain that the Council did not officially receive the Board's formal communication requesting joint discussion on this matter in time to place the matter on the agenda for the Council's last meeting but expects discussion at its next meeting. He believes the zoning proposal is appropriate and fitting for the neighborhood and is open to the Board for questioning this evening.

Bolgen stated that following the site visit she now better understands what has been presented to the Board as a proposal and that some form of redevelopment would be ideal for that area. She finds that this proposal is significant in that it would set a critical development precedent in this section of Woburn and would like to frame the Planning Board's discussion around what the Council's vision is for this area, in addition to subjects like the required infrastructure and public services needed to support it.

Tedesco stated that he does not necessarily see the zoning proposal as a major shift in the proposed use for the area, given that many of the affected parcels have frontage on the Main Street corridor and already host a number of apartment buildings. He also does not necessarily think that focus of discussion should be on the theoretical rezoning of additional parcels as a result of the ROD; only what is before the Board presently.

Edmonds stated that he has personal experience in Malden and is not inclined to support the concentration of apartment buildings in a downtown area. He additionally has general concerns about the approach taken with this overlay district and the residential density that is contemplated. In particular, he does not want the neighborhood to be inadvertently overbuilt and wants to ensure that adequate review of individual projects is taking place.

Callahan asked Councilor Tedesco his thoughts on the re-constitution of the Zoning Ordinance Review Committee (ZORC). Tedesco responded that he does not personally see any downsides to ZORC aside from perhaps adding another layer of review; however, he does not view ZORC as an option in this scenario.

Callahan further stated the benefits of ZORC discussing a matter of this kind. He agrees with the sentiments expressed by other members that adequate master planning and discussion involving characteristics such as height, open space, and density should have been vetted prior to formalizing this Petition.

Bolgen posed the question of what else should be proposed in the area as to accommodate an increase in density served by a proportionate increase in commercial/retail-type establishments, sufficient infrastructure, and public/emergency services and posed the general question to Cassidy as to which factors should be considered in that regard. Cassidy responded on the topic of traffic, for example, certain formulas or analysis could be utilized to determine what demand would be generated for automobile versus pedestrian-based mobility in addition to assisting in answering questions about which types of mitigation measures should be sought (i.e., potential addition of a stoplight or sidewalk improvements for example).

Bolgen stated that she would like to consider certain options/recommendations that would be useful to the Council in this scenario, such as hiring a traffic consultant to examine how this proposal would impact this section of Woburn. Tedesco responded that funds for hiring a consultant to answer the questions raised by the Board would need to come from the Mayor's Office; the Council appropriates based on such requests.

Bolgen asked why there has not been more interest in redeveloping in the Woburn Bike Loop Overlay District in the time that it has been in existence. Cassidy responded that she cannot say for certain and suggested that the lower permitted residential density is a possible reason. Bolgen added that the economic feasibility of redeveloping these parcels, some of which have documented contamination via former industrial use, will have to be considered in contemplating the permitted residential density if the city wishes to encourage reuse.

Ventresca stated his thoughts on the project and inquired about the ownership of the former rail line. Cassidy and Bolgen responded that they are not aware of any outright sales that relinquished ownership of part of the line but Cassidy stated she is aware of at least one easement. While construction of a bikeway is still possible in Woburn, the larger-picture connection to downtown Winchester is no longer possible.

Ventresca further stated that he has concerns about how the density is configured; however, he sees that the current properties present an important redevelopment opportunity and potential infrastructure/commercial services can be modified to fill the void, if planned correctly.

Turner stated that it is worth considering that, even with combining multiple parcels, that the number of individuals projects will be limited within the overlay district as a result of the 2-acre minimum threshold. She added that the unit type proposed in forthcoming developments is another factor to consider as to impact on public services such as public schools.

Tarby approached the Board to provide conceptual renderings of the proposed 8-10 Green Street project for its information.

Motion to accept handout, made by Bolgen;
Seconded by Doherty;
Motion carried, 7-0-0.

Doherty left the meeting.

Tarby reviewed the procedures taken on the Petition thus far and stated that his clients would not have a problem if the maximum height limit in the proposed text was reduced from forty-nine (49)- to forty-five (45)-feet. In addition, the applicant would not object if the Council removed several lots from the proposed ROD district leaving only approximately three (3) parcels and six (6) acres affected.

Tarby further stated that there are several chemicals present on the property that need to be remediated, which does factor into the reasoning behind the proposed residential density for the ROD that will allow projects to be financially viable.

Mr. Hans Strauch, project architect of HDS Architecture, 625 Mt. Auburn St., Cambridge, MA, approached the Board to explain that the aforementioned reduction in building height will now be incorporated into a revised development plan for the 8-10 Green Street property and comparisons in height to abutting properties will also be made.

Cassidy asked for clarification of the anticipated height of mechanical equipment located on the building's rooftop. Strauch responded that the mechanical equipment (including likely one elevator shaft) would add minimal height (approximately 3.5 feet) to the project and indicated that none would be visible at the ground level.

Project engineer Mark Sleger of Alan Engineering, reviewed the comparison of the proposal to overlay district requirements.

Tarby provided an overview of the commercial services and community institutions that are nearby the area proposed for rezoning that residents could patronize. He further clarified the boundaries of the overlay district, via projected map, as originally proposed versus the fewer parcels that would be affected if the lots fronting on Main Street were eliminated from the zoning petition.

Tarby asked the Board for their action this evening. Cassidy responded that her recommendation to the Board is to consider a continuance of the public hearing to the Planning Board's October 8th meeting to allow more time to hear additional information and potentially receive correspondence from the City Council relative to the joint meeting suggested by the Board.

Callahan stated that he would like the Petitioner to provide the Board with the actual heights of several neighboring buildings (including those on the opposite side of Main Street). He would also like to know which Main Street properties currently have a lease agreement with the Massachusetts Bay Transportation Authority (MBTA) for some portion of the former railroad right of way. Cassidy added that she would specifically look into the MBTA lease agreement information for the Board.

Ventresca stated that it would worth considering the preservation of the former railroad right-of-way as potential open space, to be accessible to residents of the 8-10 Green Street project.

Edmonds opened this matter for a public hearing and asked any audience members who would like to speak for or against the Petition to please address the Board at this time.

PUBLIC HEARING

No one stepped forward.

Edmonds asked Cassidy to provide a recommendation. She stated she recommended the Board continue the public hearing and discussion on this matter to its October 8th meeting at 7:00 p.m.

Motion to accept the Planning Director's recommendation, made by Bolgen;
Seconded by Callahan;

Motion carried, 6-0-0.

DRAGON COURT (GARVEY ROAD) SUBDIVISION: EXPIRATION OF CONSTRUCTION COMPLETION DATE (expires 9/1/19) (Robert Murray and Associates)

Ms. Carolyn Turner recused herself on this matter.

Cassidy provided an overview of the developer's request to extend the current subdivision completion date from September 1, 2019 to October 8, 2019, to allow for the submission and acceptance of As-built and Street Acceptance plans. The developer's letter has also referenced a request to release a significant portion of the remaining bond monies. However, Engineering staff could not accommodate this request given the lack of sufficient time for review.

Ms. Phyllis Etsell, representative for the developer, approached the Board to provide an update on the status of subdivision construction and close-out tasks.

Bolgen asked about the status of construction of the houses. Etsell responded that all houses are constructed and occupied and sold. The As-built, Street Acceptance Plans, and Conveyance of Utilities in the street are all that remains prior to official subdivision completion.

Ventresca referenced and read into the record the September 24th email sent to the Planning Board by resident Chris Owen regarding concerns about the lack of completed tasks. Etsell responded that she takes exception to every concern raised in the letter and reiterated that the only items remaining for completion are the as-built and street acceptance plans and utility conveyance documents.

Callahan asked Etsell to provide a status update on hydroseeding conditions. Etsell responded that germination is taking place and the developer's landscaper has consulted with residents who have experienced issues in that regard. She reiterated that all aspects of construction are complete.

Etsell stated for the Board's information that mail delivery issues have been resolved at this point; residents will be receiving direct unit delivery from the United States Postal Service (USPS).

Callahan made a motion to request that the Engineering Department take photographic documentation of the current status of the Dragon Court subdivision during their routine field inspection for the bond reduction request;

Seconded by Bolgen;

Motion carried, 5-0-0, with Turner recusing.

Cassidy stated that her recommendation to the Board is to extend the construction completion date, as requested, to October 8, 2019.

Motion to accept the Planning Director's recommendation, made by Bolgen;

Seconded by Callahan, for discussion. He asked about the presence of any stored construction equipment onsite. Etsell responded that she is not aware of any construction equipment/material currently stored onsite, aside from perhaps a "porta potty," although this was slated for removal any day, and she will confirm that onsite conditions reflect this.

Callahan stated that if photos provided by Engineering staff to the Board depict any onsite storage of construction equipment/material, he will be looking at this subdivision unfavorably in the future.

Motion carried, 5-0-0, with Turner recusing.

EAST DEXTER AVENUE DEFINITIVE SUBDIVISION: APPROVAL/ACCEPTANCE OF AS-BUILT PLAN (Seaver Construction)

Ms. Carolyn Turner returned to the meeting.

Cassidy provided an overview of the current situation relative to a retaining wall constructed by the developer on private property and outside of the right-of-way. This was first noticed when the As-built Plan was submitted for review and acceptance. The retaining wall was supposed to be constructed within the right of way and the Board never granted permission to construct it on private property instead. In fact, the Board would have had no authority to grant such permission. Staff research shows the retaining wall within the right of way the night the Board voted to grant subdivision approval, and that it was “relocated” outside the right of way subsequent to that vote and without the Board’s knowledge or assent.

The developer attempted to secure easements from the two affected property owners but was only successful in obtaining one. After speaking with the City Solicitor on this matter, Cassidy said was advised to instruct the Board to formally decline to accept the As-built plan due to the fact that there is an unauthorized retaining wall constructed on private property which does not conform to the definitive subdivision plan approved by the Board.

Cassidy further stated that there is no financial penalty nor risk to the City if the As-built plan is not accepted, due to the fact the necessary information has already been gleaned by the Engineering Department from the other aspects of the As-built Plan.

Edmonds asked what the consequences would be for the developer in this scenario. Cassidy stated that there is no penalty to the developer in this case, per se; however, the project engineer may bear responsibility due to the fact that the revised definitive plan Mylars submitted for Board endorsement reflected the an unauthorized and unidentified modification relative to the retaining wall location, although she is not certain of the engineer’s intentionality.

Edmond stated that it seems there is a need for a consequence to the project engineer in this scenario to convey the message that this is not an acceptable practice. Cassidy responded that there may be other actions the Board could consider taking, such as revocation of subdivision approval.

Bolgen stated that due to the fact that Mr. Sleger is a common engineer of record for various projects in Woburn, she would be inclined to discuss the scenario directly with him and extend an invitation to allow him to address the Board at a subsequent meeting. In addition, she would like to explore what is within the bounds of the Board’s authority, via discussion with the City Solicitor, to address this matter with Mr. Sleger.

Cassidy stated that, in response to the Board’s discussion this evening, she intends to reach out to Mr. Sleger to alert him to what has been discovered and offer him the opportunity to address this matter.

Motion to correspond with the City Solicitor on this matter to confirm the bounds of Board authority in addressing the project engineer, as discussed this evening, made by Bolgen;

Seconded by,
Motion carried, 6-0-0.

Motion to reject the submitted definitive subdivision As-built plan for the East Dexter Street subdivision due to the reasons specified by the Planning Director this evening, made by Bolgen;

Seconded by Turner;
Motion carried, 6-0-0.

PLANNING BOARD DIRECTOR UPDATE

Cassidy reviewed the anticipated agenda items that will be scheduled for the Board's September 24, 2019 meeting.

Edmonds requested that Planning staff provide the City Council's response to the Planning Board's ROD Petition correspondence as soon as it is received. Bolgen agreed with Edmonds and added that the Board must consider how to respond to the City Council in the event that Planning expertise is requested at one of the Council's meetings.

Cassidy stated that she will be able to prepare a draft recommendation letter on the proposed ROD zoning amendments to the Board for its review and consideration at its next meeting.

Multiple members expressed that they would like the Council to better articulate their vision for the ROD zoning Petition, take part in planning-related discussion, and take the context of the surrounding neighborhood into consideration.

ADJOURNMENT

Seeing no further business, Bolgen made a motion to adjourn the meeting at 8:25 p.m.
Seconded by Callahan;
Motion carried, 6-0-0.

The meeting adjourned at 8:25 p.m.

Table of Documents Used and/or Referenced at Meeting

Planning Board Staff Report
Staff Report Attachments: (1) 43-45 Chestnut Street Avenue ANR Plan
Staff Report Attachment (ROD Overlay Zoning Map & Text Change Petition): (1) Site visit agenda; (2) Copy of staff correspondence to City Council
Meeting Handout (ROD Overlay Zoning Map & Text Change Petition): Conceptual renderings of the 8-10 Green Street project
Staff Report Attachments (Dragon Court Definitive Subdivision): Extension and bond reduction request letter, dated September 23, 2019; (2) Email correspondence from resident Chris Owen, dated September 24, 2019
Staff Report Attachment (East Dexter Avenue Definitive Subdivision): (1) Copy of transmitted letter from project engineer, dated June 27, 2016; (2) Plan excerpt depicting subject retaining wall section

Respectfully submitted,

Dan Orr

Dan Orr
City Planner/Grant Writer