

Approved Meeting Minutes
January 22, 2019 Planning Board Meeting
7:00 P.M. | Engineering Conference Room, Woburn City Hall

Mr. Kevin Donovan served as Chair pro tem in the absence of Chair Dave Edmonds.

Chair pro tem Donovan 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, and Ms. Carolyn Turner were present; Chair Dave Edmonds was absent. Also present were Planning Director Tina Cassidy and City Planner/Grant Writer Dan Orr.

7 NEWBRIDGE AVENUE ANR (Dennis W. Friel)

Cassidy reviewed the ANR plan, which proposes to subdivide an existing parcel of land at #7 Newbridge Avenue into two (2) separate buildable lots. No zoning non-conformities will result from the plan relative to existing building setbacks or lot areas. Cassidy pointed out that one lot will have the minimum frontage of 100', but the applicant obtained a variance from the Zoning Board of Appeals (ZBA) to allow for 85' of frontage on Newbridge Avenue for one of the newly-created lots (Lot 1).

Cassidy further stated that she would recommend Board endorsement of the ANR plan, as submitted, as one not requiring approval under the Subdivision Control Law.

Motion to approve the ANR plan as one not requiring approval under the Subdivision Control Law, made by Doherty;
Seconded by Bolgen;
Motion carried, 6-0-0.

87 ELM STREET (Ralph W. Sevinor, Trustee, RWS Realty Trust)

Cassidy reviewed the ANR plan and the intended purpose for a proposed lot consolidation. The applicant is proposing to combine two existing separate parcels that currently comprise the property into one lot. Endorsement of the proposed ANR will facilitate approval of a Special Permit petition currently before the City Council relative to a request for overnight parking and a new commercial business onsite. Street frontage would be unaffected and no new zoning non-conformities would be created by this plan. Cassidy also stated that recordation of the plan will actually correct an existing zoning violation (the lot line currently separating the two lots runs through the middle of the building which technically results a zoning setback violation).

Cassidy recommended endorsement of the ANR plan as one not requiring approval under the subdivision Control Law.

Motion to approve the ANR plan as one not requiring approval under the Subdivision Control Law, made by Doherty;
Seconded by Bolgen;
Motion carried, 6-0-0

PROPOSED ZONING TEXT AMENDMENTS TO AMEND SECTION 5.1 TABLE OF USE REGULATIONS BY (1) RENUMBERING SECTIONS 5.1.80A, 80B AND 80C AS SECTIONS 5.1.81A, 81B AND 81C; AND (2) REVISING NOTE 19 TO READ "19. ALL WIRELESS

COMMUNICATIONS LINKS LOCATED ON MUNICIPALLY OWNED PROPERTY AND STRUCTURES, INCLUDING MONOPOLES SHALL REQUIRE A SPECIAL PERMIT "P". ALSO, THE COMMERCIAL USE OF WIRELESS COMMUNICATIONS LINKS IN RESIDENTIALLY ZONED DISTRICTS (R-1, R-2, R-3, R-4 AND S-1) IS PROHIBITED" (Aldermen Anderson and Higgins)

Cassidy reviewed where this matter stands since the first segment of the public hearing was held at the January 8th Board meeting. She explained that she has conferred with the City Solicitor and with the Building Commissioner to obtain clarity on several questions posed by the Board that evening, including whether the proposed ordinance would preclude placement of wireless communication links within church building and spires, as well as the legal appropriateness of adopting a broad prohibition on the use of wireless communication links within multiple residential zoning districts.

Cassidy stated that the Solicitor has indicated that the placement of wireless communication links on/in church spires would not be permitted, on the basis that they would not qualify for exemption under the Dover Amendment as they are not considered consistent with a religious use.

Cassidy further stated that the Solicitor takes no issue with the portion of the Order calling for Sec. 5.1 to be renumbered as proposed, to clearly demarcate those uses as distinct uses in the zoning code. However, the portion of the proposed amendment calling for a revision to Note 19 does appear to run afoul of forthcoming regulations issued by the Federal Communications Commission (FCC), and as such she would advise the Board to recommend against its adoption.

Cassidy further stated that the proposed amendment would require a revision to the Table in Section 5.1, not just to Note 19. Her memo to the Solicitor asked whether the required revision to the Table could be adopted at the same time; the legal notice and Order do not specifically reference a Note 9-related amendment to the Table. The Solicitor has indicated such a change could not occur at this point unless and until there was an additional legal notice advertised that specifically alerted interested members of the public of that impending change.

Cassidy stated that, based on the foregoing communication from Solicitor Callahan Doucette, she would recommend that the Board consider recommending the Council renumber the lines in Section 5.1's Table of Use Regulations so that wireless communication link uses are ascribed line 81 series numbers and adult uses line 80. She also recommended the Board recommend to the Council that the amendments proposed to Note 19 not be adopted.

Bolgen stated that her interpretation of the Solicitor's memo is that this ordinance is not ready for adoption given that appropriate consideration has not been given to imminent federal regulations directly impacting wireless communication-related uses. As such, she is in support of making a recommendation this evening.

Ventresca stated that he is also in support of issuing a Board recommendation but wants to ensure that the Board recognizes that Mr. Kevin Donovan must recuse himself from participation due to an absence at the Board's prior meeting on this matter.

Donovan stepped down as chair pro tem and recused himself from the meeting during discussion of this matter. Doherty assumed the role of Chair pro tem.

Doherty opened this matter for a public hearing and asked any members of the audience who would like to step forward to address the Board to please do so.

PUBLIC HEARING

No members of the audience stepped forward.

Motion to close the public hearing, made by Bolgen;
Seconded by Callahan;
Motion carried, 5-0-0.

Doherty asked if it would be best to handle a recommendation in two (2) parts. The Board opted to issue its recommendations in the form of two motions, as proposed by the draft Order.

Motion to send a favorable recommendation to renumber Section 5.1 Table of Use Regulations, as proposed, made by Callahan;
Seconded by Bolgen;
Motion carried, 5-0-0.

Motion to send an unfavorable recommendation to the City Council with respect to revising Note 19 to the Section 5.1 Table of Use Regulations, based on the City Solicitor's opinion letter dated January 21, 2019, made by Bolgen;
Seconded by Turner;
Motion carried, 5-0-0.

PLANNING BOARD DIRECTOR UPDATE

Donovan returned to the meeting and re-assumed the role of Chair pro tem.

Cassidy reviewed upcoming business matters for the Board at its next meeting on February 12th, including resumption of the Pearl Street/Alan R. Gerrish Drive subdivision modification public hearing and a public hearing on a new proposed zoning text amendment to the very recently-enacted Conversion of Historic Buildings and Structures ordinance. Additional matters on that agenda are expected to include (a) acceptance of draft legal documents for the Pearl Street/Alan R. Gerrish Drive subdivision, (b) acceptance of the East Dexter Avenue As-built Plan, and (c) acceptance of a covenant for the 300 Mishawum Avenue Definitive subdivision plan and plan endorsement.

Bolgen stated that she likely will not be able to participate in the February 12th meeting due to personal travel.

Cassidy stated that one of the issues that the Board will likely have to handle at an upcoming meeting relative to the Pearl Street/Alan R. Gerrish Drive legal documents is whether the Memorandum of Understanding (MOU) required as a condition of approval is valid. She will update the Board when she has more clarifying information from the City Solicitor.

Cassidy further stated that the Board will also be receiving a formal communication authored by Alderman Mercer-Bruen for discussion at an upcoming meeting. The communication is relative to the Post Office's apparent recent decision not to provide mail delivery to the individual residences in the Dragon Court definitive subdivision. The local interim Postmaster has apparently decided to service this subdivision only by delivering mail to a central, "cluster" mailbox serving all units. This policy raises a host of legal and technical issues, and would create safety concerns or site plan impacts in some cases. At this point it is not clear to her how the Post Office is implementing this policy. Another recently-completed subdivision in the City has had no issues receiving traditional mailbox delivery and it is also unclear whether this policy is being imposed only in Woburn or whether it is also being implemented in other communities.

Ventresca stated that the Board may have to consider how this scenario would affect the Board's review of future subdivision, especially in the context of the Subdivision Rules and Regulations.

APPROVAL OF MINUTES: January 8, 2019 Planning Board meeting

Donovan stated that the next matter on the agenda is approval of minutes of the last meeting.

Motion to accept the January 8, 2019 meeting minutes, as submitted, made by Callahan;
Seconded by Doherty;
Motion carried, 5-0-0, with Donovan abstaining due to his absence at the January 8, 2019 meeting.

ADJOURNMENT

Donovan 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 7:21 pm;
Seconded by Doherty;
Motion carried, 6-0-0.

The meeting adjourned at 7:21 pm.

Table of Documents Used and/or Referenced at Meeting

Planning Board Staff Report
Staff Report Attachments: (1) 7 Newbridge Avenue ANR plan; and (2) Zoning Board of Appeals Decision (dated October 10, 2018)
Staff Report Attachment: 87 Elm Street ANR plan
Staff Report Attachments (proposed zoning text amendment to Section 5.1 & Note 19): (1) Proposed text amendments “in situ”; (2) Copies of requests to Building Commissioner and Solicitor for zoning amendment input/counsel; (3) Email response from Building Commissioner; and (4) Memorandum (opinion) on legal issues provided by Solicitor
Draft Planning Board Meeting Minutes: January 8, 2019 meeting

Respectfully submitted,

Dan Orr

Dan Orr
City Planner/Grant Writer